



Tree Damage Alert No 137

20th May 2010

Wildlife and Countryside Act 1981 – Amendments to Schedule 9

Mainly Plants

Tree Damage Alert 122 issued in January 2008 drew attention to and encouraged readers' participation in a consultation process that proposed a number of non-native plant species be added to schedule 9 part II of the Wildlife and Countryside Act (applies to England and Wales only). A ban on the sale of some of the invasive non-native species was also proposed. These proposals reflected concerns about the ability of certain non-native plant species to invade and compete with native species of flora and fauna.

Following the consultation process amendments to schedule 9 came into force on the 6th April 2010 and they include 36 plant species.

The plants added to the schedule are:

Few flowered leek *Allium paradoxum*

Floating pennywort *Hydrocotyle ranunculoides*

Three cornered garlic *Allium triquetrum*

Himalayan balsam *Impatiens glandulifera*

Water fern *Azolla filiculoides*

Curly waterweed *Lagarosiphon major*

Carolina water-shield *Cabomba caroliniana*

Variegated yellow archangel *Lamium galeodolon* subsp. *argentatum*

Hottentot fig *Carpobrotus edulis*

Water primrose *Ludwigia grandiflora*

Hollyberry Cotoneaster *Cotoneaster bullatus*

Floating water primrose *Ludwigia peploides*

Cotoneaster *Cotoneaster horizontalis*

Entire-leaved Cotoneaster *Cotoneaster integrifolius*

Parrots feather *Myriophyllum aquaticum*

Small-leaved Cotoneaster *Cotoneaster microphyllus*

False virginia creeper *Parthenocissus inserta*
Himalayan Cotoneaster *Cotoneaster simonsii*
Virginia creeper *Parthenocissus quinquefolia*
Crocosmia x crocosmiiflora
Water lettuce *Pistia stratiotes*
New Zealand pygmyweed *Crassula helmsii*
Yellow azalea *Rhododendron luteum*
Purple dewplant *Disphyma crassifolium*
Rhododendron *Rhododendron ponticum*
Water hyacinth *Eichornia crassipes*
Rhododendron *Rhododendron ponticum x Rhododendron maximum*
Elodea species
Japanese rose *Rosa rugosa*
Hybrid knotweed *Fallopia japonica x sachalinensis*
Duck potato *Sagittaria latifolia*
Giant knotweed *Fallopia sachalinensis*
Giant salvinia *Salvinia molesta*
Giant rhubarb *Gunnera tinctoria*
Perfoliate alexanders *Smyrnum perfoliatum*

Under section 14 of the Wildlife and Countryside Act it is an offence to plant or cause to grow in the wild any of the species listed in Schedule 9. Defra has published interpretative guidance on Section 14 which can be found on their website.

Inclusion of *Rhododendron ponticum* is of interest because it is used commonly as a rootstock for grafting ornamental varieties. Failure of the scion could result in *R. ponticum* growing and seeding in the wild!

Shallon (*Gaultheria shallon*), Sea Buckthorn (*Hippophae rhamnoides*), Turkey Oak (*Quercus cerris*), Evergreen Oak (*Quercus ilex*) and False Acacia (*Robinia pseudoacacia*) were included in the original consultation list, but they have not been included in the schedule on this occasion.

It is worth noting that, in the schedule, the scientific name of Japanese Knotweed has been changed from *Polygonum cuspidatum* to *Fallopia japonica*. The latter is considered more widely used and accepted (see Arboriculture Research and Information Note 150).

Defra and the Welsh assembly are considering the proposed Ban on Sale of some of the species listed above and an announcement on these is anticipated by the end of the year.

Schedule 9 part I, which refers to animals, has also been amended and the amendments to this are shown below for information and interest.

Harry Pepper, AAIS, Farnham

Annex to Tree Damage Alert No. 137

Wildlife and Countryside Act 1981 – Amendments to Schedule 9 - Animals.

The animals now **added** to schedule 9 part I, and for which it is now an offence to release or allow them to escape into the wild, are:

Mammals

Chinese water deer *Hydropotes inermis*

Wild boar *Sus scrofa*

Ferret (*Mustelo furo*), Polecat ferret (*Mustelo furo x putorius*) and Common rat (*Rattus norvegicus*) were included in the original consultation list, but they have not been included in the schedule on this occasion.

Birds

Northern goshawk *Accipiter gentilis*

Black swan *Cygnus atratus*

Snow goose *Anser caerulescens*

Common crane *Grus grus*

Emperor goose *Anser canagicus*

Red Kite *Milvus milvus*

Bar-headed goose *Anser indicus*

Monk parakeet *Myiopsitta monachus*

Barnacle goose *Branta leucopsis*

Red-crested pochard *Netta rufina*

Eagle owl *Bubo bubo*

Red-billed chough *Pyrrhocorax pyrrhocorax*

Corncrake *Crex crex*

Ruddy shelduck *Tadoma ferruginea*

Rosy-faced lovebird (*Agapornis roseicollis*), Blue-crowned parakeet (*Aratinga acuticaudata*), Helmeted guinea fowl (*Numida meleagris*) and Green pheasant (*Phasianus versicolor*) were included in the original consultation list, but they have not been included in the schedule on this occasion.

Invertebrates

Australian flatworm *Australoplana sanguinea*

Chinese mitten crab *Eriocheir sinensis*

Flatworm *Kontikia andersoni*

Spiny-cheek crayfish *Orconectes limosus*

Flatworm *Kontikia ventrolineata*

Red swamp crayfish *Procambarus clarkii*

Slipper limpet *Crepidula fornicata*

American oyster drill *Urosalpinx cinerea*

The American hard-shelled clam (*Mercenaria mercenaria*) was included in the original consultation list, but has not been included in the schedule on this occasion.

Animals that have been **removed** from schedule 9 part I are:

Mammals

Crested porcupine *Hystrix cristata*

Coypu *Myocaster coypus*

Himalayan porcupine *Hystrix hodgsonii*

Mongolian gerbil *Meriones unguiculatus*

Birds

Bobwhite quail *Colinus virginianus*

Budgerigar *Melopsittacus undulatus*

Note:

The information in this TDA is taken from: "Government response to the public consultation: Review of Schedule 9 to the Wildlife and Countryside Act 1981 and the ban on Sale of Certain Non-native Species. Part 1: Schedule 9 Amendments" and published by Department for Environment Food and Rural Affairs.

<http://www.defra.gov.uk/wildlife-pets/wildlife/management/non-native/documents/section-14-guidance.pdf>.

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