

## Consultation on:

**(1) The Review of schedule 9 to the Wildlife and Countryside Act 1981;  
and**

**(2) The Ban on Sale of Certain Non-native Species**

## Response form

The closing date for the submission of responses is: **31 January 2008.**

- Please complete this response form electronically (text boxes will expand), or
- Print a copy and mark all supplementary pages with your name and organisation, indicating clearly which questions your answers relate to.
- Send completed response forms to: [nns.consultations@defra.gsi.gov.uk](mailto:nns.consultations@defra.gsi.gov.uk) or post a hardcopy to: Matt Ashton, Protected Species and Non-native Species Team Wildlife Species Conservation, Defra, 1/09 Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6EB

In order to help us analyse responses, please provide details of your organisation below (Defra's confidentiality statement: in line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses. Please see section: **Publication of results.**

You should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.

- Further information: <http://www.defra.gov.uk/corporate/opengov/index.htm>.

<b>Name:</b> Stephen Russell
<b>Organisation:</b> Landscape Institute

**Please indicate which category of organisation you represent:** Select **ONE** option from the list below by clicking on the relevant box

Government (incl. Agency)  
 Transport  
 Conservation/NGO  
 Developers  
 Trade organisation  
 Academic/Research  
 Private individual  
 Professional body/individual  
 Land/Water management  
 Other

**Other category (Please specify):**

<b>Address details:</b> 33 Great Portland Street, London	<b>Phone number:</b> 020 7299 4509
	<b>Mobile number:</b> n/a
	<b>Email:</b> stephenr@landscapeinstitute.org
<b>Post code:</b> W1W 8QG	<b>Website:</b> www.landscapeinstitute.org

<b>Publication of Results</b>	
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Are you responding: a) As an individual ( <i>Please go to c)</i>	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
b) On behalf of a group/organisation ( <i>go to e)</i>	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>

<b>Individuals</b>
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c) Do you agree to your response being made available to the public in the Defra library and on the Defra website? (Responses from consultees in Wales will also be copied to the Welsh Assembly Government.) If Yes, please go to d. If your answer is No we will treat your response as confidential.	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
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d) Where confidentiality is not requested, we will make your response available to the public on the following basis (please tick one of the following boxes)

Yes, make my response, name and address all available.	<input type="checkbox"/>
Yes, make my response available, but not my name or address.	<input type="checkbox"/>
Yes, make my response and name available, but not my address.	<input type="checkbox"/>

<b>Response on behalf of groups or organisations</b>
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e) The name and address of your organisation will be made available to the public in the Defra library and on the Defra website. (Responses from consultees in Wales will also be copied to the Welsh Assembly Government.) Are you also content for your response to be made available? If your answer is No we will treat your response as confidential.	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
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<b>Sharing responsibilities/future engagement – all respondents</b>
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We may share your response internally with other policy teams in GB Administrations who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content to be contacted again in relation to this consultation response?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
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**The Review of schedule 9 to the Wildlife and Countryside Act 1981 and the ban on sale of certain non-native species – Consultation Response Form - 2**

The questions in the consultation documents are reproduced under each part heading below. Please tick where appropriate and include any comments in the spaces provided. (Expand comments boxes as necessary.)

**Consultation document part 2.1: Animal species proposed for addition to schedule 9, part I**

1) Do you agree with the proposal to add these animal species proposed for addition to schedule 9, part I to the Wildlife and Countryside Act 1981?	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
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**Comments:** The Landscape Institute has no comment in response to this question.

2) Are there any species in the list above that you think should not be added? Please give your reasons in detail.	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
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**Comments:** The Landscape Institute has no comment in response to this question.

3) Are there any species missing from the list above that you think should be added? Please refer to the JNCC checklist and guidance at Annex B for assistance in proposing additional species.	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
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**Comments:** The Landscape Institute has no comment in response to this question.

4) Do you have any comments on the checklist and guidance provided?	<b>Yes:</b> <input type="checkbox"/> <b>No:</b> <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.	
5) Do you have any other comments about the addition of animal species to schedule 9?	<b>Yes:</b> <input type="checkbox"/> <b>No:</b> <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.	

**Consultation document part 2.2: Animal species proposed for removal from schedule 9, part 1**

6) Do you agree with the proposal to remove these animal species from schedule 9 to the Wildlife and Countryside Act 1981? If not, please explain in detail.	<b>Yes:</b> <input type="checkbox"/> <b>No:</b> <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.	
7) Are there any other species that you think should be removed from schedule 9 to the Wildlife and Countryside Act 1981? Please refer to the JNCC checklist and guidance at Annex B for assistance in proposing species for removal from schedule 9 and use the form supplied.	<b>Yes:</b> <input type="checkbox"/> <b>No:</b> <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.	

8) Do you have any other comments about the removal of animal species from schedule 9?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		

**The Review of schedule 9 to the Wildlife and Countryside Act 1981 and the ban on sale of certain non-native species – Consultation Response Form – 3**

**Consultation document part 2.3: Plant species proposed for addition to schedule 9, part II**

9) Do you agree with the proposal to add these plant species to schedule 9, part II to the Wildlife and Countryside Act 1981?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
<p><b>Comments:</b> The Landscape Institute has somewhat mixed feelings regarding the proposals set out in the consultation. Whilst the idea of introducing a ban on a species to preclude another Japanese knotweed epidemic is advisable, the Landscape Institute is concerned for the following reasons:</p> <p>Most of the plant species proposed for addition to Schedule 9 have been in the UK for many decades/centuries and their speed of growth and threat can be accurately and scientifically assessed. Such an assessment does not seem to have been conducted in this instance which causes the Landscape Institute some concern.</p> <p>There is no scientific data presented in the consultation document which details the geographic spread in the UK of the proposed species for addition to Schedule 9.</p> <p>To include species on the banned list as a 'precautionary principle' based on invasiveness in other countries is spurious without scientific information of countries/climates/circumstances comparable to the UK.</p>		
10) Are there any species on the list above that you think should not be added? Please give your reasons in detail.	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>

<p><b>Comments:</b> The Landscape Institute is concerned with the inclusion of the following species, partly as a result of their amenity value:</p> <p>Cotoneaster - all species and hybrids;  Gaultheria shallon;  Gunnera tinctoria;  Hippophae rhamnoides;  Lamium galeobdolon;  Parthenocissus inserta;  Parthenocissus quinquefolia;  Quercus cerris;  Quercus ilex</p>	
<p>11) Are there any species missing from the list above that you think should be added? Please refer to the JNCC checklist and guidance at Annex B for assistance in proposing additional species.</p>	
<p><b>Yes:</b> <input type="checkbox"/></p>	<p><b>No:</b> <input type="checkbox"/></p>
<p><b>Comments:</b> The Landscape Institute has no comment in response to this question.</p>	
<p>12) Do you have any comments on the checklist and guidance provided?</p>	
<p><b>Yes:</b> <input type="checkbox"/></p>	<p><b>No:</b> <input type="checkbox"/></p>
<p><b>Comments:</b> The Landscape Institute has no comment in response to this question.</p>	
<p>13) In scheduling Sea Buckthorn, it is proposed that the prohibition in section 14 should apply only in defined areas where it is non-native and causing ecological damage to native biodiversity. Do you agree with this approach? How should these areas be defined?</p>	
<p><b>Yes:</b> <input type="checkbox"/></p>	<p><b>No:</b> <input type="checkbox"/></p>

**Comments:** The Landscape Institute has no comment in response to this question.

14) Do you have any other comments about the addition of plant species to schedule 9?	<b>Yes:</b> <input checked="" type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
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**Comments:** There is no consideration given in the consultation document about the effects of climate change (temperature, water and insects) on existing vegetation and there may be very good arguments in the immediate future for diversification rather than restriction of species.

Additionally, there seems to be no evaluation of the benefits of some of the proposed species in terms of biodiversity value.

The Landscape Institute is unclear as to how the ban will be controlled or monitored as this is not made clear within the consultation document. Furthermore, who would be liable for prosecution - the designer, the client, the maintenance contractor?

**Consultation document part 2.4: Costs and benefits of adding species to, or removing species from, schedule 9**

15) What costs or benefits might there be to your sector or business from prohibiting introduction of these species to the wild?	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
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**Comments:** No consideration has been given to the benefits or uses of these plants in terms of function or aesthetics. A number of species included in the proposed ban have a significant role in garden and landscape design in the UK; urban public realm, parks and private gardens would be diminished without them.

16) If adding certain species to schedule 9 will have an impact on your business, what alternative action might you take or what alternative species might you use?	<b>Yes:</b> <input type="checkbox"/>	<b>No:</b> <input type="checkbox"/>
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<b>Comments:</b> The Landscape Institute has no comment in response to this question.	
17) Would the addition to, or removal from, schedule 9 of any of the proposed species have beneficial or detrimental environmental impacts other than those identified in the tables in the consultation document?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.	
18) Would the addition to, or removal from, schedule 9 of any of the proposed species have beneficial or detrimental social impacts?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
<b>Comments:</b> No consideration has been given to the benefits or uses of these plants in terms of function or aesthetics. A number of species included in the proposed ban have a significant role in garden and landscape design in the UK; urban public realm, parks and private gardens would be diminished without them.	
19) Are there any relevant business areas not yet identified in this consultation paper or the Impact Assessment?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

**Comments:** The Landscape Institute has no comment in response to this question.

20) Do you have any other comments about the costs and benefits?

Yes:

No:

**Comments:**

**The Review of schedule 9 to the Wildlife and Countryside Act 1981 and the ban on sale of certain non-native species – Consultation Response Form – 4**

**Consultation document part 3.1: Japanese knotweed**

21) Do you agree that in respect of Japanese knotweed, which is currently listed on part II of schedule 9, *Fallopia japonica*, should be included under the scientific names as a synonym for *Polygonum cuspidatum*?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

**Consultation document part 3.2: Hybrids of schedule 9, part I species (animals)**

22) Do you agree to the introduction of a provision that makes it clear that all hybrids of those animals listed on part I of schedule 9 are caught within the scope of section 14(1)?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

23) Do you have any other comments about the issue of including animal hybrids in schedule 9?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

**Consultation document part 3.3: Hybrids of schedule 9, part II species (plants)**

24) Do you agree to the introduction of a provision that makes it clear that all hybrids of those plants listed on part II of schedule 9 are caught within the scope of section 14(2)?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

25) Do you have any other comments about the issue of including plant hybrids in schedule 9?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

**The Review of schedule 9 to the Wildlife and Countryside Act 1981 and the ban on sale of certain non-native species – Consultation Response Form - 5**

**Consultation document part 4.2: Non-native animal species proposed for listing on an Order to ban their sale**

26) Do you agree with the proposal to ban the sale of these animal species under section 14ZA of the Wildlife and Countryside Act 1981?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

27) Are there any species on the list above that you think should not be included? Please refer to the 'criteria for listing' and give your reasons in detail.

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

28) Are there any species missing from the list above that you think should be included? Please give your reasons in detail.

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

29) Do you have any other comments about the proposed ban on sale of certain non-native species?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		

**Consultation document part 4.3: Non-native plant species proposed for listing on an Order to ban their sale**

30) Do you agree with the proposal to ban the sale of these plant species under section 14ZA of the Wildlife and Countryside Act 1981?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		
31) Are there any species on the list above that you think should not be included? Please refer to the 'criteria for listing' and give your reasons in detail.	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		

32) Are there any species missing from the list above that you think should be included? Please give your reasons in detail.	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		
33) Do you have any other comments about the proposed ban on sale of certain non-native plant species?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		

**Consultation document part 4.4: Costs and benefits of a ban on the sale of the proposed species**

34) What costs or benefits might there be to your sector or business from banning the sale of these species? How much of an impact might there be in terms of cost to your business and those you employ?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		
35) If banning the sale of certain species will have an impact on your business, what alternative action might you take or what alternative species might you use?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		

36) If alternative species are available, what would be the cost to your business in making the adjustment?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		
37) Would a ban on sale of any of the proposed species have beneficial or detrimental environmental impacts other than those identified in the tables above?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		
38) Would a ban on sale of any of the proposed species have beneficial or detrimental social impacts other than those identified in the tables above?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		
39) How might a ban on sale of one or more of the proposed species impact on keepers and collectors?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
<b>Comments:</b> The Landscape Institute has no comment in response to this question.		

40) Do you have any other comments about the costs and benefits of a ban on sale of certain non-native species?

Yes:

No:

**Comments:** The Landscape Institute has no comment in response to this question.

Thank you for completing this response form.