

## Freeports

Consultation response by Wildlife and Countryside Link  
July 2020

*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.*

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### EXECUTIVE SUMMARY

Freeports present a number of significant environmental challenges which are not considered in the consultation document. Evidence from freeports in other countries demonstrates that lax application processes and regulation, poor enforcement and opaque customs processes have led to serious environmental degradation. These proposals are especially concerning when considered in the context of broader planning reforms announced by the Prime Minister on 30 June, of which we await further detail. We are concerned that the establishment of a freeport network should not contribute to a deregulatory agenda without being balanced properly by consideration of environmental risks. If the UK is to live up to its ambitions of global green leadership, restore nature for the next generation, and meet its legally-binding net zero carbon target by 2050, it must adhere to stringent principles of environmental protection in the consideration and establishment of a freeport network (and development more broadly). Freeports should not be considered an option for the UK if there is any risk that environmental protections and standards will be compromised now or in the future. Any specialist regulatory regime for freeports must not involve, enable or equate to a lowering of important environmental protection and standards, in line with the Government's commitment not to regress, and that commitment should be enshrined as a legally binding principle in its Environment Bill and equivalent legislation in the other countries of the UK.

Planning freedoms proposed in the consultation to fast-track freeports could directly threaten the natural environment at proposed development sites. This is of particular concern given that many of the UK's most important nature conservation sites are located along the coast in, or adjacent to, seaports. Permitted development rights should not be expanded to align regulatory requirements for air and seaports and we are concerned with the use of permitted development rights for freeports more generally. Protected areas, such as Special Areas of Conservation, Special Protection Areas, Ramsar sites and Sites of Special Scientific Interest, must be excluded from any planning freedoms associated with freeports and statutory assessment processes, including Strategic Environmental Assessment, Habitats Regulations Assessment and Environmental Impact Assessment must continue to apply. The proposals for planning freedoms could also constrain public access along the coast and threaten other public rights of way in the area.

Proposed relaxation of customs processes poses environmental risks beyond the geographic location of the freeport itself. The UK's biosecurity, particularly for invasive non-native species, is already poor. Non-native species arrive and establish on our shores at a rate of approximately 200 per year, 12 of which become invasive on average, costing the UK economy £2 billion annually. Freeports as proposed would increase the permeability of the UK's ecological barrier to the point that our biosecurity defences could not cope without a significant and immediate overhaul.

The implications of freeports for illicit and illegal trade in endangered species and animal products are also significant. Endangered species should be identified as excluded goods, and freeports should ensure all required checks are in place to protect against increases in this trade.

Inspectors must be well-trained in all biosecurity and CITES/COTES requirements, and inspections must be conducted regularly and randomly. There must be sufficient funding so that inspections are resourced to ensure the enforcement of environmental (and other) rules.

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## INTRODUCTION

There is clearly momentum behind the government's freeports proposals, given their collective backing by the Treasury and Departments for Transport, International Trade, and Housing, Communities and Local Government. However, the consultation is conspicuously lacking in its consideration of the many potential environmental implications of freeports. Freeports pose serious environmental risks, both for the land and sea on which the freeport is created if important environmental regulations are not upheld, and for the wider environment and animal welfare if freeports do not respect the need for vigilant biosecurity and customs processes.

Previous and existing examples of freeports from around the world have been associated with reduced environmental standards and a 'race to the bottom'. Freeports (or 'special economic zones') in a number of countries, including China, Mexico and Vietnam, have faced serious environmental degradation, including water, air and land pollution as well as huge industrial waste. Poor monitoring and enforcement and unusual or opaque processes can also hinder the environmental performance of such areas.<sup>1</sup>

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<sup>1</sup> FIAS, 'Special Economic Zones: Performance, Lessons Learned, and Implications for Zone Development' (The World Bank Group, April 2008); Zhihua Zen, D. (2015). Global experiences with special economic zones. World Bank Group. Policy Research Working Paper 7240; Nguyen Minh Quang, 'SEZs in Vietnam: What's in a Name?' *The Diplomat* (14 September 2018), <https://thediplomat.com/2018/09/sezs-in-vietnam-whats-in-a-name/>; Ilona Serwicka and Peter Holmes, 'What is the extra mileage in the reintroduction of 'free zones' in the UK?' (UKTPO Briefing Paper 28, 2019); Paul Hatchwell, 'Free ports - economic benefit or planning blight?' *Environment Analyst* (22 September 2019) <https://environment-analyst.com/dis/82349/free-ports-economic-benefit-or-planning-blight>

We await details of the reforms to the planning system announced by the Prime Minister on 30 June<sup>2</sup>. Hasty planning reforms focused on increasing trade or growth without full consideration of environmental consequences could put the UK environment in harm's way and entail hidden environmental costs. We are concerned that the establishment of a freeport network should not contribute to a deregulatory agenda without being balanced properly by consideration of environmental risks. It is vital that freeports – and development more broadly – retain all existing environmental rules and regulations to prevent environmental harm and align with the government's own environmental ambitions and legislative commitments. This will also be essential to the economic success of freeports, since competitive advantage will lie increasingly with businesses operating to high environmental standards and offering improved environmental performance.

Before assessing the environmental implications of the consultation in detail, it is important to establish key principles on which freeports should be based if they are to be consistent with the government's environmental ambitions. If the government cannot commit to adhering to these principles in the creation of a freeport network, it should abandon these proposals and seek other means by which to 'boost trade, jobs and investment across the UK' that do not compromise environmental standards.

Key principles which must underpin the consideration of freeport proposals are:

- Freeports must not be used to engage in or facilitate economic activities with the potential to unduly damage the natural environment.
- Freeport proposals must be compatible with and look to further the UK's commitment to achieving net zero carbon by 2050 (2045 in Scotland). Consequently, airports must be out of scope.
- Freeports must uphold rigorous customs processes so as not to facilitate illegal trade in wildlife, including endangered species or restricted animal products, nor those that present a biosecurity risk.
- There must be no regression of existing environmental standards and requirements, including those relating to environmental assessment and statutory protected sites, habitats, landscapes and species. Proposals must also be compatible with all new environmental commitments and requirements, (for example those set out in the Government's 25 Year Environment Plan and which are to be established by the Environment Bill).
- All environmental and animal welfare standards must have primacy over trade policy rules.
- Freeport proposals must be subject to early and effective democratic scrutiny through public participation and consultation at both local and national levels. This is essential to ensure transparency.
- Freeports proposals must be considered together so that the cumulative and in combination impacts of the freeport network are understood and addressed accordingly. This must be

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<sup>2</sup> Prime Minister economy speech, 30 June 2020. Available at: <https://www.gov.uk/government/speeches/pm-economy-speech-30-june-2020>

through a strategic approach to the planning and assessment of the network, alongside other major infrastructure and development.

- Freeports, and the plans underpinning them, should be based on up-to-date and scientifically robust evidence, including evidence on the value of the natural environment. Plans should be monitored and reviewed regularly.
- Freeports, and the plans underpinning them, should be rigorously assessed for their environmental impacts and the results used to improve the plan, to ensure that plans do not exceed environmental limits and tolerances;
- Alternative options must be considered, particularly alternatives that are less damaging to the environment, and the reasons for rejecting any options should be made public.

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## RESPONSE TO CONSULTATION QUESTIONS

### Chapter 5: Planning

Most of the UK's leading port operators have sought to adhere to all required environmental protections and standards, recognising that they are custodians of some of the most important parts of the UK's natural environment (many of the UK's most important nature conservation sites are located along the coast in, or adjacent to, seaports<sup>3</sup>). Therefore, it is critical that there should be no regression in those environmental protection and standards as a consequence of any Government proposals to relax planning controls related to freeports, as is currently the case with existing permitted development rights.

A report by Port Zones UK has suggested that there should be an aim of “reducing delays arising from environmental legislation such as the Habitats Directive and Environmental Impact Assessments [Directive]”.<sup>4</sup> These crucial environmental regimes – which the UK has secured in its domestic rulebook – must remain intact both within freeport zones and across the UK. Furthermore, it is concerning that the Freeports Advisory Panel, at their initial meeting on 5th September 2019, noted that streamlining planning regulations would need to consider “current conservation constraints for ports”.<sup>5</sup> These ‘constraints’ are not mere restrictions for the sake of restricting – they are there to protect our natural world.

Despite being described by Port Zones UK as ‘very lengthy’, ‘rigid’ and ‘over-precautionary’,<sup>6</sup> the Habitats and EIA Directives have been shown to be fit for purpose following reviews at both UK and

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<sup>3</sup> JNCC, Distribution of Special Areas of Conservation: 1130 Estuaries <https://sac.jncc.gov.uk/habitat/H1130/>

<sup>4</sup> Port Zones UK, ‘A Licence to Operate: ‘Enterprise, Development and Free Trade Zones’ (2019) [https://www.britishports.org.uk/system/files/circulars/a\\_licence\\_to\\_operate\\_port\\_zones\\_uk\\_september\\_2019.pdf](https://www.britishports.org.uk/system/files/circulars/a_licence_to_operate_port_zones_uk_september_2019.pdf), p4.

<sup>5</sup> Minutes of the first meeting of the Freeports Advisory Panel (5<sup>th</sup> September 2019) <https://www.documents.clientearth.org/library/download-info/departement-of-international-trade-freeports-clientearth-foi-reply/>

<sup>6</sup> Port Zones UK, ‘A Licence to Operate: ‘Enterprise, Development and Free Trade Zones’ (2019) [https://www.britishports.org.uk/system/files/circulars/a\\_licence\\_to\\_operate\\_port\\_zones\\_uk\\_september\\_2019.pdf](https://www.britishports.org.uk/system/files/circulars/a_licence_to_operate_port_zones_uk_september_2019.pdf), p8.

European Union levels.<sup>7,8</sup> Continued (and indeed improved) implementation and compliance with the domestic legislation that transposes them is needed if the UK is to make good on its global green leadership ambitions and its own domestic commitments.

The Port Zones UK report also suggests that protected area designations should be excluded from seaport limits and boundaries to ensure that permitted development rights are not overridden by these designations.<sup>9</sup> This shows a misunderstanding of these important legislative requirements, where economic consideration cannot be taken into account when determining or reviewing protected areas' boundaries. The UK's network of protected areas (including SSSIs, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Marine Protected Areas / Marine Conservation Zones and candidate and potential sites) must be excluded from any planning relaxation schemes, as is the case with existing permitted development rights and statutory assessment processes including Environmental Impact Assessment and Habitat Regulations Assessment must continue to apply.

#### *Permitted development rights*

In line with our overarching principles, freeports must be considered strategically and be subject to the requisite democratic scrutiny and assessment. Providing this level of oversight will give certainty to those bringing forward freeport proposals and transparency for affected communities. Applicants can then proceed with planning applications with confidence. **We do not support the proposed expansion of existing permitted development rights**, in particular those that would enable expansion of buildings and the development of new buildings without going through the full planning and assessment process. We recognise that there are existing Permitted Development rights for seaports (and the government is looking to extend those to align with airports). However, the proposed expansion of rights must be viewed in the broader context of a freeport scenario, not just a normal seaport operation. In that context, there is a risk of these new rules being applied more liberally with consequent risks for the natural environment, particularly the marine and coastal environment, which is ecologically complex, with issues varying from place to place. Public access to coastal areas and other public rights of way would also be threatened, potentially limiting local communities' ability to access and enjoy nature. The permitted development route is not appropriate for freeport proposals.

We note the Westminster Government is moving towards greater use of permitted development rights (see for example, proposals announced alongside the Prime Minister's speech of 30<sup>th</sup> June<sup>10</sup>). Permitted development is currently exempt from Government proposals in England requiring developments to deliver an overall net gain for biodiversity. This is concerning. Most development needs to be part of a biodiversity net gain system in order for the system to be effective. Indeed, all major infrastructure and large-scale development projects should avoid harming nature in the first place and then be required to deliver a genuine overall net gain for biodiversity.

#### *Strategic planning*

For legal, financial and ecological certainty, freeport proposals should be considered through a strategically planned approach, enabling the requisite assessments and early and effective public

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<sup>7</sup> European Commission, 'Fitness Check of the Birds and Habitats Directives' (2016)  
[https://ec.europa.eu/environment/nature/legislation/fitness\\_check/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm)

<sup>8</sup> HM Government, Report of the Habitats and Wild Birds Directives Implementation Review (2012)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69513/p\\_b13724-habitats-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/p_b13724-habitats-review-report.pdf)

<sup>9</sup> Port Zones UK, 'A Licence to Operate: 'Enterprise, Development and Free Trade Zones' (2019)  
[https://www.britishports.org.uk/system/files/circulars/a\\_licence\\_to\\_operate\\_port\\_zones\\_uk\\_september\\_2019.pdf](https://www.britishports.org.uk/system/files/circulars/a_licence_to_operate_port_zones_uk_september_2019.pdf), p8.

<sup>10</sup> Prime Minister economy speech, 30 June 2020. Available at:  
<https://www.gov.uk/government/speeches/pm-economy-speech-30-june-2020>

participation and engagement – this would mean that any significant environmental issues would be identified early and could be taken into account by freeport developers during the planning of proposals.

If proposals are brought forward through simplified processes / permitted development, there is a real risk of harm to the natural environment and a democratic deficit. The environmental and economic costs from loss of or damage to biodiversity relate not only to the biodiversity lost but also to the multiple ecosystem services which biodiversity underpins (e.g. flood management, improved water quality)<sup>11</sup>.

Lessons should be learnt from the establishing of the scope of permitted development rights for airports which was open to broad interpretation and required clarification through trial, error and legal judgements.<sup>12</sup> Transparency and democratic oversight of freeport proposals is essential and would not be provided through the permitted development route. Although legal challenge may provide a failsafe, this is far from ideal for any parties and we strongly advocate for an initial strategic assessment of possible sites instead, to avoid the potentially more harmful sites from being progressed further.

#### *Local Development Orders*

Local Development Orders (LDOs) have been available for use by local planning authorities in England since they were established through the Planning and Compulsory Purchase Act, 2004. According to the Planning Advisory Service (PAS), by the end of 2018 over 100 LDOs had been granted across 54 councils in England. They give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application to a local planning authority.

We see a limited role for these in freeport development. As a locally led tool, they may be more appropriate than applying blanket permitted development rights to all freeport proposals, and enable site specific issues to be better built in, particularly if details of the proposals are set out in local plans and if the geographic scope could be expanded to cover more than one local authority area (enabling proposals to be set out and assessed in statutory local plans prepared by combined authorities). However, if used further, it is essential that clarity is provided that the special rules relating to Habitats Regulations and Environmental Impact Assessments continue to apply, that planning departments are bolstered to develop and consider these effectively and that these follow on from a national strategic approach (including through Strategic Environmental Assessment and plan Habitat Regulations Assessments) to the consideration of possible Freeport locations – this would enable the cumulative and in combination impacts of the Freeport network to be considered in the round.

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<sup>11</sup> Interim Report – The Dasgupta Review: Independent Review on the Economics of Biodiversity. HM Treasury, April 2020. Available at: <https://www.gov.uk/government/publications/interim-report-the-dasgupta-review-independent-review-on-the-economics-of-biodiversity>

<sup>12</sup> General Permitted Development Order 2015, Schedule 2, Part 8: Class F – development at an airport: Permitted development F. The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.

## **Chapter 8: Additional Policy Considerations**

### **Preventing Illicit Activity**

#### *Illegal wildlife trade*

It is important that any arrangements relating to freeports identify the responsibilities of the UK to combat the illegal trade in wildlife including endangered species of flora and fauna, trade in live specimens or products and derivatives. Arrangements for freeports need to account for the government's commitments to tackling illegal wildlife trade, including through its comprehensive and effective implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other Multilateral Environmental Agreements, any stricter measures the UK has adopted through EU or national legislation, and the commitments contained within the Declaration emerging from the London Conference on the Illegal Wildlife Trade (October 2018).

The consultation makes clear that those trading excluded goods such as firearms and controlled drugs would not be permitted to use freeports. Endangered species identified by the Customs & Excise Management Act 1979 (CEMA) and the Control of Trade in Endangered Species of Flora and Fauna (Enforcement) Regulations 1997 (COTES as amended) should also be identified as excluded goods that cannot be traded in freeports.

Authorities must have sufficient resources available to detect and report incidents of illegal trade and be competent for this purpose. Competence includes having a good working knowledge of the relevant legislation and offences; being able to identify CITES-listed species and being familiar with the types and patterns of illicit trade and fraud schemes they may encounter<sup>13</sup>. Similar considerations should also apply with regard to trade in domestic animals, invasive non-native species and food.

The welfare of any live animals passing through or held in Freeports must also be prioritised, with assurances that adequate handling/housing and isolation facilities are available that provide for the needs of the animals, including appropriate plans for the handling and placement of any confiscated animals. It is also important to ensure that competent, trained personnel are present at all times whilst the animals are at the port and there is access to an appropriately qualified and experienced veterinary surgeon. Furthermore, if handling live animals is part of the function of a freeport, it must be prepared to accommodate animal health and welfare inspections at any time, both announced and unannounced. The impact of security fencing and other security measures on native wildlife in the vicinity of Freeports should also be given due consideration prior to their licencing, and appropriate action taken to ensure that adverse impacts are avoided.

#### *Whale meat*

We seek to prevent the use of UK ports or UK waters for the transport, transshipment or movement of whale meat and other products of whaling. Currently, the transit of whale meat and products through UK and EU ports is legal as long as the relevant paperwork is in order and whale products do not clear customs and thus enter the UK or relevant EU country.

Since 2000, we have seen concerted efforts by Icelandic and Norwegian whalers to increase their profits by exporting fin and minke whale meat to Japan (their primary market) and other countries. Such transit has often involved whale products moving through ports in countries opposed to commercial whaling and the trade in whale products. Whilst multiple international and EU laws

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<sup>13</sup> UNODC. (2012). ICCWC launches wildlife and forest crime kit. Accessible here <https://www.unodc.org/unodc/en/frontpage/2012/July/iccwc-launches-wildlife-and-forest-crime-toolkit.html>

prohibit the disturbance, killing and commercial trade in whales and products, European countries, including the UK, have effectively facilitated the whaling industry by allowing whale meat to pass through their ports. This must end, and the UK's exit from the EU provides an opportunity for the UK to implement stronger rules in this regard.

Iceland and Japan have each taken out a 'reservation' against the listing of fin whales under Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and can legally trade this endangered species with each other. Iceland is the largest exporter of whale meat: Japan the largest importer.

Similarly, Norway, along with Japan and Iceland, holds a 'reservation' against the listing of minke whales under Appendix 1 of CITES and, therefore, can legally trade minke whale products with each other.

At least four shipments of whale products have passed through Southampton in recent years: in March 2013, January 2014, September 2014 and October 2016.

Whilst we recognise that the concept of freeports may be attractive from an economic perspective, those wishing to move their whale meat products around the world must not be permitted to do so via UK freeports.

### Environmental impacts

#### *Freeports and the water environment*

Studies indicate that the establishment of freeports can impact the water environment, due to the water quality impacts of rapid expansion in associated urbanisation and economic activity, and through the consumption of water resources.<sup>14</sup>

Water quality has been shown to be impacted by both point source and diffuse urban pollution associated with freeports. Discharges of chemical pollutants increase due to the development of industry associated with freeports, and the range of pollutants can be wide due to the establishment of a broad spectrum of manufacturing and other processes across the surrounding areas. Given the limited number of chemicals for which safe thresholds have been established, and the information gap on the identity and toxicity of the chemicals emitted into the environment – even under the main EU chemical Regulation enabling their control through regulation such as under REACH (the Registration, Evaluation, Authorisation & restriction of Chemicals) – the scope for impact upon freshwater, estuarine and marine habitats and species, and on human health, is considerable. This is even more the case considering our lack of understanding of the impacts of many chemicals in real life, even those that have been deemed 'safe' when tested in a laboratory, through chemical 'cocktails' and poorly studied interactions with the environment and the human bodies. The promotion of freeports as hotbeds for innovation may see greater activity and reduced regulatory oversight in these areas.

Diffuse pollution around freeports is particularly correlated with the proliferation of impervious surfaces as the port and surrounding areas are developed; whilst this is no surprise it highlights the importance of ensuring that planning rules providing environmental safeguards, such as those relating to sustainable drainage systems, are not bypassed in a bid to facilitate development.

Pressure on water resources has also been noted around freeports, associated with a growing population and with the use of water by business. With many surface waters and groundwater bodies already impacted by abstraction, and climate change set to increase pressure on our water

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<sup>14</sup> Impact of Zones with Special Status on the Environment (Experience of Russia and Kazakhstan) Irina TURGEL1\*, Larissa BOZHKO2, Ekaterina PRACHEVA3, Abdrakhman NAIZABEKOV4. 2019, vol. 23, no. 2, pp. 102–113 doi: 10.2478/rtuct-2019-0058 Accessed at <https://content.sciendo.com/downloadpdf/journals/rtuct/23/2/article-p102.pdf>



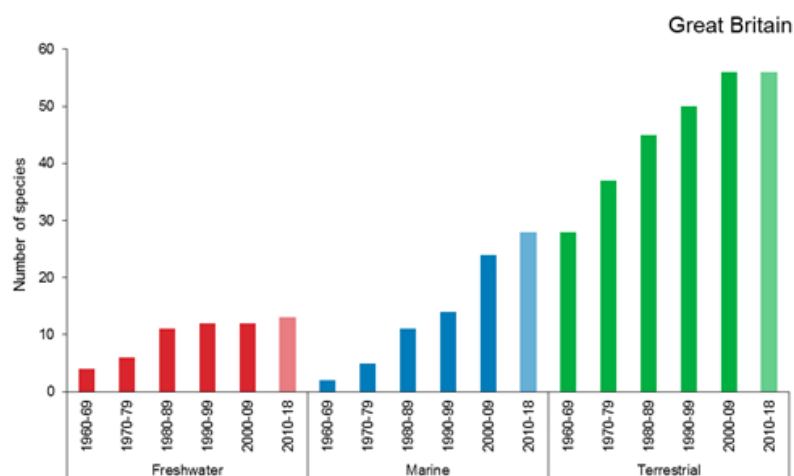
sources, the availability of water should be a consideration in the siting of any freeports, and enhanced water efficiency measures could helpfully be required across the ports and in associated development. Planning freedoms could be used to secure higher quality developments.

A study of Shenzhen<sup>15</sup>, the world's first Special Economic Zone, recognised that the water-related impacts of the zone decreased after a certain critical point of development, potentially 'as policies are implemented to reduce pollution'. As reported by the Environmental Agency, 86% of river water bodies in England had not reached good ecological status by 2016. Therefore, it would seem prudent not to wait for these impacts to occur but to ensure that sufficient environmental regulation and oversight is employed up-front so as to prevent their realisation.

#### *Freeports and Invasive Non-Native Species (INNS)*

The Joint Nature Conservation Committee (JNCC) UK Biodiversity Indicator 2019 demonstrates that the spread of INNS is intensifying across marine, terrestrial and freshwater environments (Fig.1). INNS are estimated to cost the UK economy estimated at £2 billion per annum<sup>16</sup>.

The UN Convention on Biodiversity<sup>17</sup> (CBD, Article 8) and the UN IPBES (Intergovernmental Science-Policy Panel on Ecosystems and Biodiversity) identify the impacts of INNS as one of the five principal drivers of biodiversity loss globally, the latter emphasising a 70% increase in global INNS numbers since 1970.<sup>18</sup> The current UN CBD Zero Draft of the Post-2020 Global Biodiversity Framework identifies INNS Biosecurity as Action Target 3 (of 6) to reduce threats to global biodiversity.<sup>19</sup> **It calls for strict control of all pathways for INNS introduction.**



**Fig. 1 JNCC UK Biodiversity Indicator 6<sup>20</sup> - Number of invasive non-native species established in or along 10% or more of Great Britain's land area or coastline, 1960 to 2018** (the most recent period covers a shorter period than the other bars)

<sup>15</sup> Chen, Y., Zhang, Z., Du, S., Shi, P., Tao, F., and Doyle, M. (2011), Water quality changes in the world's first special economic zone, Shenzhen, China, *Water Resour. Res.*, 47, W11515, doi:[10.1029/2011WR010491](https://doi.org/10.1029/2011WR010491)

<sup>16</sup> CABI, The economic cost of invasive species on Great Britain (2010) <https://www.cabi.org/VetMedResource/ebook/20123122024> (adjusted for inflation in 2018: <https://www.wcl.org.uk/multi-billion-pound-bill-from-nature-invaders-set-to-soar-post-brexite.asp>)

<sup>17</sup> UN CBD, Article 8 <https://www.cbd.int/invasive/>

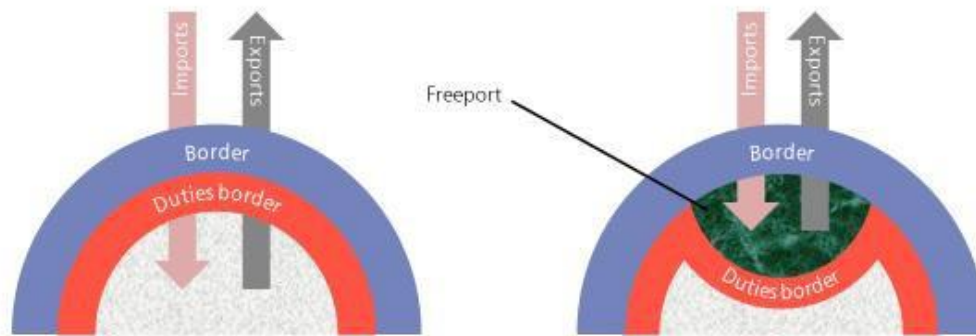
<sup>18</sup> IPBES, The Global Assessment Report on Biodiversity and Ecosystem Services (2019) <https://ipbes.net/global-assessment>

<sup>19</sup> UN CBD Zero Draft of the Post-2020 Global Biodiversity Framework <https://www.cbd.int/doc/c/efb0/1f84/a892b98d2982a829962b6371/wg2020-02-03-en.pdf>

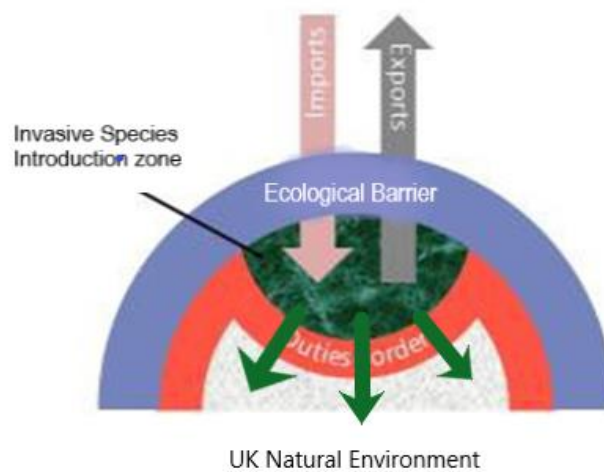
<sup>20</sup> JNCC, UK Biodiversity Indicators: B6 Invasive Species (Sept 2019) <https://jncc.gov.uk/our-work/ukbi-b6-invasive-species/>

International trade is the single most important pathway for the movement and introduction of INNS globally.<sup>21</sup> The globalisation of trade has led to a rapid increase in rates of INNS movement and introduction.<sup>22</sup>

Free Trade Zones and freeports specifically have been identified as particularly high-risk sites for the accelerated introduction and early establishment of INNS.<sup>23</sup> This can be illustrated by adapting the consultation document's diagram of trade and goods movement in the Free Port model (Fig.2), to illustrate the ecology of trade-associated movement of INNS (Fig. 3):



**Fig. 2** The consultation's diagram illustrating trade movements in the Free Port model



**Fig. 3** The consultation's diagram adapted to show the ecological effects of movement of invasive non-native species via trade in the Free Port model. Freeports would breach ecological barriers (blue line) and introduce INNS to the UK in the absence of adequate prevention and early warning/rapid response capacity (red line), thus facilitating species invasion into our natural environment.

Britain is an island. Ecologically speaking, our border – the blue line in Fig 3 – constitutes not just a trading junction, but also a critical natural ecological barrier. Our ecological isolation is not total, but it has been a factor allowing our native ecosystems and ecological communities to develop their

<sup>21</sup> CABI, 'A new approach to horizon-scanning: Identifying potentially invasive alien species and their introduction pathways' (2017) <https://www.cabi.org/ISC/abstract/20183016948>

<sup>22</sup>Hulme, Journal of Applied Ecology. Trade, transport and trouble: managing invasive species in an era of globalisation. (2009) <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1111/j.1365-2664.2008.01600.x>

<sup>23</sup> EDDMapS, Developing a State Invasive Species Program <https://www.eddmaps.org/about/programs.cfm>

distinctive character – the Celtic rainforests, lowland heaths, the downlands, chalk streams, the Caledonian pinewoods and all the natural treasures that so enrich and define our lives in the UK countries.

We know that the red line in the figures – the ‘Duties Border’ – is already dangerously permeable to INNS introductions, as shown in Fig. 3. From Defra’s own data, at the very least, 12 new non-native species are currently carried to, released, and establish in the wild each year in the UK<sup>24</sup>. However, with the EU Invasive Alien Species (IAS) Regulation recently translated into domestic legislation, we have a new legal focus on prevention and biosecurity that, if implemented effectively and if species lists are extended, updated and aligned with trading partners, has the potential to significantly improve national biosecurity for the UK countries. Allowing new species to arrive and escape – accidentally or deliberately – in freeport areas of Britain risks making that implementation difficult and, in some cases, impossible.

If freeports are established in the UK, the ecological barrier of our island risks being more easily and frequently breached by novel invasive species, and there will be an increased risk that the natural ecosystems of these islands may be irreparably damaged as a result. Moreover, as novel, post-Brexit trading relationships are developed, the array of novel invasive species arriving may expand and extend in new and unpredictable ways.

Current biosecurity arrangements are already failing – as highlighted in recent months by both the House of Commons Environment Audit Committee Invasive Species Inquiry<sup>25</sup> and the House of Lords EU Committee Brexit and Biosecurity Inquiry.<sup>26</sup> The chances that current permeable INNS border arrangements will be able to cope with this sudden intensification of INNS pressures on native ecologies are small.

These concerns apply to both coastal (seaport) freeports and the proposed inland freeports. 90% of global freight (by weight) is carried by sea, and aquatic alien species are carried in large numbers by ships, either by fouling hulls or in ballast water, often to arrive in port environments suitable for establishment.<sup>27</sup> However, airports also present a significant threat. Between 1984 and 2000, 73% of pest species interceptions in the US occurred at airports rather than seaports, with twice as many pests associated with baggage than cargo.<sup>28</sup>

In response to this critique, assurances may be given that adequate biosecurity regulations will be put in place to address the issues. We should note, however, that even with welcome regulatory strengthening, this cannot be expected to be wholly effective. With regard to freeports and the regulation of illicit trade, the OECD finds that: *“There may therefore be important gaps in the ability of customs to enforce the ban or restriction of these goods [such as ozone-depleting substances, hazardous goods, or invasive species] into and out of the zones; moreover, there may be an elevated risk of unintended release into the national territory.”*<sup>29</sup>

Regarding INNS there are, therefore, compelling ecological arguments against the establishment of freeports in the UK. We maintain that only a decision against developing UK freeports will allow the

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<sup>24</sup> NNSIP, GB Non-Native Species Report Card (2017) <http://www.nonnativespecies.org/downloadDocument.cfm?id=1116>

<sup>25</sup> House of Commons Environmental Audit Committee, Invasive Species Inquiry (October 2019) <https://publications.parliament.uk/pa/cm201919/cmselect/cmenvaud/88/88.pdf>

<sup>26</sup> House of Lords EU Energy and Environment Sub-Committee, Brexit: Plant and Animal Biosecurity inquiry (October 2018) <https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/191/191.pdf>

<sup>27</sup> International Maritime Organisation, Overview <https://business.un.org/en/entities/13>

<sup>28</sup> Hulme, Journal of Applied Ecology. Trade, transport and trouble: managing invasive species in an era of globalisation. (2009) <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1111/j.1365-2664.2008.01600.x>

<sup>29</sup> OECD, Governance Frameworks to Counter Illicit Trade (2018) <http://dx.doi.org/10.1787/9789264291652-en>

UK countries to fully align with the letter and spirit of the environmental principles of both Precautionary and Preventative Action; Article 8 of the CBD; UN Zero Draft Biodiversity Action target 3; and the IPBES imperative for transformative change to halt and reverse biodiversity loss.

Failing that, major investment and strict new INNS biosecurity and response measures and regulations must be put in place as an absolute minimum, if an acceleration of biodiversity loss across the UK countries is to be avoided.

Accordingly, in October 2019, the Environmental Audit Committee concluded<sup>30</sup>, among other recommendations, that the UK government should:

- Establish a dedicated border force by 2020 to improve biosecurity at UK borders
- Ban imports of problem species before they present a risk to the UK
- Set up a rapid response emergency fund to enable agencies to tackle a threat before it becomes out of control
- Increase funding to Non-Native Species Secretariat to at least £3 million a year and establish a dedicated inspectorate for invasive species biosecurity

The establishment of freeports would add a significant new burden and risk over and above the 'background' INNS problems these recommendations were designed to address. Therefore, these recommendations represent *less than minimum* requirements should freeports be established in the UK.

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<sup>30</sup> House of Commons Environmental Audit Committee, Invasive Species Inquiry (October 2019)  
<https://publications.parliament.uk/pa/cm201919/cmselect/cmenvaud/88/88.pdf>