



Council of the  
ISLES OF SCILLY

# **Managing Council Open Spaces and Highways for Nature Policy**

Environment Service

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<b>Version History</b>			
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## 1. Purpose

The purpose of this policy is to provide a framework for consistent decision making and guidance on maintaining and enhancing biodiversity in the context of the maintenance of the Council's managed highways and open spaces.

This Policy demonstrates that the Council of the Isles of Scilly is committed to supporting a national strategy where biodiversity is maintained and enhanced. This will act as an operational document to guide our operational services in maintaining and managing our open spaces, verges and hedges. It will help ensure any identified degradation to biodiversity is halted and where possible, net gains and restoration are achieved.

This operational document complements the supplementary planning document on biodiversity and geodiversity. Where it is not safe or practical to mitigate habitat loss, the Council will make use of opportunities to improve biodiversity on Council owned and/or maintained land on the Isles of Scilly. The Council will work with partners, including other landowners/land managers to offer advice and guidance to aid in restoring or creating habitat on private land.

## 2. Context

The Natural Environment and Rural Communities Act 2006 (Regulation 40) places an obligation on the local authority to consider biodiversity in all decision-making processes.

The Natural Environment and Rural Communities Act 2006 (regulation 20) places an obligation on the Local Authority to consider biodiversity in all decision-making processes. This policy outlines how the council plans to maintain our current biodiversity, and how it will move to better enhance the biodiversity of its maintained land.

Regulation 9 of the Conservation of Habitats and species Regulations 2017 states that all public bodies must have due regard for biodiversity conservation when carrying out their functions. Many species are afforded protection under the Wildlife & Countryside Act 1981, including bats and nesting birds.

Public authorities who operate in England must consider what they can do to conserve and enhance biodiversity in England. This is the strengthened 'biodiversity duty' that the Environment Act 2021 introduces. This means that, as a public authority, the Council must:

- Consider what it can do to conserve and enhance biodiversity.
- Agree policies and specific objectives based on your consideration.
- Act to deliver policies and achieve objectives

The Environment Act 2021 also requires local authorities to develop a Local Nature Recovery Strategy for their area. The Council of the Isles of Scilly is working alongside Cornwall Council, as the Responsible Authority, in the development of the Cornwall and Isles of Scilly Local Nature Recovery Strategy. Local Nature Recovery Strategies are locally led plans for growing and recovering nature. When completed, the strategy will become a blueprint for the recovery of nature, showing how and where we can support nature in the Isles of Scilly.

Along with many other local authorities, the Council of the Isles of Scilly declared a Climate Emergency in 2019 and is working to reduce its carbon footprint. Alongside the global Climate Emergency, there is also a global Ecological Emergency. The Council seeks to manage its open spaces for nature to help reduce biodiversity loss.

In relation to this policy, local authorities are required to consider how the land it manages could improve biodiversity. This includes spaces such as:

- Cemeteries
- Parks and sports fields
- Amenity spaces
- Roadside verges
- Coastal habitat

### **3. Objectives**

Across the Council's maintained land, we will aim to halt any perceptible loss of biodiversity, increase priority habitats and drive down fragmentation on a landscape scale, whilst responsibly and sensitively managing our existing biodiversity, through a proactive sustainable approach, that both limits and reduces the impacts of the climate crisis.

The Council will liaise and engage with local communities and like-minded organisations as part of our wider social and community vision. These include the Isles of Scilly Wildlife Trust, the Isles of Scilly National Landscape (IoSNL)/Area of Outstanding Natural Beauty (AONB) Partnership, the Duchy of Cornwall, and Natural England.

## 4. Biodiversity on the Isles of Scilly

The Isles of Scilly has an outstanding world-class environment that underpins the quality of life and economy of the islands, which is reflected in the plethora of national and international designations, including the islands designation as an Area of Outstanding Natural Beauty (AONB).

The islands are home to many important populations of native flora and fauna, some of which are found nowhere else in Britain.

The Council, through the Local Plan, aims to safeguard the island's rich environment and its unique qualities, whilst carefully managing and promoting activities that support a strong and viable community and economy.

The Council has identified two types of areas that this policy will focus on:

- Highways – where biodiversity must be maintained but priority given for the safety of the general public; and
- Non-highway – where biodiversity can be enhanced.

The highway area covers:

- Verges including tree/hedges that have been planted or are growing on verges; and
- Hedges/trees that border a public highway and council owned / maintained land.

The non-highway area covers all council owned or maintained land that does not fit under the highway area stated in section 3:

Council owned / maintained parks and open spaces; and Council owned / maintained properties.

## 5. Highways

### Highway Management

The Highways Act 1980 (Section 154) empowers the Local Authority, as the Highway Authority, to protect the safety of highway users by ensuring that owners and occupiers carry out their legal duties.

Sensitive and appropriate management is required to ensure the longevity of tree and hedges, but management is also important for road safety.

The safety of the highway users must be prioritised when it comes to the management of the verges, hedges, and trees that encompass the roads on St Mary's, Isles of Scilly.

Maintaining the highway verges and hedgerow falls under the responsibility of the local highway authority and that of the landowners/tenants.

The Council is responsible for the following areas:

- Grass verges that bound the edge of the highway up to a ditch or hedgerow;
- Trees planted along a verge;
- Any areas where the Council acts as the landowner/tenant;

Landowner/occupiers are responsible for:

- The hedgerows that bound the edge of the highway – including any ditches at the base of the hedgerow – and trees within a hedgerow, or individual trees sat upon a hedge bank;
- Trimming hedges and trees to ensure that growth does not obscure the view of road signs;
- Trim roadside hedges to maintain visibility for road users, particularly at junctions and on the inside of bends;
- Trim any hedge that directly abuts a road, footway or cycleway;
- Remove dead or decaying trees and other growth that may fall across the highway;
- Remove branches and other growth that may prevent the passage of high-sided vehicles (to a height of 17ft) or obstruct light from a street light; and
- Ensure the highway (including the footway and drainage features) is left clear of debris after any cutting operation.

## **6. Enhancing Biodiversity on Grass Verges**

An annual or cyclical programme helps manage problem and competitive species. Grasses often outcompete wildflowers and without regular management, grasses can quickly dominate, reducing species diversity.

Rolling management programmes are cost effective, minimise operational impacts, improve safety and maximise the Natural Capital Value of the highway's asset in line with the Highway Authorities statutory duties.

Timing is important. It is vital that wildflowers are able to complete their full lifecycle i.e grow, flower and set seed before cutting, as far as is possible.

A two-cut management approach will be used, where possible, on the highway verges in accordance with best practice guidance. This approach will aid in suppressing coarse grasses and encourage wildflowers.

Management		Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
Two cuts	Sumer and autumn								Partial cut		Full cut		
	Late winter and autumn cutting		Full cut							Full cut			
	Dry verges (short vegetation)	Regular cuts								Regular cuts			
	Species-rich verges with mown edge		1m strip							Full cut			

Where possible and when it does not pose a risk to the public or highway users, then random areas (10-20% of the area) will be left uncut at both the late winter and autumn cuts.

This will benefit different wildlife to the areas cut twice a year, by providing a diversity of vegetation heights and conditions. Furthermore, leaving patches uncut in autumn will provide rough vegetation over over-wintering insects and other invertebrates, giving a range of food for foraging creatures, including the Scilly shrew.

Ideally, at least one section of 10m should be left uncut every 100 metres at each cut, with the area left uncut being cut in following twice-yearly cut, and another section left at that time (rotating the areas which are left uncut).

In the case that only one cut per year is possible:

- The verge is to be cut once between August and September. This allows plants to flower and, importantly, gives time for seeds to be shed

If it is not practical to cut the whole width of a species-rich verge:

- On species-rich verges, a 1-metre strip is to be cut on the edge of the verge as early as possible (February-March) to allow grass at the back of the verge to grow longer. This will provide structural diversity that is especially important for invertebrates. Then during September-October the full width will be cut; and
- On narrow verges of less than 1 metre, leave some sections uncut to provide the same structural diversity – for example, 50 metres of uncut sections every 200 metres.

- After the trim the cuttings are to be removed. This will allow plants to flower and, importantly, gives time for seeds to be shed.
- This management approach will create areas of bare earth to allow good contact between the seed and the soil and provide habitat for invertebrates.

It is important to note that some areas of the footways, that adjoin the Highways, host rare plants such as four-leaved allseed, lesser quaking grass and cudweed alongside the common diversity of flowering plants. Where possible these plants should be encouraged.

### **Exceptions**

There are some exceptions to when grass verges are required to be cut and these can be carried out at any time of year, to protect highway users:

- At junctions where visibility is paramount
- On the inside of bends
- Additional one-off cutting may be done when required to facilitate maintenance work, such as surface treatment or ditch cleaning.

### **Removing trimmings**

After the trim the cuttings are to be removed, which will prevent regrowth being killed by a thick mulch of cuttings, and it will also prevent a build-up of nutrients in the verges, which would benefit species such as nettles and coarse grasses that outcompete most wildflowers when the soil nutrient levels are artificially raised.

This management approach will create areas of bare earth to allow good contact between the seed and the soil, and provide habitat for invertebrates.

Collecting cuttings will also help public perception. Not only will the verge look less neglected but slowly, soil fertility is reduced and so helping wildflowers to thrive.

### **Managing public perceptions**

Flower-rich verges are increasingly popular with local communities and are an effective way of encouraging wildlife. However, they can be seen as untidy and neglected by some.

Cutting narrow strips around the verge, by framing the verges inside, is a simple but effective way to give the perception of tidiness and help offset potential negative feedback on perceived lack of management.



Raising awareness with the local community, through Plantlife's movement '*No Mow May*' for example and engaging them in their management will help mitigate this perception.

The Council will consider mowing trials e.g. reducing mowing frequency in some areas during the mowing season and less frequent/intensive management of rare plants along the footways.

This can be effectively communicated to the community with their input. Some areas can also be effectively managed by community groups/individuals, which the Council will encourage and seek to develop.

### **Monitoring grassland road verges**

Monitoring the effectiveness of the management techniques is important to inform this policy's success.

A system will be developed and a set of indicators e.g. habitat extent, vegetation composition and indicator species, to assess delivery of the procedures set out this policy will be published on an annual basis.

The Council will work with various groups to undertake a survey of our current maintained/owned land using ground vegetation surveys. This will act as a threshold in which we will be able to monitor the biodiversity gains and/or losses. The Council will, where possible, integrate into the Council's GIS-based asset management system.

Monitoring of the areas will be undertaken annually. Following that the processes will be reviewed and revised.

## **7. Enhancing Biodiversity – Hedgerows (Highways)**

The Council's priority is to maintain the safety of the highway by keeping trees and vegetation from:

- Causing obstructions to the highway
- Threatening the safety of its users

Hedges must be maintained in order to ensure the highway remains accessible and safe.

Vegetation should be cut back to maintain the minimum required clearances for roads and footways:

- reduce side growth to the edge/boundary of the maintained highway

- ensure at least 2.1m clearance above the surface of footways
- ensure at least 5.2m clearance above the surface of the highway
- make sure that branches and vegetation are not in contact with or blocking streetlights
- remove or reduce vegetation that is obscuring visibility at junctions, on bends or passing places.

Appropriate hedge management can be of great benefit to Scilly's biodiversity.

Older hedges, including the traditional Scillonian stonewall hedges of which many abut the highway, are important features of the landscape, and their conservation is vital.

The Wildlife and Countryside Act 1981 prohibits damaging the nests of wild birds in use (or under construction) and their eggs. However, there are notable exceptions to this.

Cutting hedges should be avoided during the main breeding season for nesting birds, which usually runs throughout March-August each year. This can be weather dependent, and some birds may nest outside this period, so it is important to check carefully for active nests prior to cutting.

The Council only requests that land managers work on their hedgerows during the nesting season when works are necessary to ensure public health and safety.

If there is no risk to public safety, works should wait until birds have fledged (outside the bird nesting season).

The Council encourages all landowners to cut their hedges in February, before the bird nesting season, on an annual basis.

## **8. Enhancing Biodiversity – Trees (Highways)**

Native trees are not overly common on the Isles of Scilly due to the island's maritime environment and relative shallow, sandy soils. However, Monterey pine and cypress trees have an important role acting as shelterbelts for the small arable bulb fields.

Unlike much of the UK mainland, English Elms thrive on the islands in the absence of Dutch Elm disease. The Elm trees in Scilly are an internationally important biodiversity feature in their own right and support a variety of other wildlife including butterflies and moths, bats, birds, insects and rare lichen. Elm trees are also an important feature of the island's character.

Land managers are responsible for maintaining and inspecting trees regularly. The Council recommends that land managers use a professional tree expert to carry out any health checks and works where necessary.

The Council recommends that checks are made to the following where trees affect the Highway:

- Risk falling onto the road or footway
- Obstruct road signs or street lighting
- Hang low and prevent safe passage for vehicles
- Prevent safe passage for pedestrians and cyclists
- Have damage, or ill health or disease.

If tree works are required, landowners should talk to the Local Planning Authority before pruning or tree felling as all trees on the islands are protected, as a result of the Conservation Area. A notification of intended tree works, under Section 211 of the Town and Country Planning Act 1990, may be needed to ensure what is proposed is acceptable. The notification process can take up to 6 weeks. Without permission, it's an offence to cut down, uproot or wilfully destroy any trees in a Conservation Area: <https://www.scilly.gov.uk/planning/heritage-conservation-environment>

The Council will only undertake works to trees where it owns them, as part of the maintenance of their own land where there is a safety concern or where trees have damage or ill health and disease.

## **8. Enhancing Biodiversity - Council Open Spaces & Cemetery**

Good quality open spaces have a positive effect on the health and wellbeing of communities and how people feel about the local area in which they live. Open spaces can also support biodiversity and wildlife, are good for the environment and contribute to the economic vitality of an area.

The Council aims to work closely with partners and the local community to provide a range of open space provision and encourage greater biodiversity across St Marys, whilst enhancing and maintaining recreational spaces which are welcoming, clean, fun, safe and environmentally sympathetic.

The islands are designated as an Area of Outstanding Natural Beauty (AONB) with good quality, accessible open-land, the majority of which is managed by the Isles of Scilly Wildlife Trust. Open spaces, managed by the Council have their part of the play as community assets which improve public health, wellbeing and quality of life.

Open space, as managed by the Council, is defined in the Town and Country Planning Act 1990 as land laid out as public garden or used for the purposes of public recreation or land which is disused burial ground.

The Government's National Planning Policy Framework (NPPF) 2019, recognises the importance of access to high quality open spaces and sports fields to the health and wellbeing of communities.

The Local Plan recognises the importance of community facilities to meet the current and future needs for all ages in the community.

The Council maintains the below designated spaces.

- The Garrison Playing Field
- The Park (Parade)
- Holgate's Green
- Ennor Close Greens
- Parson's Field Green
- Jerusalem Terrace
- Porthcressa beach (including the surrounding green areas)
- Little Porth seating area
- Cemetery (St Mary's)

Along with the above, the Council also has a responsibility to maintain various outdoor sites. These are:

- Council owned or maintained corporate/commercial properties with outside areas, including Park House, Carn Gwaval Wellbeing Centre, Moorwell Waste and Recycling Site, St Mary's Airport, Porthmellon Enterprise Centre, Public Facilities (The Strand, Porthcressa, Bryher, St Agnes, and St Martin's), and Normandy Swimming Pool;
- Council owned social housing properties, including Ennor House, Ennor flats, Banksea Close, 29 Sallyport, and any vacant housing properties where the council housing department has responsibility;
- The various children's play parks located on St Mary's, including the Garrison play park and the Porthcressa play park.

The above areas, where it does not affect public safety or the practical use of the space, are to be used to enhance the growth of biodiversity on the islands. The Council will seek to implement site specific management plans for each site in consultation with the local community and other stakeholders.

By implementing environmentally sound practices, with the aim of enhancing biodiversity, encouraging plants, flowers and wildlife to flourish in the areas listed

above, the Authority will create greener and more biodiverse rich areas. This in turn will not only offer improved habitats for wildlife, but can also provide benefits for people, including improved air quality, a cleaner environment and better health and wellbeing.

### **Cutting Timing**

For the hedges located in the non-highway spaces, as stated above, a cyclical management approach will be used. This will consist of cutting every two to three years in accordance with best practice guidance.

If a hedge is bordering a road highway safety must take precedent. The side that is highway bordering must be maintained on a regular basis. However, where the hedge does not border a highway (top, and field side) can be cut using the cyclical approach.

The majority of tree and shrub flowers are produced on year-old twigs. Annual cutting removes these twigs, thus resulting in less flowers that in turn would otherwise produce berries or nuts. The cyclical cutting approach will allow the flowering on a biannual basis resulting in a greater benefit on wildlife, particularly insects, birds, and in turn mammals. The exception to this practice is in relation to climbing plants such as brambles and roses. These produce fruit in hedgerows that are cut every year. Consequently, these can therefore be cut every year following the one cut approach stated above. This will take place to ensure that the plants will not be cut before they have produced fruits in autumn.

In areas where the maintenance of grass is not relevant to the practical usage of the space and where it will not affect the safety of the public, it will be allowed to grow to flower and to seed before cutting back. In this situation, these grass areas will be maintained on a cyclical program. With this a minimum of one quarter of the space will cut back each year. This will take place over a rotation, resulting in all the area being cut over the course of four years.

In areas where the grass needs to be cut within the public realm (i.e Porthcressa, and Holgates Green etc.), it will be cut as and when needed in accordance with best practice. Any further change in management regime following site-based assessment to inform their management for biodiversity, will need to be undertaken in consultation with the community and other stakeholder groups.

### **Other Biodiversity Enhancing Methods**

Working with partners such as the Isles of Scilly Wildlife Trust and the Duchy of Cornwall to align strategic plans in regard to biodiversity and making space for

nature, such as through the development of the Local Nature Recovery Strategy and the Isles of Scilly ELMS Landscape Recovery Scheme 'Small is Beautiful'.

Working alongside the local community to establish bat boxes, bee banks, beetle towers, bird boxes, community orchards and allotments, tree planting, green roofs, wildflower rich areas and wildlife ponds as individual projects, or as part of larger schemes.

## **9. Biosecurity**

Biosecurity is the prevention of disease-causing agents entering or leaving any place where they can pose a risk to wildlife, humans, or the safety and quality of a food product.

Good biosecurity should be practised at all times and is key to progress a healthy growth of biodiversity on the islands.

The increasing number of plants and plant material (compost, bark chippings, etc.) being imported to the islands provides opportunities for the accidental introduction of damaging pests and pathogens. Additionally, changing climatic conditions often place trees under stress. Even small changes in climate like warmer temperatures means that some pests and pathogens which would previously have been unable to establish can now gain a foothold on the islands.

The Isles of Scilly is a veritable patchwork of native and non-native species. Due to this some naturalised, non-natives are considered invasive and need to be managed to ensure that they don't have an adverse effect on the habitats and special native species.

Along with the surveying of Council land, the Council will also work with various organisations to develop a working document outlining species that are deemed to be a current or potential threat to the islands.

The Council's operational work force are a particularly high risk group when it comes to biosecurity. Their work requires access and movement across multiple sites, they regularly transport and come into contact with materials that may carry pest and pathogens, and they are responsible for planting, and establishing new trees and plant life that could carry pests and pathogens.

The Council's operational work force are also in an ideal position to spot outbreaks early. If a statutory-controlled quarantine pest or pathogen is suspected or confirmed there is a legal obligation to notify the finding to the relevant plant health authorities.

These authorities will provide help and direction on the required action that must be undertaken.

The routine biosecurity control measures will be put into place in line with the 'Keep it clean' program:

- **Think kit** – remove soil and debris from boots, clothing, ropes, saws, and other equipment on a regular basis. Regularly wash and dry ropes. Ensure machinery is cleaned regularly and positioned so as not to spread material around the site.
- **Think trees** – keep records of purchases and suppliers. Aim to purchase only locally grown where possible and monitor plants for signs of ill health. Report suspect plants to the Forestry Commission via Tree Alert.
- **Think Transport** – remove any build-up of soil and debris on vehicles, including cabs and footwalls, before leaving any site. Use proper off-site wash-down and disinfection facilities regularly.

Employees will receive instructions with regards to biosecurity as appropriate for their duties when first employed. The process will continue at regular intervals throughout their employment. All employees are responsible for informing any visitors or contractors under their supervision of what biosecurity measures are in place.

## 10. Use of Pesticides

Throughout the UK, Europe and the rest of the World, there is a growing movement to phase out the use of pesticides, which have traditionally been used as a cost-effective way to control plants, plant diseases, insects and fungi amongst others.

This movement has been triggered by the growing public concern over the health impacts on humans through exposure to pesticides and concerns over pesticide use on our environment and wildlife. The decline of bees and other pollinators, bird species, mammals and fish have all been linked to pesticide use. Another major concern is the contamination of water sources, including potable water used for human consumption.

The Council's Open Spaces Maintenance team has reduced pesticide use over the past 10 years. Spraying used to occur on almost all highway verges, whereas now spraying only happens in key areas of high priority in the public realm where there are maintainable footways.

The Council is committed to reducing its use of pesticides further on its owned and managed land, including where contracted, and will develop a pesticide policy to ensure public transparency on its use.

The Council will also consider a pesticide 'phase out plan' in line with the Pesticide Action Network UK 'Pesticide Free Towns Toolkit', where it is practical to do so.

The benefits of going pesticide-free include:

- Financial savings to reduce cost on chemicals and training
- Improved health benefits for employees and contractors
- Safeguarding of the general public's health
- Positive message for the public
- Compliance with this biodiversity policy and legislation
- Provide healthy habitats for wildflowers, pollinators and other wildlife.
- Reduction in contamination of water bodies which leads to better water supply for the public and better habitat for wildlife.

As the use of pesticides are still part of the management regime, the Council will:

- Ensure all reasonable precautions are taken to protect human health and the environment.
- Applications are confined to target areas and target species (avoiding rare and flowering plants) such as highway curbs/ footpath edging in Hugh Town and that the amount used, and frequency of use, is kept as low as reasonably practicable.
- Those who use or advise on the use of pesticides (including herbicides, fungicides, and insecticides) are trained appropriately for the areas being targeted. This is key to ensuring that these chemicals are used sustainably and that risks associated with pesticides are reduced.
- The equipment must possess a certificate demonstrating that it has passed an officially recognised test. Equipment has to be tested on either a three, five, or six yearly basis thereafter depending on when the most recent test was conducted and the type of equipment. All equipment must be calibrated on a regular basis. A record of the volume, type and concentration of each chemical should be recorded/logged along with the area in which the application was laid.
- An annual review will be undertaken on the methods of application and chemicals used to keep up with modern day practices which will enable



possible reductions in the use of pesticides; solutions could be the use of spot treatment and foams.

- For invasive species such as Japanese Knotweed trained users of the Injection system (which solely targets the plant) will be used so reducing the blanket effect of pesticides to ground.

The Council will raise public awareness, through consultation and engagement, and by working with partners, such as the Isles of Scilly Wildlife Trust, through schemes such as NextDoor Nature, to reduce/end pesticide use and why encouraging rare and flowering plants to survive is important.

It is vital the public know what changes are planned, and the reasons they are being made, so that they can support the initiative. Areas which are left for wildlife are often perceived as 'weedy' which can lead to complaints made to the Council. However, through a campaign to raise awareness and explanations made as to why areas have been left for wildlife, then residents are likely to be more supported.

## 11. Policy management

The Environment Service may undertake amendments to this policy where necessary, based on annual monitoring and where changes are made to national policy and legislation.

## 12. Evaluation and review

This Policy will be reviewed by the Environment Services department on an annual basis with coordination with partners, such as the Isles of Scilly Wildlife Trust.

## 13. Further information

RSPB Advice on Hedge Cutting and Wildlife: <https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/garden-hedges/hedge-law/#:~:text=We%20recommend%20avoiding%20hedge%20cutting,active%20nets%20prior%20to%20cutting.>

Hedgeline: <https://hedgeline.org.uk/guidance/hedgerow-management-advice/>

The Wildlife Trusts – Managing Road Verges  
<https://www.wildlifetrusts.org/wildlife/managing-land-wildlife/managing-road-verges-wildlife>

Plantlife - <https://www.plantlife.org.uk/our-work/road-verges/>

Cornwall and Isles of Scilly Local Nature Recovery Strategy:  
<https://letstalk.cornwall.gov.uk/nature-recovery-plan-overview>

Wildlife & Countryside Act 1981: <http://www.legislation.gov.uk/ukpga/1981/69>

Highways Act 1980: <https://www.legislation.gov.uk/ukpga/1980/66>

Pesticide Action Network: <https://www.pan-uk.org/information-for-local-authorities/>