

6th QUINQUENNIAL REVIEW

The Information Pack

July 2012

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1. Introduction

Welcome to the consultation on the 6th Quinquennial Review (QQR) of Schedules 5 and 8 of the Wildlife and Countryside Act (1981). This Information Pack outlines how the 6th QQR will be run, the timetable and the criteria to be used to select (or remove) species. A proforma is provided for the submission of proposals. Contact details of the people managing the 6th QQR are also listed at the end of the Information Pack.

In response to comments received in previous reviews we have made a few changes to the way we will run the 6th QQR. These are designed to make things clearer and easier for groups to submit their recommendations. Hopefully the process will be easier to understand; particularly why species should be selected for scheduling, which species qualify and which do not.

The consultation period has been lengthened. In the 5th QQR many groups felt that six months was insufficient to get members together and gather the evidence needed to support their submissions. We have completed one month advance notice in which stakeholders were notified of the upcoming consultation and the main nine month consultation can now start. After this consultation, there will be a period in which the statutory agencies and JNCC will go through the consultation submissions and, where necessary, contact the proposers to discuss any issues that may be unclear or require further evidence.

As in previous reviews, once the statutory agency recommendations have been submitted to the devolved administrations, these administrations will hold a final consultation before signing the schedules into law.

You are invited to use this Information Pack to propose submissions for the inclusion (or removal) of species onto Schedules 5 and 8 of the Wildlife and Countryside Act. Please provide the evidence for each proposal in the proforma. (Please use one proforma per taxon. Word version available.) All proformae should be emailed to ant.maddock@jncc.gov.uk by **30 March 2013**.

2. How it will work

Introduction

Every five years, the statutory nature conservation agencies (Natural England, Countryside Council for Wales and Scottish Natural Heritage), working jointly through the Joint Nature Conservation Committee (JNCC), are required to review Schedules 5 and 8 of the Wildlife and Countryside Act 1981, and to make recommendations to the Secretary of State for the Environment, Food and Rural Affairs and to Ministers for the Environment in the Scottish Government and Welsh Government for changes to these schedules¹. Because of this approximately five-yearly cycle, these reviews are called the Quinquennial Reviews (QQR). This is the sixth such review.

Rationale underlying scheduling

The statutory nature conservation agencies, in partnership with their devolved administrations will pursue scheduling when an animal or plant is in danger of extinction in Great Britain, or is likely to become so. Crucially, the reasons underlying the status must be able to be addressed by legislation, as described in Part 3 below.

Timetable

The target date for delivery of the 6th QQR to the devolved administrations is late 2013 and important dates and activities are provided in Table 1.

Key points

- The existing list of species on Schedules 5 and 8 can be reviewed and new species proposed.
- Please refer to the definitions and explanation of the inclusion and exclusion of species that can be considered in Part 3 of this Information Pack.
- Please ensure that all the evidence in support of the submissions is recorded in as much detail as possible in the proformae (Part 4). It is these proformae that will be assessed by the statutory bodies (one proforma per species please).
- There is more time for collaboration between the statutory agencies and the other stakeholders during this consultation. We strongly encourage collaboration among these groups when preparing submissions. Please contact the statutory agencies if you would like to invite agency specialists onto your groups or need more information about the consultation (see Part 5 for contact details).
- The statutory agencies will check the taxonomy of the species currently on Schedules 5 and 8 using in-house expertise as far as is possible. However, we may request assistance from specialist societies where this will provide greater clarity. Specialists are also encouraged to let us know of any taxonomical changes to the current list.
- All proformae should be emailed to ant.maddock@jncc.gov.uk by **30 March 2013**.

¹ Section 24(1)... “may at any time and shall five year after 30th October 1991 and every five years thereafter...”

Table 1. 6th QQR; timetable and main activities

Date	Activity
June 2012	Advance notice of the forthcoming 6 th QQR with stakeholders.
July 2012 to 30 March 2013	The main consultation. Stakeholders invited to take part in the 6 th QQR. JNCC and the statutory agencies will work with the other stakeholders during this period.
30 March 2013	Deadline for submission of proformae to JNCC ant.maddock@jncc.gov.uk
April to November 2013	JNCC and the statutory agencies assess the scientific underpinning of the proposed lists received from stakeholders and the statutory agencies. During this stage, proposers of species for which queries have not been resolved can be consulted further if necessary. This stage will culminate with JNCC recommending to Defra, Welsh Government and to the Scottish Government a statutory list of species to be added to (or removed from) Schedules 5 and 8 together with evidence of why the species are listed and the effect of putting them on the list (especially where there is a commercial interest).
December 2013	On behalf of the statutory agencies JNCC submits the recommendations for the revision of Schedules 5 and 8 to the devolved administrations.

3. Criteria for selection of species

3.1 Rationale underlying scheduling

In compliance with the purpose and provisions of the relevant Sections of the Wildlife and Countryside Act (WCA) 1981, the statutory nature conservation agencies will pursue scheduling when an animal or plant is in danger of extinction in Great Britain, or is likely to become so, and legal protection is likely to improve its chances of survival or there is an international obligation to afford the species legal protection. Evidence is required to show that a species is in danger of extinction or likely to become so, and that this status is likely to be addressed by legislation as described in Part 3.2 & 3.5.

The 6th QQR criteria and proforma for the proposal of the selection (or removal) of species from Schedules 5 and 8 are set out below. Proposals will be evaluated solely on the basis of the evidence contained within the proforma (Part 4). Consequently it is essential that the proformae are completed in full and that full scientific justification is provided.

3.2 Listing species on Schedule 5 or 8

An animal or plant taxon meeting the eligibility criteria would only be recommended for listing on the relevant schedule where there is a strong case that scheduling will afford significant benefits to it through a decrease in any of the direct human pressures listed in the Decision Criteria (see Part 3.5) (as defined in Sections 9 and 13 of the WCA). This benefit to help arrest a decline or to facilitate an increase in population size, number of localities occupied or range and hence to address the risk of its extinction or risk of it becoming so threatened.

3.3 Range of taxa under consideration

For Schedule 5 – invertebrates and vertebrates other than birds².

For Schedule 8 - vascular plants, bryophytes, lichens, fungi and algae.

All species of the groups listed above, including species at present on the schedules (as it may be appropriate to reassess these for the purposes of changing the level of protection, or for de-scheduling).

Taxa below species level under some circumstances (see 'Eligibility criteria').

² WCA Schedules ZA1; 1; 2; 3 & 4 apply to birds

3.4 Eligibility Criteria

3.4.1 Eligibility criteria for native species

For a species to be recommended for scheduling one of the eligibility criteria in each of the Sections A, B and C should be met and recorded in the proforma (Part 4):

Section A - UK Status

The species must satisfy one or more of the following:

- i. native in the wild in Great Britain i.e. arrived in Great Britain without intervention by man, whether intentional or unintentional, having come from an area in which it is native or one which has arisen *de novo* in Great Britain (Preston *et al.* 2002).; or
- ii. occur as a vagrant in Great Britain and requires international protection; or
- iii. a native that is believed extinct in Great Britain as a breeding species, but be in the process of reintroduction; or
- iv. a native that is believed extinct in Great Britain, but with the possibility it could become re-established naturally; or
- v. a native to Great Britain and listed on Appendices I, II or III of the Bern Convention; Annexes II or V of the EC Habitats and Species Directive; Appendix I of the Bonn Convention (unless specific derogations apply).

Section B - Conservation Status

The species must satisfy one or more of the following:

- i. the species must be endangered³ in Great Britain; or
- ii. the species is likely to become endangered, unless conservation measures are taken; or
- iii. there is an international obligation to afford the species legal protection (if not protected elsewhere e.g. the Habitat Regulations)

³ Endangered is interpreted as Threatened under the IUCN Red list Criteria (incorporates the categories of Critically Endangered, Endangered & Vulnerable) (IUCN, 2003).

NOTES REGARDING ENDANGERMENT (See Footnote⁴): A species is or may become endangered when:

- it is included in a JNCC-approved British Red List <http://jncc.gov.uk/page-3352>, using the revised IUCN criteria, as Extinct in the Wild, Critically Endangered, Endangered or Vulnerable⁴; or
- records indicate that the species is known from only a single locality or severely fragmented

It is important to emphasise that endangerment, on its own, is insufficient justification for recommending a taxon for scheduling. Many taxa will be endangered principally due to changes in land-use or land management leading to increased habitat fragmentation, deterioration or outright habitat loss. Such causes of endangerment do not constitute 'direct human pressures' as covered by Sections 9 and 13 of the Wildlife and Countryside Act (and listed in Part 3.2 above). To be recommended for scheduling, the endangerment of a taxon must, at least in part, be due to one or more of the direct human pressures listed in Part 3.5.

Section C – Nomenclature

The species must satisfy the following:

- i. The taxonomic status of the species must meet recognised international standards of nomenclature (i.e. with an authenticated authority)⁵.

NOTE: Taxa below the species level could be considered, providing they are:

- clearly recognisable (i.e. morphologically distinct);
- geographically or ecologically distinct.

⁴ For species yet to be assessed for Red Listing, they may be added if they can be shown to meet IUCN criteria for a threatened category. For example, if a species is rapidly declining in population, number of localities occupied or range according to the IUCN criteria. The decline must transcend normal fluctuations;

⁵ For further information see the *International Code for Zoological Nomenclature* <http://www.nhm.ac.uk/hosted-sites/iczn/code/> and/or the *International Code for Botanical Nomenclature* <http://ibot.sav.sk/icbn/main.htm>

3.4.2 Eligibility criteria for non-native species

- i. Generally, only native (including reintroduced native) taxa are to be considered (See Part 3.4.1 A). In exceptional circumstances, non-native taxa which have been introduced or thought to have been introduced to Great Britain by man could be considered if the species is endangered⁴ or extinct in its native range and if current information suggests that the species is unlikely to have an adverse impact on UK native species or ecosystems.

If a non-native species meets criterion 3.4.2 (i), preference will be given to those non-native species whose native range reaches the north west coast of Europe (i.e. continental distribution extends to the Atlantic coast of France, Belgium, the Netherlands, Germany or Scandinavia) and for marine taxa, the distribution includes the north west Atlantic area.

NOTES REGARDING NON-NATIVE: There are different types of non-native plants. The following definitions should be used in the 6th QQR:

- Non-native species brought into Great Britain by man, intentionally or unintentionally, even if native to the source area or one which has come into Great Britain without man's intervention, but from an area in which it is present as a non-native (Preston *et al.* 2002)
- Neophytes: (naturalised after AD 1500). Where there is clear evidence that a species is a neophyte it will be excluded from listing on Schedule 8 except where new evidence shows these neophytes to be considered natives (see Cheffings and Farrell 2005).
- Archaeophytes: (naturalised before AD 1500) and can be included in the selection process (see Cheffings and Farrell 2005).
- "Native or Alien": evidence for and against native status is too finely balanced to decide the status. These species will be eligible for the selection process under the precautionary principle unless new evidence is available to decide the status one way or the other, for example, *Gastrium ventricosum* (see Cheffings and Farrell 2005).

3.5 Decision Criteria

An animal or plant taxon meeting the eligibility criteria would only be recommended for listing on the relevant Schedule where there is a strong case that scheduling will afford significant benefits to it through a decrease in any of the direct human pressures listed below:

- i. intentional killing or injuring, picking or uprooting or reckless disturbance; or
- ii. 'collection' including possession, dead or alive, in full or part thereof; or
- iii. intentional or reckless damage, disturbance or obstruction to any structure or place of shelter and protection which is regarded as essential for the survival of the species⁶ (such as nests, burrows, holes, scrapes, or similar resting sites; sites used to raise young (and eggs), holts); or
- iv. currently or potentially damaging trade, or other forms of exploitation or pressure.

3.6 References

- Cheffings, C. and Farrell, L. (2005) (Editors). The Vascular Plant Red Data List for Great Britain. *Species Status 7*: 1-116. JNCC, Peterborough.
- IUCN (2003). *IUCN Red List Categories and Criteria: Version 3.1*. IUCN SSC. IUCN, Gland, Switzerland.
- Preston, C.D., Pearman, D.A. & Dines, T.D. (2002). *New Atlas of the British and Irish Flora*. Oxford University Press, Oxford.

⁶ This excludes the wider habitat in which the organism ranges.

4. Proforma

Recommendation for amendment to Schedule 5 or Schedule 8 of the Wildlife and Countryside Act, 1981

(To be completed in full for each species proposal)

Type of organism: *List broad group as in Part 3.3.*

Scientific name: *Part 3.4.1. Section C.*

Authority: *Part 3.4.1. Section C.*

English name:

Using the Schedule number, indicate below if you are suggesting this species for addition to a schedule (new species) or removal from a schedule?

Addition to Schedule	
Removal from Schedule	

Summary:

Indicate with an X in the boxes below which parts of the eligibility criteria the species meets (see Part 3.4.1).

Species native to Great Britain Eligibility criteria

Section A - UK Status Part 3.4.1 *Section A (i) – (v)*

i. native in the wild in Great Britain; or	
ii. vagrant in Great Britain; or	
iii. extinct native in Great Britain in the process of reintroduction; or	
iv. extinct native in Great Britain with possibility of natural re-establishment; or	
v. native in Great Britain and on international agreements (state which)	

Section B - Conservation Status Part 3.4.1 *Section B (i) - (iii)*

i. the species must be endangered ⁷ in Great Britain; or	
ii. the species is likely to become endangered; or	
iii. there is an international obligation to protect the species (state which)	

Section C – Nomenclature Part 3.4.1 *Section C (i)*

i. taxonomic status meets recognised international standards	
ii. taxa below species level are either:	
• clearly recognisable (i.e. morphologically distinct).	
• geographically or ecologically distinct.	

⁷ Endangered is interpreted as Threatened under the IUCN Red list Criteria (incorporates the categories of Critically Endangered, Endangered & Vulnerable) (IUCN, 2003).

Status in Great Britain (all taxa)

See 3.4.1 Sections A (i) – (iv) and B (i) (ii). Provide more detail to support your choices above. For example, for Section B(i) and (ii) provide the IUCN Global or Regional Red Listing Status or for species yet to be assessed, provide a new assessment using the IUCN criteria (IUCN 2003⁷).

Global distribution (all taxa)

Specify the currently known global range of the species. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented.

Distribution in Great Britain (all taxa)

Specify the currently known range of the species within Great Britain. If possible, provide information to indicate whether or not the distribution of the species is continuous and, if it is not, indicate to what degree it is fragmented. Include where possible, details of what the native range and what is not within Great Britain, e.g. species native to south England and introduced and established as far north as southern Scotland.

For proposals of Non-native Species only (see definitions in Part 3.4.2 Criteria)

Non-native species Eligibility criteria

Indicate with an X in the boxes below how a non-native species qualifies for inclusion (i.e. Part 3.4.2)

i. species is endangered ⁷ or extinct in native range; and	
ii. the species is unlikely to have an adverse impact on UK native species or ecosystems (provide evidence below).	

Give an estimate of the current total population or number of individuals, or other indices of population abundance, based on the most recently available data. Where appropriate provide the number of subpopulations, and their estimated sizes. Population size may be estimated by reference to population density, having due regard to habitat type and other methodological considerations.

Where available, provide data on current and past trends in the species' abundance. If the species naturally undergoes marked fluctuations in population size, information should be provided to demonstrate that the trend transcends natural fluctuations.

Provide the global population status and IUCN Red List rating (non-native)

Habitat (all taxa)

Specify the types of habitats occupied by the species and, when relevant, the degree of habitat specificity and the extent of each habitat type over the range of the species.

Threats (all taxa)

- (i) Specify the nature, intensity and if possible, the relative importance of human induced threats (e.g. taking/catching/possession/commercial use of a species)
- (ii) Specify the nature, intensity and if possible, the relative importance of the threat to a species' place of shelter (e.g. damage, disturbance, obstruction)
- (iii) Specify how inclusion of this species / taxon on the Schedule will benefit the species / taxon

International legal obligations (all taxa)

Provide details of international instruments relating to the species in question.

Existing legal protection in GB (all taxa)

Provide details of legislation relating to the conservation of the species, including its habitat.

Recommendation (all taxa)

Specify in the table below which of the legislative measures need to be applied (see Part 3.5 Decision Criteria)

WCA (1981) Section	Text	Qualify
9. (1)	Intentionally kills, injures or takes any wild animal included in Schedule 5	
9. (2)	Has in his possession or control any live or dead wild animal included in Schedule 5	
9. (4)	a) damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;	
	b) disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or	
	c) obstructs access to any structure or place which any such animal uses for shelter or protection	
9. (4A)	Intentionally or recklessly disturbs any wild animal included in Schedule 5 as-	
	a) a dolphin or whale (cetacean), or b) a basking shark (<i>Cetorhinus maximus</i>)	
9. (5)	a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in Schedule 5; or	
	b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things	
13. (1)	a) intentionally picks, uproots or destroys any wild plant included in Schedule 8; or	
	b) not being an authorised person, intentionally uproots any wild plant not included in that Schedule	

Justification for the recommendation

Provide an explanation as to why each measure needs to be applied, including, where applicable, an explanation of why some of the measures may not be required.

Benefits to accrue from acceptance of the recommendation

Outline how the measures are expected to benefit the species.

5. Contact details

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