

The Environment Scrutiny Committee, 7th November 2011

Report of the Director of the Urban Environment

Invasive Species including Japanese Knotweed

Purpose of Report

1. To advise members of the Committee of the approach taken by officers of the Council in assessing the risks of Japanese Knotweed infestation in the Borough, and the development of a strategy for its control and eradication.
2. To increase awareness of Japanese Knotweed and other invasive species, and in doing so continue to develop and communicate an improved and coordinated Council response to tackling Japanese Knotweed in the Borough, led by officers of the Council's Directorate of the Urban Environment.

Background

3. Introduction

Japanese Knotweed (JK) is a very persistent and aggressive alien invasive plant that has spread, mainly by anthropogenic means, through much of the UK, resulting in it having a significant adverse effect on both the natural and built environment.

4. Plant History

JK is a tall, perennial plant with very vigorous growth that was first introduced into Britain from the Far East, for both its ornamental qualities and as a fodder plant during the early to mid 19th Century. It was also planted to help stabilise river banks and spoil heaps.

5. JK was first recorded as having become naturalised in 1886 on coal tips in South Wales. The plant has since spread throughout much of the UK (and mainland Europe) with only sparse coverage in the Scottish Highlands and Northern Scotland. JK has become so invasive that Section 14 of the Wildlife and Countryside Act, 1981, made it an offence to cause JK to spread in the wild, and the Environmental Protection Act (Duty of Care) Regulations 1991 places a duty of care on all waste producers. Failure to comply with either piece of legislation may result in prosecution.

6. Plant Origins & Colonisation

Outside its native countries of Japan, Taiwan and Northern China, JK's high tolerance of a variety of habitat conditions has led to its ability to rapidly colonise many rural and urban areas within the UK. Such rapid colonisation has mainly been due to human intervention, including fly tipping, transported topsoil contaminated

with living plant material, and even plant material trapped within the treads of vehicle tyres and boots. In addition, green waste recycling schemes are sites of potential contamination.

7. Plant Impacts

Where JK grows un-checked, it negatively impacts on the landscape and nature conservation interest. Access and use of public open space can be compromised and bank erosion can cause siltation of streams, contributing to flooding problems. Its ability to out-compete native ground flora results in a reduction in biodiversity and following the colonisation of river corridors, winter die back results in bare river banks, exacerbating erosion. Retaining structures, tarmac surfaces and foundations can all be adversely affected by the presence of JK, sometimes to such an extent that it results in expensive structural remediation and JK eradication. When JK is found on development sites, it can seriously delay redevelopment projects or significantly increase developments costs. When found on Council owned surplus sites, it can result in a delay in receipt of disposal income or reduce the price received for land. Nationally, JK causes an estimated £150 million worth of damage and disruption each year. In 2004, a DEFRA review of non-native species policy stated that a conservative estimate for the costs involved in total eradication would be £1.5bn. All parts of the plant are considered as controlled waste under Waste Regulations.

8. Dudley's Current Position

The Authority is currently developing a formal policy and strategy on associated methods for the control of JK, with limited treatment being conducted by individual departments, in particular Green Care and the Nature Reserve Warden Service. In addition, there is presently only limited co-ordination between internal Council departments and neighbouring authorities including Wolverhampton City Council, Sandwell MBC, Birmingham City Council, Bromsgrove District Council and Staffordshire County Council, or private landowners and the general public. Particular attention is required to linear cross boundary corridors such as watercourses, rail tracks (operational and abandoned) and canals.

9. Although some training and awareness in respect of key Council employees has taken place, it has not been substantive. It has included a workshop in 2005 and a series of later presentations conducted within the Housing Department by DUE staff.
10. The Environmental Management Division within DUE is keen to help raise the awareness of JK, including plant identification, highlighting the problems JK creates in both the natural and built environment, clarifying the Authority's legal obligations towards JK and identifying the plant's current locations across the Borough. Equally, it is keen to assist individuals with JK identification with a view to its strategic eradication through the corporate adoption of a formal JK policy and strategy.
11. A number of service areas have some knowledge of the extent and location of JK on Council land; however, detailed information records are not available. In order to assess the full impact on the Council, there is a need to establish the full extent of JK across the Borough, in particular on Council owned land. As such, DUE were tasked with surveying the Borough to identify and establish the full extent of JK infestations. Based on survey work to date, it would appear that approximately 0.2% of the Borough, equating to approximately 150,000 m², is affected. An average square kilometre contains approximately 13 infestations ranging in size from a few square

metres to over several hundred square metres. Infestations have been found to occur on a variety of sites including derelict land, informal and formal open space, school grounds, residential gardens, conservation sites and along both main river and ordinary watercourses.

12. Surveys are continuing to establish the full extent and impact of JK across the Borough. Upon the completion of this work, a treatment and eradication programme will be developed based upon the level of site risk from pre-established criteria. The extent of JK infestations on canals, main rivers and railways is being established by officer communications with British Waterways, Environment Agency and Network Rail.
13. All survey data is being uploaded onto the Council's corporate GIS (graphical information system) data base. It is proposed that this GIS platform can incorporate JK infestation information provided by the public, private land owners and developers via the Planning process.

14. Ongoing surveys and eradication treatment works

Working with available budgets is allowing for continuation of policy and strategy development, infestation surveys etc., and limited treatment works for infestations on Council land, mainly green space. At present the budget is split 50/50 between officer fee costs for policy/strategy development etc., and actual chemical treatment works. Once policies and strategies are complete, a higher percentage of the budget can be allocated to treatment works.

15. Guidance and best practice suggests that the most cost effective treatment and eventual eradication option is by chemical control. Over more than ten years the Green Care division of Environmental Management has been undertaking chemical treatment. Unfortunately, due to the seasonal nature of the treatment, works process and limited available appropriate resources, eradication is not proving to be totally effective. With this in mind, a more appropriate, effective and efficient delivery process is required. As such, a new contract has been let, following the return of tenders from suitably experienced contractors, for a 3/5 year term contract for the chemical treatment of specific Council owned sites, mainly green space, across the Borough.
16. Although managed by and aimed at works ordered by Environmental Management, the contract will include a facility which allows buy in by other Council departments, via Environmental Management.
17. Current budget levels will seek to target and control known infestation sites on Council owned land based on a three year recommended cycle of control. However, this will need to be reviewed and regularly monitored as extensive infestations may require extended treatment. It is important to acknowledge that ongoing surveying of land will identify new infestations that will need to be considered within available financial resource, as well as those identified by different Council directorates with land ownership responsibilities.
18. Housing tenants are responsible for their land under the terms of their tenancy, provided that JK was not present when the tenancy was entered into; this would then be the landlord's responsibility. As such, the tenant will be responsible if JK causes a nuisance to neighbouring property. The tenant commits no offence by having JK on their land, and is under no duty to remove it unless, or until, they are put on notice

that it is causing a nuisance. The Council's tenancy conditions are drafted sufficiently widely to allow for joint liability of multiple tenants and for recharging of any remedial action taken by the Council to clean land. In any event, the introduction of an approved contractor for the control of Japanese Knotweed, managed by officers of Environmental Management, provides new opportunities for buy in.

19. Examples of Good Practice in the UK

(i) The Cornwall Knotweed Forum was formed in 1997 to co-ordinate policy on the control of JK in the county. The Forum comprises representatives from a wide range of organisations including the Environment Agency, National Trust, Cornwall Council, Camborne School of Mines, Railtrack, English Nature, IMERYS and Cornwall Wildlife Trust. The aim of the forum is to promote a co-ordinated approach to the control and management of JK in Cornwall through partnership.

20. The Forum has produced a number of publications and guidance notes, organised conferences and co-ordinated research projects. Cornwall Council has developed a GIS (graphical information system) survey recording system in conjunction with the Botanical Society of the British Isles. The Forum is also interested in receiving details of any infestations of JK in Cornwall. Infestations can be reported in a number of ways including an interactive Knotweed mapping site, an online form or a down loadable Pdf form.

21. (ii) The aim of the Devon Japanese Knotweed Forum is to raise awareness of the problems caused by JK, share information about control and increase recording. Devon's Objectives are:

- To assess the true scale of the problem, the costs and implications of JK infestations in Devon and to disseminate this information widely.
- To identify centres of best practice for the control of JK.
- To develop, evaluate and disseminate information about innovative and successful approaches to the management of JK.
- To prevent the further spread of JK through education, legislation and good practice.
- To encourage the eradication of JK and its hybrids through co-ordinated control.
- To work in partnership with other groups and organisations.

22. Future Action in Dudley

In order to progress the effective management, education and control of JK in the Borough, and indeed other invasive species, Council DUE officers intend to:

- Continue to develop a formal Council Policy and Strategy for Japanese Knotweed.
- Promote and encourage a co-ordinated response to the control of Japanese Knotweed in the Dudley area together with surrounding boroughs.
- Identify priority areas for eradication and establish an action plan for Knotweed treatment on these sites.
- Prevent the spread of Japanese Knotweed into areas currently unaffected.
- Raise awareness of the problems caused by Japanese Knotweed and provide information to enable all concerned to deal with it in a responsible and effective manner. In particular we will provide guidance and information to the public

about Japanese Knotweed identification and disposal options for cut plant material. This is particularly important for private landowners.

- Review and further develop information available to private landowners on the Council's web site. Following a review of best practice in other local councils, work will take place to improve the content of information available on the site, including responsibilities of private landowners, advice on identification, approved control contractors and disposal of material.
- Work jointly with DACHS to manage infestation on Housing land and in the gardens of Council properties.
- Provide advice to developers about the problems caused by Japanese Knotweed and the associated costs for its treatment and disposal to help stem its spread within the Borough.
- The raising of officer awareness across all appropriate departments.
- Ensure any departmental contracts for the control and eradication of Japanese Knotweed has a facility to allow other Council departments to buy in to the contract service.
- Promote and develop partnership working with other authorities and statutory and non-statutory agencies, to identify high risk areas and agree eradication programmes.

Finance

23. It is difficult to forecast a total cost for the management and control of Japanese Knotweed in the Borough, as survey work is continuing to take place and new infestations are continuing to be identified. Any works will need to be contained within existing budgets. A budget of £100k is earmarked for funding the control of Knotweed on land currently maintained by Environmental Management's Green Care Team, as well as any necessary fees.
24. Buy in opportunities will also be available for infestations on land under the responsibility of other Council directorates.

Law

25. There is no legislation which directly requires the Council to actively control Japanese Knotweed. However councils as landowners, together with the environmental statutory duties imposed upon them through various Acts, are required to address JK in certain situations, i.e. to prevent its spread in the wild, take action where it impacts upon biodiversity and deal with JK contaminated spoil in accordance with the law. In addition both councils and the police have enforcement functions under the Wildlife and Countryside Act (1981).
26. The Wildlife and Countryside Act (1981) has made it an offence to spread knotweed (in part updated and amended by the Countryside and Rights of Way Act (2000), which increases the maximum penalties for the release or cause of escape into the wild and allocates more powers to wildlife inspectors). Section 54 of the Environmental Protection Act (1990) has placed a duty of care on waste producers to ensure wastes are disposed of safely. Since JK has been deemed to have potential to cause ecological harm, discarded plant material has been classed as controlled waste. Although there is no legislation which requires the Council to actively control JK, authorities have some relevant powers; Section 215 of the Town and Country Planning Act (1990) provides local authorities with a discretionary power to require landowners to clean up land 'adversely affecting the amenity of the neighbourhood', which could be applicable to the control of non-native species such as JK. Local

authorities also have the power to undertake clean-ups themselves and recover costs from the landowner. The Local Government Act (2000) introduced broad enabling powers for local authorities to promote economic, social and environmental wellbeing, which allows authorities to spend money on invasive non-native species if they choose to do so.

27. Under the Convention of Biological Diversity, the United Kingdom has an international obligation to address the impacts of invasive non-native species. In 2008, the UK Government published the Invasive Non-Native Species Strategy for Great Britain.
28. The main areas of relevant European Union legislation include the EC Habitats Directive (92/43/EEC) and the EC Plant Health Directive (2000/29/EC) (see www.europa.eu.int). The EC Habitats Directive requires Member States to regulate deliberate introductions of non-native species so as not to prejudice natural habitats or wild native fauna and flora and, where necessary, to prohibit such introductions.

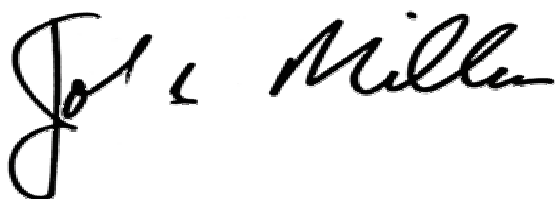
Equality Impact

29. This report takes into account and acknowledges the Council's policy in respect of Equality and Diversity in the management and future control of Japanese Knotweed. There are no equality issues arising from the work being undertaken and the improved measures for its eradication should be of benefit to all groups.

Recommendation

30. That the Scrutiny Committee note:-

- Work that is taking place to map, survey and control Japanese Knotweed in the Borough.
- The development of a policy and strategy for Japanese Knotweed.
- Measures being undertaken to improve information to members of the public via Dudley Council and its web site.



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List of Background Papers:

None