

## Scottish Government – Wildlife and Natural Environment Bill

Landscape Institute Scotland consultation response

September 2009

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The **Landscape Institute (Scotland)** is part of the **Chartered Institute** in the UK for Landscape Architects, incorporating designers, managers and scientists, concerned with enhancing and conserving the environment. **The Landscape Institute** promotes the highest standards in the practice of landscape planning, design, management and research, representing members in private practice, at all levels of government and government agencies and in academic institutions and commercial organisations.

We have limited our response to Section 4 of the Consultation as the question of how non-native species are treated is of most relevance to our members in respect of their working lives.

**Q40. Do you have any comments or suggestions relating to the proposed definition for the "wild", or more appropriate ways this could be determined?**

We agree that this is problematic and would welcome an agreed definition. As for animals, it may be better to determine where non-native species should not be allowed to seed, be planted or allowed to spread.

**Q41. Do you have a view on the proposal to place a responsibility on an owner to ensure animals are kept in such a way as to prevent their escape and that a landowner would commit an offence if a non-native species spreads from their land or managed area?**

We agree with the proposed approach.

**Q42. Do you have a view on the proposal to remove the term "ordinarily resident"?**

This is likely to be a particularly problematic area for plant species in horticultural use and the industry should be consulted on the detail of any proposal.

**Q43. What are your views on the proposal that a no-release general presumption would provide a more effective and simpler framework?**

The approach proposed is simple and pragmatic. More detail and consultation will be required to ensure that the exemption procedure would be workable in practice.

**Q44A. What are your views on the policy intention relating to animals?**

No response

**Q44B. Can you think of other exceptions that should be included?**

No response

**Q45A. Do you consider that this approach will provide a more precautionary approach for the release of plants?**

Yes.

**Q45B. Can you think of other exceptions that should be included?**

Yes, professional landscape architects prepare planting schemes for a range of public and commercial places which include: public parks and squares, streets and car parks, science and business parks, retail and shopping areas, leisure facilities such as hotels, museums, visitor centres and children's play areas, coastal esplanades, and certain service areas such as motorway service stations.

**Q46. What are your views on how information - on whether a species is native or non-native and what its natural range is - should be provided?**

Professionals/practitioners will require a regularly updated website resource.

**Q47A. What are your views on the proposal to introduce a power enabling specified bodies to take reasonable mitigating action to control, contain or eradicate non-native species or species outside their native range?**

We agree.

**Q47B. Which organisations should this be provided to?**

Responsibility and appropriate levels of funding should fall to SNH, SEPA and Marine Scotland. It might also be desirable for local authorities to have powers to support more local action.

**Q48. What are your views on the proposal to increase the remit of various inspectors to deal with invasive non-native species issues?**

We agree, subject to staff receiving training and the appropriate resourcing to be effective.

**Q49A. What are your views on the proposal to provide a power to Scottish Ministers to require individuals to control and remove non-native species contained on their land, site, or property (e.g. boat)?**

Whilst we agree in principle, costs could be substantial and landowners may need considerable financial support and technical guidance to eradicate some non-native species, e.g. Japanese knotweed.

**Q49B. How should this power should be used?**

Where possible, it would be best if the landowner could be encouraged to carry out work on a voluntary basis (perhaps with financial support). Perhaps a grant scheme, with a rate which falls over time i.e. one which favours landowners who take action sooner rather than later, would be affective. Only if an owner fails to act should a notice be served.

**Q50. What are your views on the proposal that specified bodies should have powers to access land to investigate, survey and control (where access is denied)?**

We agree.

**Q51A. Do you consider that costs of any action should be able to be recovered?**

Yes, reasonable costs should be recovered from owners where possible.

**Q51B. Do you have any views on how these powers should be used?**

The powers should only be used as a last resort.

The LIS is keen to work with the Scottish Government to help raise awareness around the contribution landscape architects, scientists and managers can make to the Scotland's built environment and landscapes. We stress our desire to secure an on-going dialogue with the Scottish Government and other stakeholders to this end.

If you wish to discuss this response submission or require further information on this matter please do not hesitate to contact me.

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