



JNCC QQR Consultation Eligibility & Decision Criteria review:

Question 1: Do you agree with the eligibility criteria defined for the 7th Quinquennial Review (QQR7) for adding species to Schedules 5 and 8 of the Wildlife and Countryside Act 1981

If no, then please explain and provide evidence to support your views. (500 words)

No, red-listing was not designed to be used for eligibility criteria. The IUCN's own guidance (IUCN Red List of Threatened Species) (section 2.4, page 19) states "The Red List should... not be interpreted as a means of priority setting (IUCN 2001, 2012b). The difference between measuring threats and assessing conservation priorities needs to be appreciated". The IUCN's guidance warns against using Red Listing alone to set conservation priorities whereas a system for assessing priorities for action will include numerous other factors concerning conservation action. The IUCN guidance explains that the category of threat simply provides an assessment of the extinction risk under current circumstances.

Listing only Critically Endangered (CR) and some Endangered (EN) species is counter to the accepted notion that Critically Endangered, Endangered and Vulnerable species are all considered at risk of extinction. All species in these Red List categories need urgent conservation action and attention. Restricting the number of species listed on schedules 5 & 8 will be detrimental to Britain's biodiversity and efforts to restore it. Therefore this proposed process for eligibility is counter to the aims of the Environment Act 2021 in England, which aims to halt the decline of species by 2030 and to the Scottish Biodiversity Strategy and the Nature Positive 2030 report.

As the IUCN identifies, the Red List is highly reliant on recent trends, so this proposal misses protection for species which have slowly been declining for decades. The recent trend nature of the categorisation could also see species at the comparative early stage of recovery, threatened with removal from schedules if Red List status 'improves' in the short time frame considered. This would then undermine hard won conservation successes.

There is mention of 'a clear and present danger to its conservation status' needing to be demonstrated to consider a species that would otherwise not be eligible but for which it would become endangered if conservation measures are not undertaken. What factors would be taken into consideration and who would put the case forward? Could this be the very necessary expert opinion which has always been an important part of the process to address matters of data deficiency, future threats, long-term declines, species particularly vulnerable to human activities etc.?

A further concern relates to species that are data deficient. IUCN categorisation relies heavily on standardised survey data which are not readily available for many invertebrates, mammals, fish, and other species, and the process outlined offers little flexibility or protection for species which have deficient baseline data.

Species not included on the schedules, have a significant risk that their status will worsen before the next QQR, which would then be more costly in terms of time and money to restore critically endangered species than the better option of preventing less critical species reaching that point. The time lag is essential to appreciate.

It is hard to see how a red list status for GB can be used for species whose status varies between countries. If it is, then it can only make sense to apply the most endangered category to the GB level to avoid losses from parts of GB.

Question 2: Do you agree with the decision criteria and the way they have been applied by the 7th Quinquennial Review (QQR7) for adding species to Schedules 5 and 8 of the Wildlife and Countryside Act 1981? (see section 6.1.2)

No. The Decision Criteria provide a narrow framing of the phrase ‘direct human pressures.’ Human-induced threats often have a significant role in driving declines for many species. The WCA is commonly used to protect Schedule 5 species from land-use changes during development planning. The proposed Decision Criteria, as they currently read, will limit applications that have any real conservation impact such as large housing developments and road expansion schemes. Clarity is needed about anything that would lead to a reduction in the applications covered by this legislation. We do not believe this can be the intention. But if this apparent reduction in applicability is defended, then this could lead to a large down-turn in the prospects for a number of species. Habitat loss due to land-use and land management changes (exacerbated by the ever-growing impacts of human-induced climate change) are key threats to many species and should be considered direct human pressures to places of shelter or protection and the conservation prospects of species. To fail to take this approach would contradict the Bern Convention guidance and the original benefits provided by the Act. Clarity is needed to give reassurance that this is not the intention.

A further concern is around the suggested definition for the term ‘place of shelter’ for animals and the associated use of the terms ‘regularly’ and ‘permanently’. Where applicable this should align with the level of protection provided by the Habitats Regulations 2017 to bring these pieces of legislation into alignment. Currently the interpretation appears too narrow a scope for interpretation of a species’ need to survive, breed or reproduce or to rear or nurture their young or hibernate or migrate. For instance, in this interpretation, a bat roost is "any structure or place which any wild uses for shelter or protection" but because bats tend to reuse the same roosts, legal opinion is that the roost is protected whether or not the bats are present at the time. This consideration needs to be encompassed in the decision criteria.

It would be really helpful to see how the decision-making criteria have been applied which might show the more aligned and species-specific approach required.

Question 3: Do you agree with the use of the ‘non-detriment’ approach for retaining species on Schedules 5 and 8 of the Wildlife and Countryside Act 1981 when they do not meet the eligibility/decision criteria but when populations would be harmed if protection were removed? (see section 6.1.4)

Yes it is very much welcomed that species will be retained if it is likely that populations will be harmed otherwise. However, it is not clear what this evidence should consist of and how it will be assessed both in this and future reviews.

Question 4: Do you agree with the use of the precautionary approach for retaining species on Schedules 5 and 8 of the Wildlife and Countryside Act 1981 when they do not meet the eligibility/decision criteria? (see section 6.1.4)

Yes, the use of the precautionary approach is very welcome. This is another important area for use of expert opinion with the precautionary principle vital as a safety net.

Question 5: Do you think that the special protection of species by listing on Schedules 5 and 8 of the Wildlife and Countryside Act could be part of a range of measures designed to reverse the biodiversity loss we are currently experiencing? (see section 6.2)

Yes, as long as the eligibility, decision criteria and interpretation of terms allow this to be the case. Currently the concerns that proposed changes to criteria appear to move to prevent use of schedule 5 to protect animals from habitat loss through development is an example that would see the reverse outcome and would lead to greater biodiversity loss as opposed to reversing the losses we are currently experiencing.

Question 6: Do you agree with the provisional recommendations to retain/ add/ regrade/ remove the species listed in Appendix 2 on Schedules 5 or 8 of the Wildlife & Countryside Act?

Due to complexity of the responses given it is not possible to provide an answer at this stage.