

11th May 2022

Dear Sir/Madam,

International Union for Conservation of Nature (IUCN) National Committee UK (NCUK) Species Survival Working Group (SSWG) response to the Nature Recovery Green Paper consultation

IUCN is a membership Union composed of both government and civil society organisations, including the UK Government and many other organisations in the UK. It harnesses the experience, resources and reach of its more than 1,400 member organisations and the input of more than 18,000 experts. This diversity and vast expertise makes IUCN the global authority on the status of the natural world and the measures needed to safeguard it.

The NCUK Species Survival Working Group (SSWG) is being established to support the work of the IUCN [Species Survival Commission](#) (SSC) and its programme and initiatives. The SSC is an IUCN Commission that comprises a network of 10,500 experts from almost every country in the world and is responsible for the well-known [IUCN Red List of Threatened Species](#). Within its UK scope, SSWG aims to assist in reversing biodiversity loss and help to achieve domestic targets by providing independent strategic analysis and advice.

The Nature Recovery Green Paper, published by Defra on 16 March 2022, includes sections on consolidation and rationalisation of species protection and the creation of a new tiered approach to species protection in England. SSWG has significant interest in the consultation and the eventual outcomes of any policy changes that affect species protection, determine which species are protected, address which threats species are protected from, identify how recovery of species whose conservation status is less than favourable will be achieved and maintained, and ensure public funding is available to achieve these actions. We aim to provide constructive analysis and advice through the consultation period and beyond, working closely with Defra and its agencies.

We welcome the acknowledgement that a new nature recovery initiative is needed and the recognition that many, if not most, of the UK's species are declining in terms of diversity and abundance, leaving many of our native plants and animals in urgent need of assistance. An effective, well-financed and well-managed recovery programme is needed. However, in our opinion, the proposals within the Green Paper fall short of adequately addressing the biodiversity crisis in England, and more broadly with similar issues across the UK. Below we highlight some key issues and then make some recommendations for meeting the objective of addressing the decline in the UK's native species populations, including in England.

1. The importance of data and evidence in underpinning policy

Whilst the UK has considerable expertise and leadership in monitoring species, there is a bias in the availability of good evidence with which to underpin policy. Some taxa, such as mammals, are poorly monitored, if at all. For many species, such as hedgehogs, there are no robust methods with which to monitor populations, leaving many widespread species considered 'common' in the absence of actual evidence. The current proposals fail to acknowledge this huge evidence gap and seek to focus on those for which data exists, a concerning failure of the proposed policy to address 'all nature'. Significant funds are required to ensure all species groups and species of concern are considered.

This funding needs to be made available to ensure all species groups are well-represented in any monitoring measures used to evaluate the state of nature and its recovery. Robust, open-access data also needs to be collected for species that are currently targeted for various control measures (such as those on game estates), where no overarching policy currently exists to monitor whether those measures threaten to push species populations into decline.

2. The importance of IUCN's global standards and categories in identifying which species need protection

There are different methods for identifying and measuring which species need protection and conservation action. The IUCN Red List criteria are one means of highlighting the status of species, which can be used to prioritise species of international concern. IUCN red-listed species which are assessed as either Critically Endangered, Endangered or Vulnerable at the global level are all determined to be at risk of extinction in the wild, making the contribution of English populations of any of these species a high priority for protection.

Alongside using IUCN categories, it is crucial that other measures are taken into consideration for identifying which species need protection. Currently, there is also no recognised list of endemic species for England (or for across the UK), yet these are the species for which the UK has unique global responsibility for their conservation, prevention from any decline and avoiding any risk of extinction. It has been recognised that England is one of the world's most nature-depleted countries, therefore national guidelines also need to be considered when identifying which species need protection. The current conservation status of many species is far from favourable. The objective of achieving Favourable Conservation Status (FCS) should be established in law as a guiding principle for species and habitat conservation.

While maintaining a strong focus on species of national conservation concern, more could be also be done to assess what could be done to address species of global conservation concern which occur in the UK. For example, applying the Key Biodiversity Area (KBA) criteria to species and ecosystems across the UK could help identify sites of global importance for conservation and help to "level up" less well represented taxonomic groups and global priorities.

3. Safeguarding strong policy measures to address threats

Our interpretation of the current proposals are that they have the potential to weaken, rather than strengthen protection for species. Consolidating and simplifying wildlife legislation is counter to aims to promote nature recovery. Whilst some careful consolidation could be undertaken with high levels of consultation with relevant stakeholders, the complexity of current legislation largely reflects the complexity of dealing with varying threats facing, ecologically, very different species. The current measures within the Wildlife and Countryside Act, where different levels and measures of protection can be provided for individual species, ensures species are protected from the suite of threats they face. Legislation should ensure protection from killing and injuring, damage to habitats, including, but not confined to, breeding and resting places, and requirements to monitor species to provide data to feedback into assessments of their conservation status.

4. Identification of the need to protect habitat to protect species

The IUCN NCUK Protected Areas Working Group (PAWG) has responded separately to the consultation in relation to Protected Areas and 30x30. However there needs to be acknowledgement and a clear intention that to recover declining species to a favourable conservation status, threats to species' habitats need to be clearly and effectively addressed. Species recovery cannot be confined

to protected areas. Many species, including widespread, popular yet declining species, such as hedgehogs and hazel dormice, rely on healthy, well-connected habitat outside protected areas. Loss of irreplaceable habitats, such as historic hedgerows and ancient woodland, undermines any species recovery programmes. Identification and protection of irreplaceable habitats that are needed to support species in a favourable conservation status, must form part of the policy to underpin any strategies or plans to recover declining species.

5. Focus on recovery

The Green Paper acknowledges that current legislation focuses on preventing threats and species declines, and that there is a gap on how to achieve positive conservation measures to ensure nature recovery. There needs to be detailed information on how species recovery will be achieved, where it will be focussed, who is responsible for achieving it and who is responsible for monitoring whether recovery is happening or not. Recovery cannot rely on private funding; whilst private funds could be levered to enhance recovery efforts, it is crucial that sufficient public funds are made available to achieve ambitious targets.

6. Build on previous, successful conservation measure rather than waste time on processes

We welcome the proposal and need for species conservation strategies for individual species. However, we wish to highlight that the UK's former National Biodiversity Strategy and Action Plan (NBSAP) approach (NBSAP, still required as a reporting mechanism by Contracting parties to the UN Convention on Biological Diversity) served a similar function in the not long distant past, worked well and was popular both on a national scale ([UK BAP](#)) (and across the countries of the UK) and locally (through Local Biodiversity Action Plans). Each Species Action Plan (SAP), Habitat Action Plan (HAP) and Local Biodiversity Action Plan (LBAP) could be scaled down and tailored for specific areas. The current proposals should learn from and build upon these rather than spending time and resources developing new but similar strategies from scratch.

We welcome the intention to address the decline of many of our native species and enable their populations to recover but believe many of the issues could be addressed through current legislation, existing evidence and improved resourcing. We also believe any reform changes must be evidence-based. Here, we make several recommendations about the protection and recovery of species in England but look forward to providing further advice and support to Defra and its statutory agencies beyond the deadline for this response:

Recommendation 1: Retain the aspects of current legislation that provide strong protections for species and their habitats as part of the Wildlife and Countryside Act 1981 and The [Conservation of Habitats and Species Regulations 2017](#) and the affiliated [2019 Amendment Regulations](#), including the retention of different levels and measures of protection which can be provided or applied based on whatever is appropriate for any given species. Improvements should be made to the wording of the legislation which should be strengthened in many areas, for example to i/ prohibit any 'deliberate' or 'reckless' killing, as well as reckless damage or destruction to irreplaceable habitats, and ii/ to provide greater clarity around the extent and interpretation of protection for species habitats and features such as places used for shelter, protection and breeding.

Recommendation 2: Bolster the monitoring and evidence required to underpin legislation and listing of species needing protection by providing funding for relevant NGOs to develop and run robust monitoring programmes for species with threatened status either internationally or at a national scale but for which rigorous data are lacking. Monitoring and reporting should be required

on a statutory basis, in line with the Bern Convention, the Convention on Biological Diversity, the Convention on Migratory Species, the OSPAR Convention and other multi-lateral environmental agreements (and/or their sub-agreements), as well as with the Environment Act and 25 Year Environment Plan monitoring and reporting requirements.

There is also a need for better monitoring of more common and/ or widespread species to ensure representation of all taxa, and to be alert to future declines while having enough time to act. Ambitions should be set to emulate the monitoring programmes for birds, bats and butterflies across all taxa.

Recommendation 3: Develop robust species recovery plans that can be implemented into legislation that create positive action to improve the status of numerous species by working with relevant advisory groups (including the NCUK SSWG) and NGOs. This must include setting detailed targets (such as how the Government has begun to undertake through the species abundance target in the Environment Act) that cover all taxa and groups of concern, identifying who is responsible for overarching aims and individual actions, and allocating real and sustainable public funding. It must also include the creation of mechanisms for allowing active interventions to conserve declining populations away from designated sites. A concept such as Favourable Conservation Status can be developed for all relevant species, in partnership with appropriate NGOs, and incorporated into an action plan or strategy to ensure that detailed and robust protection and recovery plans are created.

All public authorities, landowners and managers of protected sites should have a duty to implement the relevant actions in the species action plans or strategies. This proposal would help integrate species conservation both within the protected site network and the wider landscape through other decisions and policies, such as land use planning, Environmental Land Management (ELM) and Local Nature Recovery Strategies (LNRSs).

Recommendation 4: Prevent further declines of species and any irreplaceable habitats they rely on:

- By recognising the importance of species habitat (not well addressed in the Wildlife and Countryside Act 1981) for all their needs, including foraging, breeding, sheltering and dispersal.
- By ensuring that new legislation does not enable schemes such as Biodiversity Net Gain to fuel further loss of species whose conservation status is far from favourable, both on local, regional and national levels.
- By creating a robust and well-funded mechanism that enables local planning authorities (LPAs) to work with relevant NGOs and statutory agencies to ensure detrimental, cumulative impacts on species are avoided by ensuring LPAs or relevant bodies have the information needed to make fully informed, transparent and evidence-based decisions.
- By overhauling the licensing system to ensure that, locally and nationally, the cumulative impact of development does not undermine the current conservation status of a species and in fact should help move it to a favourable conservation status.
- A regular review of the impact on different species at different scales is needed and legal powers must be enabled requiring restoration following any harm or damage.
- Clear guidance around licensing needs to be developed with licensing loss of existing habitats (and the impact on the associated populations of species) as an absolute last resort, rather than usual practice.

Recommendation 5: Avoid a rebranding exercise that wastes funds by retaining aspects of legislation that work well, providing sufficient funds for government agencies to fulfil their requirements properly and effectively, and building on evidence and previous good practice in the UK BAP process already gathered in order to develop effective strategies and plans to recover species populations.

Recommendation 6: Develop a robust, agreed system for listing species requiring protection and recovery based on a range of different criteria including, but not limited to, IUCN Red List threatened status, or unfavourable or declining conservation status, with provisions made for species where an FCS assessment has not been carried out. Additionally, there is a need to establish and maintain a recognised list of endemic species in England (and across the UK) and to understand their conservation status in order to help prioritise which of these species need specific actions. When data is lacking to determine the conservation status of a species, the Precautionary Principle should be applied and species should be listed. Some full species groups should remain listed or be listed, including birds, bats, cetaceans, reptiles and amphibians, as well as individual mammal species currently afforded protection such as red squirrel, water vole, pine marten, hazel dormouse, mountain hare and water vole, and those which are threatened with extinction in the wild internationally or nationally. Regard should also be given to relatively widespread and common species to prevent localised extinctions on county levels.

Develop a renewed focus on nationally endangered species, additional to IUCN listing, such as hedgehog, harvest mouse and brown hare, that currently under the UK legislative system do not have adequate protection to promote the recovery of these species and that may need protection at a regional or local scale.

Recommendation 7: Urgently develop plant-specific species protections and recovery actions at a national level. Plant and fungal diversity are the fundamental building blocks of food chains across all ecosystems. Following discussions at the recent preparatory meetings in Geneva towards the CBD's CoP15, a post-2020 Global Biodiversity Framework is emerging which further recognizes the importance of plants and aims to protect and restore them, building on the work already carried out under the [Global Strategy for Plant Conservation](#) under the CBD and the UK's National Plant Monitoring Scheme, and evidence through ongoing monitoring/recording schemes such as the [UK National Plant Monitoring Scheme](#).

Recommendation 8: Avoid adopting potentially harmful measures prior to conclusions of the consultation. We recognise the positive intent throughout the consultation document but urge the UK Government (across all its departments and statutory agencies) not to take any premature action in advance of the conclusions of the consultation being thoroughly considered.

We hope this response provides some useful advice and recommendations on how we can ensure species in the UK can be protected and managed effectively to help secure nature's recovery. We look forward to supporting the UK's international leadership in this field, demonstrating best practice to others across the globe.

Yours faithfully,



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