

**People's Trust for Endangered Species response to:
JNCC's consultation on eligibility & decision criteria defined for Quinquennial Review 7 for species
listed on Schedules 5 & 8 of the Wildlife & Countryside Act (1981)
27 January 2022**

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. The proposal to list only Critically Endangered species and Endangered species which meet the Decision Criteria fails to consider that CR, EN and VU species are all considered *at risk of extinction*. Drawing an arbitrary line between them ignores the evidence that these species need conservation attention and is counter to aims of the new Environment Act which aims *to halt the decline of species*.

Red List assessments are poor tools for detecting longer-term, gradual population declines. Most assessments rely on recent trends and the proposed amends miss opportunities to provide protection for species like hedgehogs that have been slowly declining for decades. These assessments can also undermine conservation successes by enabling removal of recovering species despite the likelihood of them being far from a favourable conservation status.

Placing emphasis on CR and EN species diminishes chances to provide futureproofing for species that will need it. Criteria used in previous QQRs offered broader capacity for the Secretary of State to respond to threats. JNCC's proposed amends which focus on the 'danger of extinction' (Section 22) ignores the need to also consider species 'likely to become so endangered' before they are on the brink of extinction.

These criteria leave little scope for providing protection for species whose status or threats have high levels of uncertainty. Defining an objective measure of endangerment is not possible for many UK species with no baseline data, no method of population assessment or monitoring protocol, and therefore no sound evidence on which to base a Red List status.

Limiting the number of species on Schedules 5 and 8 will damage both the quality of the UK's biodiversity and general efforts to restore it. If less critically categorised species at risk of extinction are excluded from being listed, then their status is likely to worsen before the next QQR. Efforts to recover CR species are considerably more costly both in terms of time and money than providing protection to less threatened species to prevent them becoming that endangered to begin with. Often any efforts are too late. This is particularly pertinent for widespread, once common but declining species such as hedgehogs and toads.

Limiting the criteria to CR species, and making a special case for retaining VU, NT and LC, presents an inconsistent rationale. Whilst one in four terrestrial mammal species in the UK is threatened, only one bat species and wildcats are CR. Exceptional cases are being proposed for mountain hares (NT) and pine martens (LC), whilst hedgehogs (VU) face missing out completely.

Red List status varies between countries so opting for GB status presents problems for species such as pine martens and mountain hares, which have been lost from much of their natural range.

The proposed changes do not consider absolute rarity. Species such as the shrill carder bee, which is declining, will not be given protection purely because they are not targeted for sale or intentional killing.

It is unclear what factors would constitute 'a clear and present danger to its conservation status.'

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. One of the greatest threats to species in the UK today is loss of habitat. Whilst the WCA was established in part to protect animals and plants from individual threats of persecution, a broader benefit has been that many species have received a degree of protection for their places of shelter. The proposed amendments to the Decision Criteria appear to undermine these benefits by the narrow framing of the phrase 'direct human pressures.' The implication that 'direct human pressures' are limited to a narrow range of threats arguably seeks to restrict listing for many species declining due to human-induced threats.

Loss of habitat through changes to land-use and land management, key threats to many species, are arguably actions that could be considered direct human pressures. The WCA is commonly used for the very purpose of protecting Schedule 5 species from land-use changes and is the basis for much of the engagement with development planning, avoidance, and mitigation. JNCC's proposal to exclude species endangered predominantly as a result of habitat loss and limit the interpretation of what constitutes human pressure directly contradicts both Bern Convention guidance and the benefits provided by the Act acknowledged by JNCC in previous [QQRs](#). Whilst the Eligibility Criteria appear to identify species based on their conservation status and need, the proposed Decision Criteria will limit applications that have any real conservation impact such as acknowledging and addressing the effects of works such as large housing developments and road expansion schemes which have much greater impacts on population declines than localised threats.

The suggested definition for the term 'place of shelter' for animals also appears to narrow the scope for interpretation of a species' needs to survive. The inclusion of the word 'permanently' is deliberately and unnecessarily restrictive; many species such as harvest mice, hazel dormice and reptiles use multiple sites to rest or nest, moving frequently. Many, like hedgehogs, have no strict territory. The use of 'regularly' is unhelpful and unclear; without frequent and regular monitoring of sites, how will the regularity of the use of a site be established? A looser definition that defines a *place that provides elements of habitat essential for its survival which may include for protection, reproduction, growth, resting, hibernating, raising young, dispersal etc* is recommended while consideration should be given to factors affecting connection of meta-populations and potential for dispersal of young from their home range.

It is not clear how the Decision Criteria have been applied for either retaining, adding, or rejecting species within this review. Whilst evidence to show the decision-making would be welcomed, it would not obviate the objections listed above.

These proposed changes threaten to undermine decades of conservation work for many UK species. Restricting the number of plants and animals being offered protection and the types of threat from which they are given protection by the primary piece of legislation protecting Britain's

wildlife right now is not acceptable. In this period of biodiversity crisis, our wildlife should be given stronger protection, not having one of the few mechanisms available to protect being weakened.

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 in principle it is 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 in principle the use of the precautionary approach is welcome. But only in addition to the objections outlined in the responses to the first two questions. The fact that pine martens are proposed to remain listed is welcomed. However, it is not clear how different elements of evidence were weighted and what will be required in future reviews.

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)

Schedules 5 and 8 currently provide very narrow protection for a small range of species. However, this is often the only legal protection many UK species have and therefore any proposals to reduce its effectiveness are extremely worrying. The proposed changes to the criteria appear to be an attempt to prevent the use of schedule 5 to protect animals from habitat loss through development. Whilst not the original remit of the WCA, it is a benefit acknowledged in previous QQRs. Any move to remove this protection is wholly inappropriate when over 40% of species are in decline (Nature Positive 2030), 15% of assessed species are currently threatened with extirpation from Great Britain and 2% are already gone. Over the last 50 years there has been a 13% decline in average species’ abundance, with signs of a worsening trend in the past decade. It is also clear that many species in the UK are undergoing rapid changes in range.

At a broader level, a pragmatic and consistent approach would be to afford similar protection to all species that birds receive under the 1954 Protection of Birds Act. The approach adopted in Ireland where statutory protection for the habitats in which listed species occur should be considered. Robust legislation would also include positive intervention measures, rather than being limited to provisions to tackle negative impacts. Further conversation between JNCC and interested parties is widely welcomed in the future.