



Saints and sinners

Commons Factsheet No. 12

Saints and sinners

Some special wild plants and animals in the UK are protected by both national and European law. Legislation can either apply to a whole group or may be confined to a single species. Some of these may be present on your common or green, and this factsheet outlines your general rights and responsibilities and the law relating to those plants and animals you are most likely to come across during management activities. Another issue is that some highly invasive plants and animals which are relatively recent colonisers of Britain (usually introduced deliberately or unwittingly by people) can seriously affect native habitats or wildlife. This factsheet describes some of the species it is most important to deal with, when you need to notify others about their presence and where to go for help or advice.

Protection of wildlife

The law concerning wildlife can be fairly complex. For example, most wild birds, their nests and eggs are protected. Some rarer ones are also additionally safeguarded against disturbance during the breeding season, whilst others (including some game birds, wildfowl and pest species) can be killed at certain times or with certain permissions. The important thing to remember is that much of our wildlife enjoys some form of legal protection. Lists of protected species can be found on the internet (see sources of further information).

Some very rare or vulnerable animals are protected including:

- all bat species and their roosts
- sand lizards
- smooth snakes
- great-crested newts
- natterjack toads
- otters
- dormice
- red squirrels
- badgers and their setts
- water voles and their burrows



Great Crested newt and red squirrel are among the species protected by law

It is necessary to have the consent of the landowner to legally uproot any wild plant, while for specified rare plants it is not legal to pick, uproot or destroy them under any circumstances. Bluebell bulbs and seeds may not be offered for sale without authorisation.

In practice on most commons and greens the protected wildlife that the landowner or manager is most likely to encounter will be badgers, bats, dormice, great-crested newts or water voles. If you are concerned that any activities you are planning on your common or green may cause disturbance or damage to any of these protected species there are several organisations you can consult for advice.

Most counties have reptile and amphibian, badger and bat groups who can help, while queries on newts, toads, lizards and snakes can also be passed on to the Amphibian and Reptile Conservation Trust, and queries on invertebrates, to Buglife. Your local County Wildlife Trust or (for birds) the RSPB can usually also help or pass an inquiry on to someone who can.

Natural England also provides a series of Species Information Notes on a number of protected species, available from their website.

Plants out of place

There are very many plants in the British countryside which are not native. Introductions through nurseries, gardens, imported materials and other routes have allowed plant species to become naturalised among our native flora.

Most of these cause little or no problems, and most of us are unaware that a lot of the plants

we are familiar with come from somewhere else in the world. These range from small flowers such as pineapple weed in field gateways, to evening primroses on sandy soils, or sycamore and horse chestnut trees in our woodlands and parks.

However there are a small number of species which can shade out native plants and the fauna they support, break through paths and roads, choke ponds and ditches or increase soil erosion.

Terrestrial plants

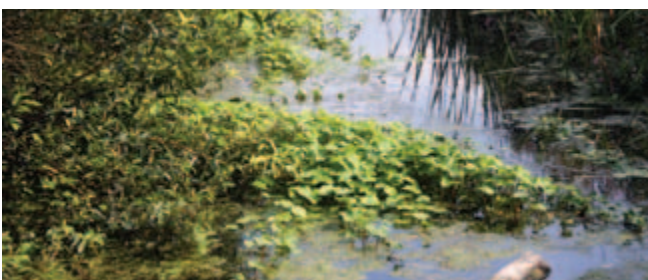
The best known of these is probably Japanese knotweed. It is a medium height herbaceous perennial which casts a dense shade, can grow up through tarmac and concrete and is very deep rooted. This and other plants such as North American shallon on heathland and pirri-pirri bur from New Zealand on sandy soils, exhibit many of the characteristics of these problem plants.

They are generally highly competitive, can spread rapidly, often from small fragments as well as seed, are tolerant of a wide range

The list of plants which should not be planted or grown in the wild is reviewed from time to time. Plants to look out for which can spread rapidly and which it is best to remove include variegated archangel, Himalayan balsam, cultivated cotoneasters, other species and hybrids of Japanese knotweed, evergreen and turkey oak, shallon, Virginia creeper, common Rhododendron (*R. ponticum*) and the aquatic parrot's feather, water lettuce, floating pennywort, curly waterweed, Carolina watershield and New Zealand stonecrop.

What should you do about invasive plants on your common or green?

- Carry out regular checks for new and unfamiliar plants and if you find one, get it identified as soon as possible
- If an invasive plant arrives, take steps to remove it as soon as possible while it is still restricted in distribution
- Use full protective clothing to cut down giant hogweed - it produces a poisonous sap that causes severe skin blistering which can re-occur
- Research how you will dispose of cut material before you begin work - in some cases you will need approval by the Environment Agency or Natural England
- Be aware that many of these plants can spread from small fragments - mechanical cutting can spread the infestation and transport material to other sites on the machine
- If you are not able to carry out full control measures, prevention of flowering in the case of some species (Himalayan balsam, giant hogweed and giant rhubarb for example) will at least contain the plant until effective elimination measures can be implemented
- If you do start an elimination programme – persevere! Most successful programmes are those where people have persisted over time



Water pennywort spreading over a small stream

of climatic and physical conditions and are resistant to the usual herbicides.

Aquatic plants

In many ways, the freshwater aquatic plants are possibly the most challenging. They can spread very rapidly over the water surface, blocking out the light and eliminating or reducing immersed plants.

This can lead to declines in aquatic invertebrates and fish, lower oxygen levels and can choke water courses and cause local flooding. For example, water pennywort can spread at the rate of 20cms a day and cover water surfaces with a mat of vegetation up to one metre thick!

Stemming the tide

Many of these introductions established and spread many years ago. Rhododendron and shallon were introduced as game cover, and species such as variegated archangel have escaped from gardens. Others have been released into the wild by people who probably had no idea of their potential for harm (for example by emptying an aquarium containing parrot's feather into the local pond). Many of the aquatic species are now well established (New Zealand pygmyweed is believed to be present in around 10,000 sites), but some such as sub-tropical water lettuce and curly waterweed are not yet so widespread in the wild although they may be favoured by climate change.

If you find one of these plants on your common or green, or a new plant appears which you cannot identify, there are several places to go for help. If the site is an SSSI (see *FS 6 How important is our common?*) contact Natural England.

For all sites with ponds, ditches, streams or other wetlands get in touch with the Environment Agency. The EA can also advise on treatment and disposal of terrestrial species and in any event they must by law be notified before management or disposal

New Zealand pygmyweed (also called Australian stonecrop) is a good example of the ability of many of these introduced plants to persist. It grows in a dense mat on and in water where it can live around the damp margins and in water up to 3m deep, forming a dense mat of vegetation which excludes most other plants. It can tolerate shade, and a variety of water conditions including a range of water chemistry and intermittent increases in salinity, it is resistant to desiccation for several months, and can tolerate temperatures down to -18°C. There are no known methods of biological control (plant-eating insects for example) for this species, and it is resistant to most chemicals. It spreads rapidly: it can cover a large pond in as little as three years and can be spread from site to site by fragments as small as 3mm. Clearly the quicker a species like this is spotted and removed the better - once such a plant becomes established, continual control is the only option.



Himalayan balsam is an attractive annual plant with pink flowers growing in damp ground at the side of ponds, ditches and streams. It is our tallest annual, growing to over 2 m and shades out underlying vegetation, leaving the banks of watercourses open to erosion during winter floods. As it produces large quantities of nectar, it attracts insects away from nearby native flowers which then may remain unpollinated and produce fewer seeds. Himalayan balsam spreads by seeds which are thrown up to 3m from the plant by an explosive seed pod and often land in water to be taken downstream where they germinate both in and alongside the water. However, the plant has two weaknesses: it is susceptible to grazing by domestic livestock and its seeds are only viable for 2-3 years. This means that if control measures start at the furthest upstream point, and the plant is not allowed to flower for three years, it can be eliminated.



of Japanese knotweed or giant hogweed. There are several websites which give detailed information and advice, and environmental contractors often offer a service eliminating some species. Keep an eye on the websites listed in Sources of further information and news bulletins - new species are arriving all the time. A recent example is Phytophthora which causes blight on plants (the outbreak of potato blight in Ireland in the 1840's and sudden oak

death which has killed millions of trees in the western United States are both examples of this). Currently there is concern about species of Phytophthora which have arrived in the UK and are spreading, affecting trees, ornamental shrubs and bilberry and heather. The main host is the common rhododendron and if you suspect you have found it, you must notify the authorities (see Sources of further information).

Animals

Most of the animals which have arrived from abroad, such as the rabbit and some species of deer, have been here some time. More recent arrivals are American mink and ring-necked parakeets.

Several invertebrates have also arrived including the recent harlequin ladybird (a serious threat to our native ladybirds), and

American mink were first introduced into Britain in 1929 and were kept in captivity and bred for their fur. Animals escaped and spread in the wild - all wild mink are descended from fur farm introductions. They are usually associated with water. The decline or disappearance of a number of native species from many areas, including moorhens and water voles, has been attributed to this voracious predator. For information on mink control contact the Game and Wildlife Conservation Trust, DEFRA or the RSPCA.

species of flatworm. Most such animals that you might encounter on your common or green will either be so well established that they are seen as part of the accepted fauna (e.g. rabbits, grey squirrels), will perhaps occur sporadically (for example American mink), or perhaps are moving into the area (Muntjac deer in some areas).

In addition there will be species which are deliberately released, such as goldfish or European pond terrapins into ponds. Yet others may have been absent for centuries and have now been released accidentally (wild boar) or as part of an approved scheme (European beavers). Not all these species have caused problems, and some are so well established as to be considered native. Once again, contact with Natural England on SSSIs, the Environment Agency or one of the other organisations listed under Sources of further information may be able to help if you find you have a problem species.

In some cases (e.g. American mink) you may want to engage the services of a pest control company if you feel the problem is sufficiently serious.

The white-clawed crayfish is the only native crayfish in the UK, living in a variety of water-bodies, rivers, streams and ditches, but usually in clean, unpolluted, calcium-rich water with low silt levels and suitable refuges such as projecting tree roots, vertical banks and overhanging vegetation. It is a keystone species, indicative of a healthy aquatic environment. Unfortunately another species, the American signal crayfish has been introduced and has spread rapidly along our waterways. American crayfish are larger and more aggressive than our native crayfish and can kill and eat smaller individuals. More importantly they carry a fungal disease, (crayfish plague) which they are able to resist but which is fatal to our native species. As a result, the white-clawed crayfish has been wiped out in many of our river systems.





Rabbits were introduced to Britain by the Normans



Japanese sika, one of a number of species of deer to have become naturalised in the British countryside

Sources of further information

Amphibian and Reptile Conservation Trust (for advice on relevant protected species and to find your local group):

■ www.arc-trust.org

Bat Conservation Trust (to find your local bat group):

■ www.bats.org.uk

Buglife (for advice on protected invertebrates):

■ www.buglife.org.uk

The Environment Agency (for advice on species control and disposal and notification about relevant species):

■ www.environment-agency.gov.uk

Forestry Commission (for Phytophthora information):

■ www.forestry.gov.uk/forestry/INFD-66THS4

Game and Wildlife Conservation Trust (for information on mink control):

■ www.gwct.org.uk

Joint Nature Conservation Committee (for information on species protection, links to central spreadsheet of Conservation Designations for up to date list of protected species) and links to Schedules 5 and 8 under the Wildlife and Countryside Act:

■ www.jncc.gov.uk

Naturenet (for further information on UK and European legislation):

■ www.naturenet.net

Royal Society for the Protection of Birds (for advice on protected birds):

■ www.rspb.org.uk

The Badger Trust (to find your local badger group):

■ www.badger.org.uk

The Food and Environment Agency (for notification if Phytophthora is found anywhere in England):

■ www.fera.defra.gov.uk

The law on protected and alien plants:

■ www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga_19810069_en_33#sch13

Websites which give detailed information and advice on control of invasive species include:

■ www.fera.defra.gov.uk

■ www.plantlife.org.uk/index.html

■ www.introduced-species.co.uk

■ www.environment-agency.gov.uk/homeandleisure/wildlife/31350.aspx

Your local Natural England office (if your site is a SSSI):

■ www.naturalengland.org.uk

Your local Wildlife Trust (for advice on protected species):

■ www.wildlifetrusts.org

Credits

Text: Footprint Ecology

Design: darkHouse Multimedia

Cover image: Bluebells and stitchwort (Paul Glendell © Natural England)

Page 6: White clawed crayfish (Paul Glendell © Natural England)

One of a series of Factsheets created to help stimulate management on common land and village greens in England.



Natural England is here to conserve and enhance the natural environment, for its intrinsic value, the wellbeing and enjoyment of people and the economic prosperity that it brings.

© Natural England 2010
Commons Factsheet No. 12 (FS12)
Catalogue Code: NE295
www.naturalengland.co.uk

Natural England publications are available as accessible pdfs from www.naturalengland.org.uk/publications.

Should an alternative format of this publication be required, please contact our enquiries line for more information: 0845 600 3078 or email enquiries@naturalengland.org.uk