

Report

Cabinet Member for City Services

Part 1

Date: 22 October 2019

Subject Invasive Non Native Species (INNS) Policy and Action Plan

Purpose To outline NCC's approach to INNS including Japanese knotweed, Himalayan balsam and giant hogweed

Author Environment and Leisure Service Manager City Services and Knotweed Control Ltd

Ward ALL

Summary NCC has a legal responsibility to prevent the spread of INNS. This document provides the methods that NCC will employ to control the spread the INNS and also provide advice to landowners with regards to their responsibilities.

Proposal In recent years Japanese knotweed has become a major issue with landowners and homeowners. As a landowner NCC has a statutory responsibility to prevent the spread of invasive species, in particular Japanese knotweed. In accordance with best practice guidance and most up to date research treatment of Japanese knotweed is most effective towards the end of summer when the plant is in full flower. NCC will spray/stem inject NCC owned sites between August-October with an approved herbicide. NCC has mapped all of its Japanese knotweed sites and these sites will be treated in accordance with above and where finances allow. On larger sites where treatment may prove to be ineffective e.g. along watercourses NCC will treat the perimeter of the site to prevent the spread to neighbouring properties in line with its duty as landowner.

Action by City Services

Timetable Immediate

This report was prepared after consultation with:

- City Services – Environment and Leisure services
- Natural Resources Wales

Please list here those officers and members you have consulted on this report.

Ground Maintenance Manager
Biodiversity Officer
Ecology Officer
Countryside and conservation manager
Parks and recreation manager
Head of city services
Law and standards – insurance and land management

Signed

Background

In recognition of the increasing environmental, economic, legal and social problems caused by invasive non-native species (INNS), and more specially in this case plant species, Newport City Council have prepared this policy and action plan in order to assist in the control, containment and awareness of the most problematic species threatening the area.

The scope of this Policy and Action Plan is to help in the prevention, control, containment and raise awareness of several problematic non-native plant species within the administrative boundary of Newport City Council Authority. The document is aimed at;

- Council staff, Elected Members;
- Businesses, organisations and individuals they work with;
- Residents and organisations for whom they work.

Japanese knotweed

Japanese knotweed is listed in **Schedule 9, of the Wildlife and Countryside Act 1981** where it is an offence to plant or cause to grow wild.

NCC have historically sprayed Japanese knotweed (JK) throughout the summer however, last year the regime changed to spraying at the end of the summer. This was in accordance with best practice guidance published through government agencies such as NRW. It has been noted that the JK eradication was more effective when treatment was undertaken at the end of the summer. This has led to a reduction in stands and spread and in some cases has eradicated a stand completely in one application.

The problem with this approach is that householders begin get concerned about the lack of treatment through the summer months and until they see the full impact of the late summer treatment they will assume that their properties have been overlooked. This is why we need to ensure that the main programme is clearly communicated to the public and understood.

In conjunction with this, we have surveyed most of NCC owned land and have mapped all of the known JK sites which are currently being treated, and also those which have not been treated. A traffic light system will now be in place whereby all those sites that receive treatment will be amber and eventually green. These sites will be monitored year on year and any re-growth treated.

One of the major issues that we face is knotweed spreading from our land onto adjacent land. If we do not treat the knotweed then this is illegal. Some sites we are hopeful that we can eradicate JK from, if it is contained for example, however other sites e.g. major river banks, all we can do is prevent the spread and treat the perimeter. We are however working with neighbouring authorities within the river catchments to try to control the spread of the knotweed, through partnership arrangements such as the Resilient Gwent and the Gwent Green Grid Partnership projects that we have received funding for from the Welsh Government.

ALTERNATIVES

- Do nothing- potentially breaking the law by allowing the spread of JK.
- Treat throughout summer-costly and not as effective as treating once per year at the end of the summer.

STAFFING ISSUES

Seasonal staff can work on mowing etc during the summer. Then a dedicated team can treat knotweed late summer.

BENEFITS

The treatment of these sites is being recorded on CAMS (Countryside Access Management System), in the event that somebody tries to prosecute the Council for not controlling the spread we will have sufficient evidence, which can be historic with photographs documenting that the site is being treated.

Financial Summary

The implementation of the annual knotweed programme is covered within the annual Grounds Maintenance Revenue programme. Where available the service area has sourced external grant funding to cover the cost of materials and specialist equipment etc. however these external funds cannot be relied on so the best course is to eliminate where we can which will reduce treatment costs. Until 2019 the locations of knotweed on the councils land ownership was not fully understood and we are still identifying new stands on land within our ownership. This is for two reasons Firstly because the land was appropriated to a service area that did not prioritise the invasive removal – or was simply unaware of its impact and secondly where land with invasives has been transferred back to the authority from external bodies, untreated and unmanaged. The City service team are still calculating the ultimate cost of dealing with the liability of invasives on the overall land asset and full costs will not be available until later in 2019 as land has not been fully reappropriated to the service area.

Risks

The combination of setting out the councils position in relation to managing invasives on our land, identifying the full extent of the spread on our land and implementing an effective management regime will be the only way to comply with our duty as a landowner and to mitigate the risk of the plant spreading onto neighbouring property. The Authority is, like many large landowners, facing an increasing number of insurance claims from neighbouring properties and from house owners who are unable to sell property. The only way to ensure that the council can refute such claims is through a comprehensive management and eradication programme and to raise awareness of the issue with other departments to ensure that they treat these species where they are present on their sites.

Links to Council Policies and Priorities

This work is a part of the improvement of the Newport's Green Infrastructure is a key part of improvement and development of green and safe spaces across Newport. A key theme of the wellbeing plan and supported fully by the PSB.

Options Available and considered

1. Approve the Invasive Non Native Species (INNS) Policy and Action Plan
2. Do not approve

Preferred Option and Why

1 as we have an obligation in law as a landowner to prevent the spread of Invasive Non Native Species

Comments of Chief Financial Officer

The report confirms that currently, the programme of treatment / prevention is being undertaken within existing budgets, though there is a potential risk of further land / contamination being found which will put further pressure on the existing resources. This will be reported in due course if an issue exists.

Comments of Monitoring Officer

It is an offence under the Wildlife and Countryside Act 1981 to plant or otherwise cause Japanese knotweed to grow in the wild. Although it is not a criminal offence to have knotweed growing on Council owned land, there is a legal duty, as landowner, to take reasonable steps to prevent the knotweed and other invasive non-native species from spreading or encroaching onto adjoining or neighbouring land. If the Council fails to take reasonable steps to prevent the spread of INSS from its land, then it can be legally liable for private nuisance caused to neighbours. There have been cases where neighbouring owners have been unable to sell their properties because of the presence of knotweed on or adjacent to their land and their inability to secure insurance cover to meet the requirements of their mortgage lenders. In order to avoid any claims for private nuisance caused by the spread of INSS, the Council needs to take reasonable steps to avoid or mitigate this. Therefore, I would

support the adoption of this policy which sets out a reasonable and consistent approach to identify and deal with INSS on Council land, through a programme of planned treatment and prevention.

Comments of Head of People and Business Change

From an HR perspective there are no staffing implications to this policy.

The Well-being of Future Generations (Wales) Act has been covered in the policy and the cover report fully considers the sustainable development principle (long term, prevention, integration, collaboration, involvement) of the Act.

Comments of Cabinet Member

The Cabinet Member has approved the report for consideration by cabinet.

Scrutiny Committees

Please include a record of any consultation with scrutiny committees. Please add here details of any consultation and the outcomes.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

No impact on people with protect characteristics

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

- Long term: very significant to address the spread of these plants on our sites whilst we still can. The immediate action will prevent long term impacts on biodiversity of our sites
- Prevention: the spraying work undertaken now will prevent the claims that could arise from the failure to act. As a major land owner we are at great risk from this due to the claim companies who are starting to act on behalf of people who have been unable to sell property
- Integration: This policy fully supports *A Resilient Wales* Well-being Goal and does not adversely affect any other Well-being Goals. This work is a part of the improvement of Newport's Green

Infrastructure which is a key part of improvement and development of green and safe spaces across Newport. A key theme of the wellbeing plan and supported fully by the council and the PSB.

- Collaboration: yes we have been working very closely with the neighbouring authorities in the development of funding programmes for Resilient Gwent and the Gwent Green Grid Partnership projects that we have received funding for from Welsh Government.
- Involvement: the improvement of the green infrastructure is a key part of improvement and developing green and safe spaces across Newport. A key theme of the wellbeing plan and support by the PSB

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

Set out a list of any relevant background papers and whether they are available to the public.

Dated: 22 October 2019