

12th FEBRUARY 2013

JAPANESE KNOTWEED CONTROL – HELENSBURGH AND LOMOND

1. SUMMARY

- 1.1 This report advises Members of the current position relating to Japanese Knotweed (JK) control measures following instigation of a programmed control regime in 2010 and updates the position in relation to the council's responsibility.

2. RECOMMENDATION

- 2.1 That the Committee notes the contents of this report.

3. BACKGROUND

- 3.1 Since summer 2010, following requests from Members, the Streetscene Service instigated an annual programmed regime to attempt to control JK at selected priority sites across the area.
- 3.2 These primarily tackled Health & Safety concerns along roads sight lines to maintain clear visibility splays for drivers and other road users. Other areas where JK existed as a nuisance rather than a safety concern would be tackled when resources permit.
- 3.3 Chemical applications will be repeated on the same sites this year to continue to tackle the plant, moving on to include other priority sites within council ownership. Continued application and monitoring will be required to limit regrowth on treated sites.
- 3.4 Members will be aware also that there are regular enquiries from the public regarding control of JK (and other invasive non-native species) either on council owned or privately owned land.
- 3.5 Non-native species legislation is contained in the Wildlife and Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011. The new legislation came into force on 2nd July 2012 and it makes it an offence to:
- release an animal, or allow it to escape, outwith its native range
 - plant a plant in the wild outwith its native range

- intentionally or otherwise plant a plant in the wild or cause an animal to be outwith its native range

- 3.6 The Scottish Government has produced a Code of Practice on Non-Native Species to help people understand their responsibilities when dealing with non-native species and to understand which public body has responsibility for which habitats.
- 3.7 Failure to comply with the Code is not itself an offence, however, whether or not a person has complied with the Code could be used in court as evidence, by either the prosecution or the defence, in the event of criminal proceedings.
- 3.8 In short, the council has no formal (Health & Safety issues aside) remit to undertake control of JK other than dealing with growth on council land which is threatening to grow on neighbouring property.
- 3.9 Whilst, there is no formal requirement for the council to treat areas outside our ownership we do provide advice and assistance to the public and other organisations when required. This assistance does not extend to physical control measures.
- 3.10 We do liaise with SEPA and SNH (two organisations frequently approached regarding JK) but these organisations also have little in the way of formal remit for JK on private ground. SEPA will act in terms of regulating waste (JK is classified as Controlled Waste) and SNH have powers under the Nature Conservation (Scotland) Act 2004 to take action where spread of JK threatens protected ground, such as SSSI's.
- 3.11 The council has updated our website entry for invasive non-native species and this now provides far clearer information for enquirers, including specialist information and links to government legislation and policy.
- 3.12 Funding opportunities have been suggested which may contribute to control measures and these are being assessed for suitability/eligibility.
- 3.13 We will continue to act and monitor the situation taking account of developing legislation, operational and Biodiversity requirements and new control measures.

4. CONCLUSION

- 4.1 Control measures appear to be working in that JK regrowth is greatly diminished at those sites so far treated and in some places is almost eradicated. Further works will continue to priority sites, with new locations being brought into the schedule as resources permit.

- 4.2 The council will remain responsible for prioritising control measures on council owned sites, as has been carried out in recent years.
- 4.3 The council, in discussion with SEPA and SNH, will continue to act in an advisory capacity in relation to enquiries concerning land outwith council ownership.

5. IMPLICATIONS

POLICY:	None
FINANCIAL:	Cost of works absorbed by existing revenue budgets, unless opportunities for external contribution come to fruition.
PERSONNEL:	None
EQUAL OPPORTUNITY:	None
LEGAL:	Duty to prevent spread of JK onto neighbouring land

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22nd January 2013

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