

1 Purpose

The purpose of this voluntary Code of Practice is to

- **protect wild plants** from unsustainable exploitation
- **promote good practice** in the collection, propagation, marketing and sale of native flora with emphasis, but not necessarily exclusively, on species that are native to Britain and Ireland
- **promote a responsible approach** to and an understanding of wild flora conservation by people who trade in and use native flora
- **help plant users choose the right plants** – from the right place – for their projects.

2 Key points

The key points of this Code are:

- adherence to biodiversity conservation standards
- adoption of standard terms and definitions, that will be understood by people who buy and use native flora
- source-identification of all native flora that is marketed and sold, throughout the supply chain.

3 Who may adopt this Code?

Any person, institution or company which undertakes any one, or combination, of the following:

- collection
- propagation
- marketing
- sale

of British or Irish native flora.

3.1 Endorsement

Adoption of this code by an individual, business or other organisation shall not constitute an endorsement by Flora locale or Plantlife. Neither shall endorsement be claimed or suggested during any discussions with third parties, or when marketing or promoting native flora for sale.

However, the Certificate or Statement of Adoption may be reproduced in full by any person or organisation that has adopted this Code.

4 Native flora and area covered by the Code

This Code applies to all flora native to the British Isles and Ireland, as listed in:

- the *New Flora of the British Isles* (Clive Stace,

Cambridge University Press, 1997 and subsequent revisions)

- the accompanying *Field Flora of the British Isles* (Stace, 1999).

and that is traded within Europe. The emphasis of this Code however is upon British native flora.

This Code also applies to some long-established (>500 years) annual wildflowers associated with cultivated land.

Suppliers may also choose to extend the scope of this code to other native species which occur in Europe.

5 Definitions

5.1 Plants, flora

Plants, or flora, for the purposes of this Code, are defined as any plant matter capable of being grown or propagated – including entire plants, seeds, rhizomes, bulbs, corms, roots, cuttings, clonal (including *in vitro*) material.

5.2 British native plant

A British native (indigenous) plant is a plant:

- of a species that is considered native to Britain
- whose genetic variation is likely (given the best available information) to be representative and inherited from plants still growing in the wild, and in native plant communities, **in Britain**¹
- whose native origin is Britain (or if it is a tree or shrub of a widely planted species – whose native origin or native provenance is Britain)
- which has not been selectively bred (e.g. by cultivation of successive generations from the original wild stock or by selective breeding) or modified (e.g. genetically modified) to promote, introduce or remove any specific characters that are found in its wild ancestors.

The term “British native” should only be used to describe flora when it complies with the definition of a British native plant.

5.3 British native species

These are species which naturally colonised Britain long ago and which form self-sown (unplanted) native plant communities (“vegetation types”, “biotopes” or “habitats”). Species considered native and “probably native” to Britain and Ireland are listed in the *New Flora of the British Isles* and the *Field Flora of the British Isles*.

British native plant communities are fully described in the volumes of British Plant Communities (Cambridge

¹ Many species native to Britain are also native to other parts of the world. However, a British native plant, for the purpose of this Code, is one which can be traced back to its wild origin within Britain.

University Press) – also known as the National Vegetation Classification.

British native plant species often grow in discrete geographical areas, are adapted to specific climatic, geological and soil conditions, and grow in specific habitat types (e.g. native broadleaved woodland or lowland calcareous grassland).

*Some species do not occur in all three British countries or Ireland and may not be native to large areas of Britain by virtue of their natural distribution. For example, they may be absent from offshore islands, confined to particular latitudes or altitudes (e.g. alpine species are not found growing away from high mountain areas). In addition some species (such as Autumn Gentian/*Gentianella amarella*) have distinctive forms or subspecies, which occur in discrete regions or in different habitats.*

The natural range of British and Irish native species is shown by 10km squares in the Atlas 2000 published by the Botanical Society of the British Isles. Local floras are also available for each county and provide distribution maps showing the native range of species within that county, usually based on 2km squares². The Flora for Fauna Plant Postcode Database gives lists of native plants by postcode³.

5.4 Native origin

As there are a number of different definitions for the term “origin” within the horticultural trade, for the purposes of describing native plants, the term “Native Origin” should be used.

Native origin is:

- The location of a wild (unplanted) native plant community (in which a stand of native plants grow) or from which a native plant was originally introduced
- The place where the parent wild plants grow or grew (e.g. where a cutting of Grey Sallow was taken from to grow in a nursery).

Crop-grown wildflowers and grasses can be described as being of native origin to the wild location for up to six generations removed from the wild parent (providing no artificial selection has taken place in cultivation). Similarly, tree or shrub seed collected from a seed orchard grown from seed of native origin from a specified locality can also be described as being of native origin to that locality providing the seed orchard is within the same region or locality as the wild parents.

A plant of native origin is one whose genetic makeup has been inherited from and which is representative of plants which still grow in the wild. Unlike cultivated varieties, plants of native origin have not been subject to levels of human interference, or selection processes induced by *ex situ* cultivation, that have resulted in distinctive changes to its wild traits.

The term native origin is synonymous with the definition of origin as provided by Directive 199/105/EC on the marketing of forest reproductive material.

Plants on sale that claim to be of native origin (or native provenance – see below) should have been collected and grown in accordance with best practice protocols as advised by Flora locale, the Forestry Commission or other relevant authorities.

There will always be uncertainties about the origin of many plants, even those which grow in the wild. Many species have probably been “introduced” into localities in the past (e.g. hay meadow wildflowers spread around when meadows were re-seeded before c.1930). Native origin can be claimed for flora originating from wild plant communities where there is a high probability that the plants have not been deliberately introduced in recent times (e.g. c.1930 for grassland & wetland species, c.1750 for tree and shrub species).

5.5 Native provenance

Native provenance should normally only be used to describe trees, shrubs or cornfield annuals, whose native origin is unknown or uncertain.

Native provenance is defined as the place where a stand of native plants grows “in the wild” but where there is a possibility that the plants were planted or introduced and originated from somewhere else. However, the plants appear to be native and well adapted to the site and locality.

5.6 Local provenance

Local provenance describes plants whose native origin or native provenance is close to that where they are going to be planted (i.e. in the same local area). It is a broadly descriptive term that should not be used on its own to specify for or describe native plants.

5.7 Provenance

The use of this term can be misleading and *Flora locale* does not encourage its use. (Provenance is the place from where the plants on sale were collected. This could be the plant nursery or a wild site and the term is often used when the origin of plants is unknown.)

5.8 Wild, native

The terms “wild” and “native” should only be used when the country or locality of native origin or native provenance is given, e.g. “Wildflowers for the garden” (native origin: California, Himalayas). This is to ensure that the consumer is given sufficient information to make a choice over buying

² For information on published county floras, see the BSBI database (www.rbge.org.uk/bsbi)

³ <http://fff.nhm.ac.uk/fff>

and using wildflowers and other plants of exotic, as opposed to British native, origin. Any material so described should not include cultivated varieties or material that does not comply with the definitions of native origin or native provenance.

6 Plant identification

For plants native to Britain and Ireland, the nomenclature of Stace, *New Flora of the British Isles*, should be used when recording and naming the plant species and, where known, the native subspecies and/or variety at all stages from collection to point of sale.

e.g. *Anthyllis vulneraria* ssp. *vulneraria* (Kidney Vetch)

The nomenclature of *Flora Europea* (Cambridge University Press, 1964-80, 1993) or the recognised national Flora should be used when naming species native to other European countries and territories.

All cultivars, genetically modified, selected or other specific categories of ornamental, agricultural, amenity or forest reproductive material shall be properly identified and named in accordance with national regulations that implement relevant European Community law.

7 Conservation

At all times, individuals, organisations and companies adhering to this code shall ensure that their activities do not threaten or unlawfully disturb wild flora and fauna and their habitats.

8 Collection of plants from the wild

- 8.1 Plants (including seed, see 5.1) shall not be collected from the wild for commercial purposes:
 - a. where a single or repeated collection is likely to significantly deplete a population of plants within a site or area
 - d. where such a collection is unlawful (e.g. collection of seed without licence from a species listed on Schedule 8 of the Wildlife and Countryside Act)
 - e. from a Red Data species (e.g. as listed in *Red Data Plants in Britain*, Joint Nature Conservation Committee, 1999)
 - f. from a Nationally Scarce Species (e.g. see *Scarce Plants in Britain*, A. Pearson, D.A. Pearman & C.D. Preston, Joint Nature Conservation Committee, 1994).
- 8.2 Permission from the landowner or other lessee should normally be sought prior to collection

- 8.3 Written permission from the relevant authority should always be obtained prior to collecting flora from any specially protected area, such as a Site or Area of Special Scientific Interest, a wildlife trust nature reserve or a National Nature Reserve.

- 8.4 Plants should not normally be dug up from the wild and taken into cultivation, marketed or sold unless:

- a. the plants have been 'rescued' (e.g. from a site which is to be built upon or ploughed up or a drainage ditch or pond which is being excavated or routinely maintained) – and where the details of the plant rescue are fully documented by the plant collector
- b. the plants have been removed from a site in accordance with good conservation practice (e.g. uprooting Birch seedlings to restore a lowland heath)
- c. where the collection site has been artificially created (e.g. a constructed wetland) and where plants can be harvested on a sustainable basis, in which case the site history should be documented and a protocol applied for sustainable harvesting.

- 8.5 Plants that have been dug up and rescued from the wild (8.4a) may be used for nursery propagation, or transferred directly to a "compensatory" site, but the original plants may not be marketed or sold unless they are widespread and locally abundant species such as Common Reed (*Phragmites australis*).

- 8.6 If collected from the wild, best practice protocols for native flora collection should be followed (e.g. as advised by Flora locale – see Annex II, statutory conservation bodies or the Forestry Commission). Collectors should maintain sufficient documentation about the site(s) of collection and of the parent plants which were the source of the collection (see 9.1 below).

9 Source identification

- 9.1 To enable source identification, individuals who collect plants from the wild or in cultivation should make and maintain accurate records concerning
 - the place and date of collection
 - the species and type of plant matter taken.

Further advice on documenting collections is given in Annex I.

- 9.2 The source should thereafter be correctly identified using marked containers, plant labels, Certificates of Supply, or alternative

systems of marking and documentation that will enable full traceability throughout the supply chain. Plants shall be correctly source identified at all times to plant buyers (e.g. in verbal, electronic or other correspondence) and in advertising and promotional media. The information provided should be sufficiently clear to allow customers to recognise plants:

- that are of native origin or native provenance to a particular locality or country (e.g. British)
- of unknown origin
- that are of cultivated or modified stock.

9.3 When describing the source, the definitions advised by *Flora locale* (see 5) shall be correctly applied. In addition, plant labelling and supply certificates (including the labelling of seed at point of collection, and consignments that are in transit) shall comply with relevant EC and national laws.

9.4 For clarity to the consumer suppliers are advised to explain the meaning of any terms that are used (e.g. the definitions of native origin and native provenance).

9.5 Source identification records should be maintained by the collector for a minimum of five years after collection or as long as the plant or its progeny is held in storage or cultivation (whichever is the longer).

10 Basic information at the point of sale or supply

Key points

Plants of a species native to a country within which they marketed, sold or supplied should be clearly labelled, identifying the country of native origin.

Where the native origin is unknown or uncertain, the plant or consignment label, certificate or contract of supply should state “Native origin not known”. The country of native provenance should be given, where appropriate and known (see 5.5).

Labelling or identification of trees marketed for forestry purposes under Directive 199/105/EC should comply with that law.

Where possible, and as may be required in accordance with any statutory provisions, a more

detailed locality (such as an administrative county or the local seed zone) of native origin or native provenance may be given.

10.1 Plant labels and packaging, or a Certificate of Supply, shall state the following information:

- a. British⁴ native plant (if the plant complies with this definition) – or British native flora, wildflower/tree, etc.
- b. Using standard botanical nomenclature the species name (and the subspecies name and variety if known (e.g. *Centaurea nigra* ssp. *nemoralis*); the common (English or colloquial) name may also be given. (Hybrid material should be correctly named.)
- c. Where necessary, a description of the type of material (e.g. seed, plug plant), its age and size
- d. Source identification information (see Key Point and (a) as above):
 - the relevant definition of native source, or
 - a statement to the effect that the material is a cultivar or other modified variety (a plant that has been selectively bred or modified for amenity, agriculture, forestry or ornamental purposes)
 - the place of native origin and/or native provenance (this may be a country, a region or a specific site or a combination of all three).
- f. Optional: one of the following terms may be used to describe the type of place from which the plants were collected (provenance):
 - crop grown (e.g. seed collected from a wildflower crop)
 - wild-harvested (e.g. seed harvested from a native wildflower meadow)
 - nursery propagated or nursery grown (e.g. nursery propagated plug plant or aquatic)
 - wild-collected (only for common emergent and aquatic species described in 8.4(a))
 - harvested from artificial site (plant or seed collected from an artificial site, such as a constructed wetland)
 - artificially propagated (e.g. using micropropagation)
 - seed orchard.
- g. For seed mixtures originating from crop-grown seed, the weight (or % by weight) of individual constituents of the mix, including the weight of any non-living material (e.g. chaff, soil, sawdust).
- h. For dioecious species of trees or shrubs, male or female plants should be identified or if this is not known a statement to this effect
- i. The name, address and telephone number of the supplier
- j. Any other information as required under

⁴ Equally, if the plant is described as English, Scottish, Welsh or Irish – it must comply with the equivalent definition applied to the relevant country of native origin or provenance

European or national legislation, or that is needed to comply with any other certification scheme under which the plants is to be marketed.

11 Quality

If requested, the customer should be provided with:

- representative seed samples to test
- available information on known/expected seed viability, or potential contamination of any seed lots by species that have not been requested (where known)
- other information concerning plant quality, form and size (e.g. method of packaging and delivery, container or plug size).

(Further conformance standards for quality are available in the Horticultural Trades Association National Plant Specification and Nursery Certification Scheme.)

12 Purchase of plants

In accordance with Fauna and Flora International's campaign concerning the wild bulb trade, entire plants, corms, rhizomes, tubers or bulbs of wild origin should not knowingly be received or purchased unless covered by the exceptions described in section 8.4.

Similarly no plant matter of protected or Red Data species should be received or purchased without authorisation from the competent statutory body.

13 Substitution

When supplying material, the supplier shall adhere to the specification for the plants or seed that has been provided by the customer unless

- prior written authorisation to substitute according to a revised specification has been received from the customer
- the customer's specification is unclear – in which case a revised specification shall be mutually agreed in writing, prior to the material being supplied.

The supplier is advised to keep a written record of any verbal agreement.

To meet this requirement of the Code, the supplier shall remove any standard substitution clauses in contracts and conditions of supply, insofar as the supply of native flora is concerned.

14 Declaration

I declare that

.....
name of operation/business/organisation

has adopted this Code of Practice and shall adhere to its provisions from

..... (date).

Name*:

Signature:

My position:

Address:

Tel/Fax:

Email:

Website:

** this must be a Director or Trustee, Senior Partner or the Sole Trader. Where the operation is a joint initiative of one or more organisations, the person signing this statement must be authorised by the appropriate management group to do so.*

Annex I

Recording details about the place of collection and the flora collected

1 Collections from wild sites

Basic records about a collection site shall include:

- a six-figure grid reference (a four or two-figure grid reference will normally suffice for remote and homogeneous areas, such as extensive seminatural vegetation in the uplands)
- approximate altitude (to the nearest 50m, or 100m for uplands above 1000m)
- place name (site name, nearest town, administrative region)
- description of the type of site (e.g. road verge, ancient semi-natural woodland, scattered trees in deer park)
- for trees and shrubs: the Forestry Commission local seed zone reference number.

2 Collections from planted stands

- Name and location of the nursery or seed orchard and contact details for the operation
- Type of stand/stock from which the collection was made (e.g. a seed orchard or wildflower crop)
- Reference to the data identifying the original wild source (this is necessary to source identify material which can be described as being of native origin and/or local provenance)
- Other data as required by EC or UK law (e.g. for forest reproductive material).

3 Recording other details about the collection

These must include:

- name of species (subspecies and variety where known), using nomenclature according to *Stace* [hybrid material must be properly named using accepted nomenclature standards]
- the registered name for any modified, ornamental or agricultural variety
- approximate quantity of seed or number of plants taken (for material collected directly from the wild)
- name and contact details for the collector
- date of the collection
- a description of the type of material that was collected (e.g. seed)

- any other requirements required by EC or national law.

For collections from the wild, further details that will be useful to collect include:

- name and contact details of the site owner
- approximate number of plants from which material was collected from (e.g. if cuttings or seed was collected)
- a description of the plant community from which the material was collected from (this might be the National Vegetation Classification plant community, the habitat type⁵ or just a list of associated species)
- the name of the local “natural character” zone where this information is available (e.g. English Natural Area, Scottish Natural Heritage Zone)
- information about soils and drainage (e.g. acid poorly-drained clay, pH 4.5)
- geology and physiographic information (e.g. steep south-facing slope on chalk, gravel plateau)
- any other information that describes the condition of the site (e.g. heavily sheep-grazed)
- photographs of the collection site or stand (e.g. of ancient wild trees from which seed was collected)
- any additional information that may verify the material as being of native origin (e.g. reference to research or analyses that may confirm the origin of any timber trees)
- any other information that may assist re-locating the site in the future!

4 Forestry Commission guidance on the identification of tree and shrub seedlots collected from the wild

The following extract is taken from the Forestry Commission's Practice Note *Using Local Stock for Planting Native Trees and Shrubs* (published August 1999):

The established means of recording for a seedlot commonly used in Britain is:

Species/Crop year [using last two digits of the year]/Place of collection [e.g. Forestry Commission Seed Zone, seed stand number];

The species may be referred to by its common name, Latin name, or by a recognised abbreviation;

Example: Midland Hawthorn 99(402) [Midland Hawthorn collected in 1999 from seed collection zone 402].

⁵ e.g. as listed in the *Handbook for Phase I Habitat Survey – A Technique for Environmental Audit*, published by the Joint Nature Conservation Committee (Nature Conservancy Council, 1993) or the Biodiversity Action Plan Broad or Priority Habitat type (see UK Biodiversity Group, 1998, *UK Biodiversity Group Tranche 2 Action Plans: Volume II – Terrestrial and Freshwater Habitats*, published by English Nature).

The FC Seed Collection Zone should only be used when the guidance “Making Seed Collections”, given in the Practice Note, has been followed.

Collectors and suppliers of native tree or shrub seed wishing to apply for Certificates of Local Provenance may need to provide advance notice of their wish to collect seed and should contact the Forestry Commission for details.

Annex II

Protocols for wild seed collection

Protocols on wild seed collection are still under development. However, some guidance is provided below.

- 1 First generation seed (or other plant matter) should only be collected from sites which have not knowingly been influenced by historic plantings of native species, e.g. ancient species-rich grasslands, lowland heath, moorland and semi-natural wetlands.
- 2 Care should be taken over collection of tree or shrub seed from woodlands and hedgerows, as either may have been influenced by planting. Farm or estate records should be consulted where there may be doubt over this.
- 3 Places where seed collection should generally be avoided:
 - Post-1960 gravel pits and mine restorations
 - Re-seeded grassland
 - Verges of new highways, or highways that have been upgraded within the past 30 years
 - Broadleaved plantations and other woodlands which show evidence of recent felling and planting
 - Semi-natural woodlands with regularly-spaced semi-mature or mature timber trees (however, only the main timber trees may be planted - the other shrubs and less valuable trees are very likely to be native to the site or the locality)
 - Post-enclosure hedgerows
 - Pre-enclosure hedgerows which have recently been “gapped up” with trees and shrubs of undocumented origin.

4 Further guidance on collecting seed from trees and shrubs

- Characteristics of native woodlands which indicate that the seed source is likely to be indigenous include: evidence of coppicing, absence of organised planting patterns and wide age-class distribution.
- Recommended sites for seed collection include ancient semi-natural woodlands, ancient (pre-enclosure) hedgerows and stands of mature scrub – such as mature scrub on calcareous grassland, sallow scrub in streamside woods.
- Where possible, the land owner’s or historical estate records should be checked to see if there is any documentation about trees having been previously purchased or planted on the site. Such records may reveal that oak trees were imported, e.g. from France, and planted for forestry or amenity purposes.
- In collecting seed, homogeneity and uniformity should be avoided. Choose a varied population, i.e. an identifiable group or assembly of individuals of the species in question – preferably between 20 and 30 individuals from which equal amounts of seed should be collected. Try not to collect from a single, isolated tree, unless there is no alternative, and do not select trees for particular characteristics. Trees should be sampled to reflect visible variations in the population.
- Parent trees from which seed is collected should, if possible, be isolated from the immediate influence of non-native trees of the same species, so that potential for cross-pollination by exotics and cultivars is minimised.
- In natural stands, it is also important to collect seed from well-separated trees to ensure that seed collection is not confined to a parent and its progeny. A minimum of 50 metres separation between parent trees is recommended.
- The resulting seed collected should be well mixed before being sown. This ensures that seed of individual parent trees is evenly distributed.

5 Harvesting seed from species-rich grasslands

A seed harvesting protocol for species-rich grasslands is described in Section 6 of *The Lowland Grassland Management Handbook* published by English Nature. For information on seed harvesting machinery see the *Practical Solutions Manual* published by English Nature (tel: 01733 455101).

Code of Practice for Collectors, Growers and Suppliers of Native Flora

Statement of Adoption

Name:

is a supplier of plant species that are native to the British Isles, Ireland or the Channel Isles and has adopted *Flora locale's* Code of Practice for Collectors, Growers and Suppliers of native flora.

In accordance with the Code:

- We are able to source identify some/all [delete where not applicable] of the native flora that we supply
- Where we can identify the country or locality of native origin (or native provenance for trees, shrubs or cornfield annuals whose native origin is uncertain) this information is available to customers
- Where we are unable to source identify the country of native origin or native provenance of plants or seed of native species, we will inform the customer that the locality of native origin and/or native provenance is unknown
- We will correctly identify flora that is of cultivated origin or hybrid stock.
- We will only use the terms
 - “British wildflower, British native, British plant” to describe flora that is of native origin (or trees and shrubs that are not of native provenance) to a locality within Britain and that we will be equally discriminating over our use of the term English, Scottish, Welsh and Irish where they are used
 - “wild” (e.g. “wildflower seed”) or “native” to describe any flora that we supply without stipulating the country of native origin or native provenance of the flora being so described.
- We shall only use the terms “local” and “regional” when describing flora of native origin or native provenance (if they are trees or shrubs or cornfield annuals of uncertain origin) to the local areas or regions referred to in our marketing literature or other sales information
- We will not substitute flora specified by the customer with plants or seed that are of
 - a different native origin or native provenance
 - a different species (including hybrid stock)

than that specified, unless the customer has agreed to this beforehand.

We give permission for our details to be included in a list of native flora suppliers that will be maintained by Flora locale and made available to the public.

Signed: Name:

Position in organisation:

Date: