



## **Appendix 1: Draft Bridgend County Borough Council Invasive Non-Native Species Policy**

### **1. Background**

In recognition of the increasing environmental, ecological, legal and socio-economic impacts caused by invasive non-native species, Bridgend County Borough Council (BCBC) have prepared this policy to detail their approach to dealing with invasive non-native species within Bridgend County Borough. The BCBC Invasive Species programme was established in 2022 and includes a new post, an Invasive Species Officer, who will coordinate the cross-Council approach to controlling, mapping, monitoring, and treating invasive non-native species listed under Schedule 9 of the Wildlife and Countryside Act (as amended) (1981)<sup>1</sup> in Bridgend County Borough.

The Wildlife and Countryside Act (1981) is the primary legislation relating to invasive non-native species in the UK. Schedule 9 of this Act lists invasive non-native species that are already established in the wild but continue to pose a conservation threat to native biodiversity and habitats, such that further releases should be regulated. The full list of invasive animal species is listed under Part I of Schedule 9 of this Act and includes ruddy duck which has colonised within Bridgend County Borough. The full list of invasive plant species is listed under Part II of Schedule 9 of the Act and includes Japanese knotweed, Himalayan balsam and *Rhododendron ponticum*, all of which have colonised within Bridgend County Borough.

#### **1.1. Introduction**

Invasive non-native species are those species which have been introduced into areas outside their natural range and pose a threat to native wildlife or physical infrastructure.

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<sup>1</sup> UK Gov, *Wildlife and Countryside Act*, 1981, <https://www.legislation.gov.uk/ukpga/1981/69/contents>

Many non-native species cause little or no disruption to the environment or infrastructure in their new locations, however, some will establish and thrive in a way that poses a threat to native biodiversity. It is these species that are ascribed the description 'invasive'.

Invasive non-native species can cause problems for native wildlife in several ways, such as:

- Predation
- Competition for resources
- Introducing new diseases
- Hybridisation

Invasive non-native species can also cause problems for infrastructure, such as:

- Japanese knotweed can force its way through very small cracks in brickwork or concrete, subsequently exerting large pressure on hard infrastructure.
- Signal crayfish burrows increase erosion of riverbanks, with riverbanks retreating more than 200% faster in areas of high burrow density<sup>2</sup>. Signal crayfish are not currently present in Bridgend County Borough.
- The zebra mussel is one of the most damaging invasive bivalves. It reproduces fast, disperses widely, and large infestations can block pipework and create obstructions for hard structures in freshwater. The zebra mussel is currently not present in Bridgend County Borough.

Some pathogens can also be categorised as invasive non-native species, including ash die-back<sup>3</sup>.

The Wildlife and Countryside Act (1981) is the primary legislation which gives protection to native animals, plants and habitats in the UK, and controls the release of certain invasive non-native species. Species listed under Schedule 9 of this Act are those which pose a threat to native biodiversity and this Act will guide BCBC on which invasive non-native species will be the focus of this policy and management efforts within the County Borough.

## 2. Scope and approach

This policy is intended to guide the approach of BCBC in dealing with invasive non-native species. It takes account of the Britain-wide invasive non-native species strategy<sup>4</sup>.

This policy should be read alongside the BCBC prioritisation matrix for invasive non-native plant treatment, and the accompanying action plans for dealing with those species.

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<sup>2</sup> Sanders H, Rice SP and Wood PJ, 2021, [Signal crayfish burrowing, bank retreat and sediment supply to rivers: A biophysical sediment budget](#), Earth Surface Processes and Landforms 46, 4, 837-852

<sup>3</sup> JNCC, [Combating ash dieback – mitigating the impact of invasive diseases on biodiversity](#), 30 April 2019, <https://jncc.gov.uk/news/combating-ash-dieback-mitigating-the-impact-of-invasive-diseases-on-biodiversity/>

<sup>4</sup> DEFRA, [The Great Britain Invasive Non-Native Species Strategy](#), August 2015, <https://gov.wales/sites/default/files/publications/2018-03/the-great-britain-invasive-non-native-species-strategy.pdf>

The approach of BCBC is based on the following:

- A) Work with neighbouring councils to avoid the introduction and establishment of invasive non-native species in South Wales
- B) Prevent the introduction and establishment of invasive non-native species within the County Borough
- C) Act rapidly to eradicate newly introduced invasive non-native species from the County Borough
- D) Eradicate established invasive non-native species, based on the following hierarchy:
  - Species that cause significant economic or infrastructure harm, or those with the potential to do so
  - Species that cause significant ecological or environmental harm, or those with the potential to do so
- E) Control or manage invasive non-native species, based on the same hierarchy
- F) Take no action on invasive non-native species
- G) Build awareness and understanding of invasive non-native species with internal and external stakeholders

### A) Avoiding the establishment of invasive non-native species in South Wales

An online portal has been created on the National Biodiversity Network (NBN) Atlas Wales website specifically for those invasive non-native species of particular interest to Wales<sup>5</sup>. It includes those species for which *prevention* is important. At the time of writing, there were 16 such species, 12 of which are also established elsewhere in the UK.

Action	Responsible officer	Budgetary implications
Keep up to date with the latest information on those species of particular importance to prevent establishment within South Wales	Invasive Species Officer	Officer time
Coordinate action to eradicate those species on the list that are reported within the County Borough	Invasive Species Officer  Working Action Group (relevant departments)  Specialist contractors	Varied – potentially significant

<sup>5</sup> National Biodiversity Network Trust, *NBN Atlas Wales*, <https://wales-species-inns.nbnatlas.org/>

## B) Preventing the establishment of invasive non-native species within the County Borough

The NBN Atlas portal should be assessed to determine which invasive non-native species are absent from the County Borough, with a list to be developed of those for which exclusionary effort should be made. This list will consider factors such as:

- Extent of the species' presence elsewhere in Wales
- Potential cost of exclusionary action
- Potential cost and impact of letting the species slip down the hierarchy

<b>Action</b>	<b>Responsible officer</b>	<b>Budgetary implications</b>
Maintain a list, updated on at least an annual basis, of those invasive non-native species absent from the County Borough but present elsewhere in Wales which pose a significant economic, biodiversity or infrastructure threat	Invasive Species Officer	Officer time
Develop a plan for each with a set of actions based on the criteria set out	Invasive Species Officer  Working Action Group (relevant departments)	Varied – potentially significant

## C) Eradicating newly introduced invasive non-native species from the County Borough

There will be ongoing monitoring of those invasive non-native species records found outside the County Borough which may pose significant risks if introduced into the county. Upon verifying its presence, an action plan will be developed for any species newly introduced into the County Borough.

<b>Action</b>	<b>Responsible officer</b>	<b>Budgetary implications</b>
Develop a plan for each species that is introduced with a set of actions based on the criteria set out	Invasive Species Officer  Working Action Group (relevant departments)	Officer time
Undertake the action set out in the relevant plan where resources are available	Invasive Species Officer	Varied – potentially significant

	Working Action Group (relevant departments)	
	Specialist contractors	

#### D) Eradicate established invasive non-native species

The Council will make efforts with available resources to implement eradication programmes for established invasive non-native species, listed under schedule 9 of the Wildlife and countryside act 1981 (as amended), should any viable eradication methods be developed.

Species action plans should be read alongside this policy when looking to undertake a programme of eradication.

#### E) Control or manage established invasive non-native species

The Council will make efforts with available resources to implement treatment programmes for established invasive non-native species, listed under schedule 9 of the Wildlife and countryside act 1981 (as amended).

Species action plans should be read alongside this policy when looking to undertake a treatment programme.

Action	Responsible officer	Budgetary implications
Develop a scoring matrix to determine which invasive non-natives are priority species for action and which locations within the County Borough	Invasive Species Officer  Working Action Group (relevant departments)  Specialist consultants	Officer time  Varied depending on tender requirements
Develop a plan for each priority species with a set of actions based on the criteria set out	Invasive Species Officer  Working Action Group (relevant departments)	Varied – potentially significant

Conduct a county-wide mapping exercise of priority invasive non-native species (based on the prioritisation scoring matrix and accompanying action plans) present in Bridgend County Borough	Invasive Species Officer  Specialist consultants	Officer time  Varied depending on tender requirements
Develop a framework of approved contractors to deliver treatment and management efforts to invasive non-native species where appropriate	Invasive Species Officer  Working Action Group (relevant departments)  Procurement	Officer time
With available resources, carry out treatment on invasive non-native species management methods as detailed in section 3, following the mapping exercise of priority invasive non-native species	Department responsible for land where invasive non-native species has been identified	Varied – potentially significant
Develop a list of approved and trusted invasive species treatment contractors to signpost external stakeholders to when a confirmed invasive non-native species is present on land not owned or managed by BCBC	Invasive Species Officer  Working Action Group (relevant departments)	Officer time

#### F) Take no action on invasive non-native species

Those species that fail to meet the prioritisation matrix scoring criteria will fall into the category for which, other than a watching brief, no action is taken.

Action	Responsible officer	Budgetary implications
Maintain a watching brief on established but low-priority invasive non-native species	Invasive Species Officer  Working Action Group (relevant departments)	Officer time

#### G) Build awareness and understanding of invasive non-native species with internal and external stakeholders

Building awareness and understanding of invasive non-native species across all relevant stakeholders is important to ensure support and understanding of relevant policies and

procedures, as well as encourage and inspire behaviour change where activities carry the risk of introduction or spread of invasive non-native species.

Action	Responsible officer	Budgetary implications
Develop and deliver training tools, materials and workshops to improve knowledge and understanding of invasive non-native species	Invasive Species Officer  Specialist contractors	Officer time  Varied depending on training need / resource
Engage internal and external stakeholders, e.g., Council Officers, general public, housing associations, landowners, utility companies etc., to develop working groups to share skills, knowledge and best practice on managing invasive non-native species	Invasive Species Officer	Officer time

### 3. Invasive non-native species management methods

This section of the policy details the management methods BCBC will undertake for each priority Schedule 9 invasive non-native plant species that is currently present in Bridgend County Borough. Those to receive management effort will be determined by the accompanying prioritisation scoring matrix. The below management methods to control invasive non-native species on BCBC assets are based on best practice recommendations and are subject to change in accordance with any new research. The management strategy aims to control the relevant invasive non-native species to prevent spread and eradicate the species from the immediate area where achievable.

Invasive non-native species	Method type	BCBC management method
Japanese knotweed	Chemical	<b>Herbicide management</b> – applied by foliar application or stem injection (foliar application is more cost effective and less labour intensive, however) once per year between August and October*.
Himalayan balsam	Physical (preferred method)	<b>To pull by hand or brushcut</b> – plant should be allowed to grow to allow cutting / pulling below first node. This should be done <b>before</b> the plant goes into seed. Once pulled / cut, the plant should be left in situ to rot down naturally.
	Chemical	<b>Herbicide management</b> – applied by foliar application. Hand pulling or brush cutting should be prioritised where appropriate to reduce the use of herbicide as far as practicable.

Rhododendron	Mechanical / chemical	<b>Fell trees / bushes</b> – cut to ground followed by approved <b>herbicide treatment</b> to prevent regrowth.
Montbretia	Mechanical	<b>Excavate</b> all plant material and surrounding soil – any plant material left in soil can cause regrowth. All excavated material is classified as controlled waste and must be disposed of at a licenced landfill.
	Chemical	<b>Herbicide management</b> – applied by foliar application between flowering and seeding (between June and September).
Cotoneaster	Mechanical / chemical	<b>Fell bushes</b> – cut to ground followed by approved <b>herbicide treatment</b> to prevent regrowth. Younger plants may be effectively pulled out without the need for treating the stump with herbicide.  All material is classed as controlled waste and should be chipped on site or disposed of at a licenced landfill.
American Skunk Cabbage	Mechanical	<b>Excavate</b> all plant material and destroy through drying out, secure composting or burning at an appropriate distance away from water. This should be undertaken twice a year, during late spring and late summer.
	Chemical	<b>Herbicide management</b> – applied by foliar application between June and October.
Three cornered Leek	Mechanical	<b>Excavate</b> all plant material with follow up cutting over several years until any viable seeds remaining within the soil have been exhausted.
	Chemical	<b>Herbicide management</b> – applied by foliar application by wiping leaves during spring before it has flowered. Follow up applications over several year will be required until any viable seeds remaining within the soil have been exhausted.

\* It should be noted that although this strategy of herbicide application will provide control of Japanese knotweed, it will require a minimum of three to five years to achieve successful control.



Eradication of Japanese knotweed in an immediate area is unlikely to be achieved as viable rhizomes will remain at depth, even if no growth is visible or observed for several years. The risk of re-growth remains in the long term.

It should also be noted that whilst control methods may be successful, reintroduction of an invasive non-native species to an area / site is possible from upstream sources along rivers, during flood events, encroachment from third-party land, animal and human activity etc. Therefore, long-term monitoring following treatment that is considered successful and subsequent control methods to manage any new growth may be required.

In line with research, the most effective methods of invasive non-native species management will be undertaken to control and if possible, eradicate invasive non-native species present on BCBC managed land.

## **4. Dealing with reports of invasive non-native species**

Japanese knotweed is becoming an increasing problem, particularly for residents, due to concerns that the plant may cause infrastructure damage and the mortgageability of properties with Japanese knotweed on or near the property, as well as the effect on property value that the plant can have. This is of particular concern where there is evidence of Japanese knotweed on or near to the property and there is no management plan or treatment efforts in place.

An increasing number of reports are being received from the general public and property owners regarding the presence and growth of Japanese knotweed, both on private and Council owned land. This section of the policy has been developed specifically to deal with these complaints, and for other invasive non-native species, in a consistent and corporately approved manner.

### **4.1. Legal position on Invasive non-native species**

It is not an offence for a landowner to have an invasive non-native species growing on their land, but under Section 14(2) of the **Wildlife and Countryside Act 1981**, it is an offence to plant or cause any species listed in Schedule 9 of this Act to grow in the wild. Japanese knotweed is included in this list. This means that any actions which cause the spread of invasive non-native species, including Japanese knotweed, such as strimming, flailing or moving contaminated soil, or allowing the plant to spread to a neighbouring property, may constitute an offence.

Under the **Anti-social Behaviour, Crime and Policing Act 2014**, local councils and the police can issue a Community Protection Notice (CPN) to landowners / occupiers in situations where an invasive species is having a detrimental effect on the quality of life of others. This CPN would require them to control or prevent the growth of Japanese knotweed or other plants that are capable of causing serious problems to communities.

Powers under Sections 215 – 219 of the **Town & Country Planning Act 1990 (as amended)** may have already been exercised by BCBC in relation to its managed assets. The use of these powers is appropriate in relation to invasive non-native species encroachment from third party land, as they can be used to ensure that suitable invasive non-native species management programmes are undertaken. Under Section 215 of the Act, BCBC would have the power to serve a notice on adjoining landowners/occupiers of land if it appeared that the amenity of the area maintained by BCBC was adversely affected by the condition of that land. This notice would require the adjoining landowners/occupiers to provide details of steps taken to remedy the condition of the land as specified within the notice and taken within such period as specified. Furthermore, under Section 219 of the Act, any expenses incurred by the landowners / occupiers for any land for the purpose of complying with the notice is deemed to be incurred and at the request of the landowner / occupier. If it is evidenced that the required steps had not been undertaken within the Section 215 notice period, BCBC may then exercise powers to enter the adjoining land in order to undertake the required treatment. All expenses reasonably incurred would be recovered by BCBC from the landowner.

#### **4.2. Procedure for dealing with reports of invasive non-native species**

On receipt of a complaint concerning an invasive non-native species, the receiving department e.g., Property, Green Spaces, Highways, Planning, Climate Change Response, will use the relevant digital mapping system to confirm whether the land on which the complaint relates to belongs to the Council. If the land is near a highway and is not owned by the Council, the check should also include whether the land is maintainable highway e.g., a highway verge. If the land is confirmed to belong to / be the responsibility of the Council, the complaint and all relevant details shall be passed to the Invasive Species Officer. These details should include a What3Words location and a photograph of the plant where possible.

The Invasive Species Officer will be responsible for making arrangements to inspect the plant growth. The investigation and assessment will be undertaken with reference to the Wildlife and Countryside Act 1981; Codes of Practice, and the Council's prioritisation scoring matrix and action plan(s). The inspection report will include confirmation of species, whether it is an invasive non-native species and highlight where the plant 's location falls in relation to the prioritisation scoring matrix. An example would be that the plant is Japanese knotweed, it is known to be an invasive non-native plant and is assessed as being of high priority for treatment as it falls within 3m of the ownership boundary on council land. The report would also provide recommendations for remedial works based on the relevant action plan and the above invasive non-native species management methods.

Where invasive non-native species have been found to be present upon BCBC managed land the onus would fall to the Council to control these species. The urgency with which these species would need to be managed, in relation to the risk they pose, will be determined by a prioritisation scoring matrices. These matrices may differ between species, to factor in their method of spread, and would inform where treatment programmes will be focused.

When the presence of an invasive plant has been recorded on BCBC managed land it will be categorised as being of either high, medium, or low priority according to its prioritisation matrix. Where resources allow, the Invasive Species Officer will either carry out the treatment for smaller stands highlighted in the inspection report or inform the responsible department of the outcome and recommendations within the report.

Where resources allow, it will then be the departments responsibility to instruct approved contractors to undertake treatment works. The Invasive Species Officer may provide support to these departments where needed, with the main focus of the role relating to coordination of invasive non-native species related actions undertaken by BCBC. Treatment programmes, in response to historic public reports / complaints, will continue until its presence is no longer observed and is deemed to be controlled.

The Invasive Species Officer will inform the complainant of the proposals and direct them to further information and resources if no works are to be undertaken.

### **4.3 Invasive non-native species encroachment**

The invasive non-native species encroachment response hierarchy should be followed if it can be evidenced by a BCBC department that the amenity value of BCBC managed land has been impacted by invasive non-native species encroachment.

Appropriate enforcement action should be undertaken by BCBC enforcement officers if it can be sufficiently evidenced that certain individuals or organisations have fly tipped resulting in invasive non-native species growth onto BCBC managed land. The Invasive Species Officer may provide support to the enforcement officer where needed.

#### **4.3.1 Invasive non-native species encroachment response hierarchy**

##### **Step 1: Awareness letter**

A letter would be sent to the owner / occupier to make them aware that the presence of invasive non-native species on their property was or will have the potential to impact the amenity value of adjacent BCBC managed land. The letter will inform the owner / occupier of the relevant legislation, appropriate treatment techniques and a list of approved contractors and resources to help identify the invasive non-native species involved.

A template letter will be drafted by the Invasive Species Officer with formal letter to be drafted and sent by the department affected.

##### **Step 2: Warning letter**

A letter will be sent making the owner / occupier aware that invasive non-native species present on their land is encroaching on BCBC managed land and requires treatment. Identification, legalities, appropriate management options, and a list of approved local contractors will be enclosed. The letter is to be issued by an enforcement officer from the department affected or a legal officer.

##### **Step 3: Management notice**

BCBC to issue a Section 215 notice under of the Town and Planning Act 1990 (as amended) where the owner / occupier would need to demonstrate, within 28-day notice day period, that appropriate actions have been taken to treat the invasive non-native species. Under the notice the cost of the treatment programme would be paid for by the owner / occupier. The notice is to be issued by an enforcement officer from the department affected or a legal officer.

#### **Step 4. Direct action by BCBC**

If sufficient steps have not be evidenced by the owner / occupier within the Section 215 notice period BCBC would have powers, under Section 219 of the Town and Planning Act 1990 (as amended) to access the land and arrange for an appropriate treatment programme to be undertaken. To remedy the condition of the land and this would be over a duration deemed sufficient to control the invasive non-native species present.

Direct action will be arranged by the department affected by the invasive non-native species encroachment. This will be carried out with support from either an enforcement officer within the department or legal officer. The cost of invasive non-native species treatment programmes would be paid for by BCBC with cost reclaimed from the owner / occupier.

#### **4.3.2 Procedure for dealing with reports of fly tipped invasive non-native species**

Enforcement officers within the Cleaner Streets and Waste team or Planning team, if planning conditions were breached, shall investigate incidence of material tipped containing invasive non-native species. The Invasive Species Officer should be kept aware of all reports and follow up responses relating to invasive non-native species fly tipping incidents.

## **5. Prevention or mitigation of spread**

### **5.1. Prevention of spread from street works or road works by statutory undertakers.**

All data relating to invasive non-native species recorded on BCBC land and resulting from any INNS mapping exercise will be shared with Street Works officers to be included within engineering notes.

Engineering notes relating to the presence of invasive non-native species, and the risk of spread, should be recorded on the relevant systems. These notes should make any statutory undertakers proposing to carry out work, such as utility companies, aware of the potential risk. They should also prompt the implementation of appropriate avoidance and mitigation measures.

### **5.2. Management of invasive non-native species through the development planning process**

Planning officers should consult the Invasive Species Officer or continue to consult officers within the Climate Change Response team for comment should any invasive non-native species be identified during Preliminary Ecological Assessments, Ecological Impact Assessments and Environmental Impact Assessments or if there is uncertainty regarding invasive non-native species presence.

## 6. Legislation relevant to invasive non-native species

Section 14 of the **Wildlife and Countryside Act 1981** (as amended) is to prevent the release into the wild of certain plants and animals which may cause ecological, environmental, or socio-economic harm.

Part I Section 14(1) and (2) of the **Wildlife and Countryside Act 1981** makes it an offence to:

- Keep, sell, release, or allow to escape any animal not ordinarily resident or a regular visitor to Great Britain as listed in Schedule 9.
- Plant or otherwise cause to grow in the wild any plant listed in Schedule 9.

The **EU Regulation 1143/2014 on Invasive Alien Species** obliges member states to control invasive non-native species. Through this regulation, government agencies (in Wales the Welsh Ministers and Natural Resources Wales) have the power to issue control orders for the removal of high-risk non-native alien weed species from specified sites, including residential developments and neighbouring properties.

The **Environmental Protection Act 1990** states that any soil and waste containing propagules of a plant species listed in Schedule 9 of the **Wildlife and Countryside Act 1981** (as amended) that is discarded, intended to be discarded or is required to be discarded are considered to have the potential to cause ecological harm and hence deemed "Controlled Waste". Controlled waste requires specific conditions, such as a licence, for transportation and disposal.

The **Anti-social Behaviour, Crime and Policing Act 2014** confers powers on councils and the police to issue Community Protection Notices (CPNs) where there is a proven detrimental effect of a persistent or continuing nature on the quality of life of those in the locality, and that the conduct is unreasonable. CPNs have been issued to require someone to control or prevent the growth of invasive non-native plants that can cause serious problems for communities. Failure to comply with a CPN is a criminal offence.

The **Infrastructure Act 2015** amended the **Wildlife and Countryside Act 1981** to introduce a statutory regime of Species Control Agreements and Orders to ensure that landowners take action on invasive non-native species or to permit others to enter that land to undertake action. The Code of Practice<sup>6</sup> sets out the detail of these Agreements and Orders.

The **Environment (Wales) Act 2016** sets out Wales's approach to planning and managing natural resources at a national and local level with a general purpose of sustainable management of natural resources. Section 6 of the Act incorporates a biodiversity and resilience of ecosystems duty. This requires public authorities to seek to maintain and enhance biodiversity and seek to promote the resilience of ecosystems. Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience. The acknowledged impact of many invasive non-native species on biodiversity and ecosystems makes them an important feature of the Section 6 duty.

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<sup>6</sup> Welsh Government, *Code of Practice for Species Control Provisions in Wales*, May 2017, <https://gov.wales/sites/default/files/publications/2018-01/code-of-practice-for-species-control-provisions.pdf>

Sections 215, 216 and 219 of the **Town & Country Planning Act 1990** (as amended) provides local authorities certain controls to ensure that the condition of any neighbouring land is remedied should it be found to adversely affects the amenity value of adjoining land managed by the authority.

Section 215 (1),(2),(3) and(4) of the **Town & Country Planning Act 1990** (as amended) provides the power to issue a notice on adjoining owner/occupiers if it appears to the local planning authority that the amenity of their land is adversely affected by the condition of adjoining land in that area. The notice shall require such steps for remedying the condition of the land as may be specified in the notice to be taken within such period as may be so specified.

Section 216 (2) of the **Town & Country Planning Act 1990** (as amended) provides local authorities the power to issue a fine up to £1000 if owner/occupiers on whom the Section 215 notice was served fails to take steps required by the notice within the period specified.

Section 219 (1) of the **Town & Country Planning Act 1990** (as amended)

Within the period specified in a notice under Section 215 the local authority having served the Section 215 notice may enter the land subject to the notice and take steps to remedy its condition; with expenses reasonably incurred by the local authority recovered from the landowner.