

A meeting of the **OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING)** will be held in **CIVIC SUITE 1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 11 SEPTEMBER 2012** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact  
(01480)**

## **APOLOGIES**

**1. MINUTES (Pages 1 - 8)**

To approve as a correct record the Minutes of the meeting of the Panel held on July 10th 2012.

**Mrs J Walker  
387049**

**2. MEMBERS' INTERESTS**

To receive from Members declarations as to disclosable pecuniary, non-disclosable pecuniary or non pecuniary interests in relation to any Agenda item. See Notes below.

**3. LOCAL GOVERNMENT ACT 2000: FORWARD PLAN (Pages 9 - 14)**

A copy of the current Forward Plan, which was published on 16<sup>th</sup> August 2012 is attached. Members are invited to note the Plan and to comment as appropriate on any items contained therein.

**Mrs H Taylor  
388008**

**4. FIXED PENALTY NOTICES FOR ENVIRONMENTAL CRIME (Pages 15 - 16)**

To receive a report by the Head of Operations seeking approval for the change in the fine level for Fixed Penalty Notices for section 46 and 47 of the Environmental Protection Act as required by the Amendment Order 2012.

**E Kendall  
388635**

**5. NEW GUIDANCE FOR LOCAL AUTHORITIES ON THE HOME ENERGY CONSERVATION ACT 1995 (HECA) AND DELIVERY OF THE GREEN DEAL IN HUNTINGDONSHIRE (Pages 17 - 20)**

To consider a report by the Head of Environmental Management on new guidance for Local Authorities on the Home Energy Conservation Act 1995 (HECA) and the delivery of the Green Deal in Huntingdonshire.

**P Jose  
388332**

**6. JOINT STRATEGIC PLANNING (Pages 21 - 26)**

To receive a report by the Head of Planning Services on the Joint Statement on the Development Strategy for Cambridgeshire and Peterborough.

**S Ingram  
388400**

7. **DESIGN PRINCIPLES FOR FUTURE DEVELOPMENTS** (Pages 27 - 34)

To receive a report by the Design Principles for Future Developments Working Group.

**Mrs J Walker  
387049**

8. **THE CONTRIBUTION OF AGRICULTURE TO THE ENVIRONMENT AND ECONOMY IN THE CONTEXT OF PLANNING POLICIES** (Pages 35 - 42)

To receive a report outlining the Working Group's findings to date.

**Mrs J Walker  
387049**

9. **JAPANESE KNOTWEED** (Pages 43 - 84)

In response to a request for information, to receive a scoping report by the Head of Legal and Democratic Services on Japanese Knotweed.

**Dr A Roberts  
388015**

10. **WORK PLAN STUDIES** (Pages 85 - 90)

To consider, with the aid of a report by the Head of Legal and Democratic Services, the current programme of Overview and Scrutiny Studies.

**Mrs J Walker  
387049**

11. **OVERVIEW AND SCRUTINY PANEL PROGRESS** (Pages 91 - 94)

To consider a report by the Head of Legal and Democratic Services on decisions taken by the Panel.

**Mrs J Walker  
387049**

12. **SCRUTINY** (Pages 95 - 102)

To scrutinise decisions as set out in the Decision Digest and to raise any other matters for scrutiny that fall within the remit of the Panel.

Dated this 3 day of September  
2012



Head of Paid Service

**Notes**

**A. Disclosable Pecuniary Interests**

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it*

*(a) relates to you, or  
(b) is an interest of -*

*(i) your spouse or civil partner; or  
(ii) a person with whom you are living as husband and wife; or*

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) Disclosable pecuniary interests includes -

- (a) any employment or profession carried out for profit or gain;
- (b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);
- (c) any current contracts with the Council;
- (d) any beneficial interest in land/property within the Council's area;
- (e) any licence for a month or longer to occupy land in the Council's area;
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

**B. Other Interests**

(4) If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.

(5) A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
- (b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

Please contact Mrs J Walker, Trainee Democratic Services Officer, Telephone: 01480 387049, email: [jessica.walker@huntingdonshire.gov.uk](mailto:jessica.walker@huntingdonshire.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel. Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer. Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

**Emergency Procedure**

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) held in Civic Suite 1A, Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN on Tuesday, 10 July 2012.

PRESENT: Councillor D Harty – Chairman.

Councillors M G Baker, Mrs M Banerjee, I C Bates, I J Curtis, J W Davies, D A Giles, C R Hyams and Mrs D C Reynolds.

Co-opted Members Messrs D Hopkins and M Phillips.

APOLOGY: An apology for absence from the meeting was submitted on behalf of Councillor G J Harlock.

IN ATTENDANCE: Councillors J D Ablewhite, N J Guyatt and D M Tysoe.

### 11. MINUTES

The Minutes of the meeting of the Panel held on 19th June 2012 were approved as a correct record and signed by the Chairman.

### 12. MEMBERS' INTERESTS

No declarations were received.

### 13. LOCAL GOVERNMENT ACT 2000: FORWARD PLAN

The Panel considered and noted the current Forward Plan of key decisions (a copy of which is appended in the Minute Book) which had been prepared by the Executive Leader of the Council for the period 1st July to 31st October 2012.

### 14. LEADERSHIP DIRECTION

With the assistance of a Report by the Executive Leader and Deputy Executive Leader (a copy of which is appended in the Minute Book) the Panel gave consideration to the Council's Leadership direction. Members' attention was drawn to the notes of the Corporate Plan Working Group which had discussed the document at its meeting on 20th June 2012.

The Executive Leader, Councillor J D Ablewhite explained that 'Leadership Direction' represented his plans for the Council's direction of travel and aims. It had been presented to all Members at the Council meeting earlier in the month. The Panel was advised that the Corporate Plan Working Group would be developing the Council's strategic planning arrangements over the summer and the results would be considered by the Overview and Scrutiny Panels in the autumn. Councillor Mrs M Banerjee suggested that residents ought to be given the opportunity to influence the Plan so that it reflected

needs identified by the community.

RESOLVED

that the contents of the report now submitted be noted.

## **15. GROWING AWARENESS - A PLAN FOR OUR ENVIRONMENT**

*(Councillor D M Tysoe, Executive Councillor for the Environment, was in attendance for this Item).*

Councillor D M Tysoe introduced a report by the Head of Environmental Management (a copy of which is appended in the Minute Book) on Growing Awareness: A Plan for Our Environment. The Plan contained a framework for the Council to make continual, measurable progress in reducing its own resource use and in stimulating environmental improvements in the wider district. The Annual Review of the Plan was appended to the report. The Review analysed how the Council had performed against the Plan's targets. Members' attention was drawn to the fact that energy usage had decreased by 18% across the Council's portfolio.

The Panel questioned whether there were any plans to increase the types of materials that could be recycled. In response, Councillor D M Tysoe advised Members that the Council was hoping to expand the range of items which could be recycled and that work was ongoing with other authorities in order to determine the cost-effectiveness of offering an enhanced service.

Having questioned whether it would still be worthwhile to install PV panels and other energy saving measures given the reduction in the Government feed-in tariff, Members were advised that as there had also been a decline in their cost, they still offered a favourable rate of return and as such should still be encouraged.

In response to a further question, the Environment Team Leader clarified the Government Salix Energy Efficiency Grant Funding process. £75,000 had been received and match funded to provide an initial £150,000 for energy efficiency projects at the Council's main site. Savings generated from the projects that had been implemented would be recycled into the fund. This would provide a maximum of £450,000 towards energy efficiency projects across the Council's estate. The Panel was then advised that a biomass boiler would be used to generate heat for Hinchingsbrooke Country Park's Countryside Centre. This should realise savings as the Country Park had a plentiful supply of logs and volunteers were willing to assist with this change in approach.

The Panel discussed the possibility of generating energy from waste and the implementation of a district heating scheme. With regard to the latter, the Head of Environmental Management explained that RWE Npower had requested a 15% – 20% rate of return to engage with the Council on a heating scheme in St. Neots. As the heating scheme would only provide a 7% – 10% rate of return, at present, this was not a viable option.

Members were acquainted with details on the Green Deal, which

would become active in the coming months. Having been advised that Councils would be best placed to promote the scheme, Members stressed the importance of ensuring that the Council provided the best value options for householders. Furthermore, the Panel recommended that, as far as possible, local traders should be used to deliver installations. A procurement exercise would be undertaken and a report would be delivered back to the Panel in due course on the precise details of the scheme.

Members highlighted the fact that the Council had not achieved its target of a 9.5% reduction in the cubic metres of water consumed by Council buildings, noting that there had been a 5.7% increase compared with 2008/2009. The Panel was assured that this would become a priority of the Environment Team and would continue to be carefully monitored. Attention was also drawn to the increase in the percentage of Council employees travelling to work by car and the slow progress that had been made in increasing the proportion of waste from the Council's Headquarters that was recycled. These trends illustrated the need for continual efforts to be made to encourage the activities that were required to achieve targets. In particular, reference was made to the need to promote the Council's home working policy and its travel plan.

#### RESOLVED

- (a) that the significant progress towards the implementation of Growing Awareness contained with the annual update 2011/2012 be noted, and
- (b) that the Cabinet be recommended to continue to support the role of the strategy as the main means for the Council to monitor and improve its own environmental performance, whilst acting as a community leader, to encourage improved environmental practice in the District as a whole.

#### **16. WASTE COLLECTION POLICIES**

*(Councillor D M Tysoe, Executive Councillor for the Environment, was in attendance for this item.)*

Councillor D M Tysoe introduced a report by the Head of Operations (a copy of which is appended in the Minute Book) on the Council's waste collection policies which had been collated and some changes were suggested. The collated policies were intended to provide clarity to residents as to the type and extent of service that they could expect. Members welcomed the fact that the Council's waste collection policies would now be available in a single document.

Members endorsed the proposal to provide paper sacks for food/green waste to properties currently receiving weekly bag collections. The sacks would be collected fortnightly to fit in with existing collection rounds, which would remove the need for additional vehicles and crews to collect them. Members also supported the proposals to collect non-hazardous clinical waste through the normal grey bin arrangements, which would result in further savings. They recommended that the Council should develop and publicise

guidance on how items which were prohibited from wheeled bins and sacks, should be disposed of. Further to this it was suggested that advice should be made available on how to dispose of batteries and razor blades through the Council's service.

Members' attention was drawn to Policy 22 which prohibited stickers on wheeled bins. Members expressed the view that the use of stickers could provide an opportunity to convey messages that had community benefits, such as local speed restrictions. This happened in South Cambridgeshire and was supported by the Police. Councillor D M Tysoe advised that a pilot initiative was taking place in Huntingdonshire. In this light, Members recommended that, subject to feedback from the local community, this practice should be adopted in Huntingdonshire.

Members discussed the feasibility of removing the purple stickers on wheeled bins, which identified residents whom required assistance. They were concerned that they identified vulnerable residents and as such could potentially create a crime hazard. The Panel was advised that the introduction of in-cab technology would enable collection crews to identify properties where residents required assistance so the need for purple stickers would be removed. Work on introducing in-cab technology would commence once route optimisation was completed.

The Panel supported improved communications in relation to waste collection. Members noted that a comprehensive communication exercise would take place towards the end of the year to explain new collection arrangements. Further to this, the Panel's Waste Collection Working Group would be looking at ways of improving general communication in relation to waste collection.

RESOLVED

that the Waste Collection Policies be endorsed for submission to the Cabinet.

## **17. BEARSCROFT FARM URBAN DESIGN FRAMEWORK**

*(Councillor N J Guyatt, Executive Councillor for Strategic Planning and Housing, was in attendance for this Item.)*

Councillor N J Guyatt introduced a report by the Head of Planning Services (a copy of which is appended in the Minute Book) on the Draft Urban Design Framework (UDF) for land at Bearscroft Farm, Godmanchester. The UDF was intended to provide constructive guidance to future developers of the area to the maximum advantage and minimum disadvantage to local residents.

Councillor C R Hyams expressed the view that Godmanchester did not have the infrastructure to serve a large scale development. Further to this, the A1198 could be negatively affected by the proposed development. Councillor Hyams further expressed the view that the proposals submitted were not sustainable and did not represent good design. In response, Councillor N J Guyatt assured the Panel that the UDF represented the best design options for development in Godmanchester and, as such, would ensure



integration between the new development and the existing town.

Members noted that the UDF was the subject of consultation which had enabled residents to have input to the design of development. Councillor M G Baker advised the Panel that he had received criticism regarding the lack of consultation with Godmanchester residents, which was a matter that needed to be addressed. In response, it was reported that the preparation of the UDF had been informed by a Working Group consisting of appropriate elected Councillors from Godmanchester Town Council, Huntingdonshire District Council and Cambridgeshire County Council. Further to this, two well attended consultation events had been held. As a result, the UDF proposed ideas that would bring benefits to the area. Having noted that an outline planning application had been received from the owners of the site, Members were advised that this and subsequent applications would need to be determined regardless of whether the UDF was approved.

In considering the options identified within the UDF, several Members expressed a preference for Idea 5 which proposed that a new road was constructed around the southern edge of the development. This would allow for a greater developed area and enable the football pitch and other green spaces to be completely integrated with the rest of the development. However, Members expressed concern at the UDFs lack of provision of a secondary school and highlighted the need to ensure there was a safe route for pupils to take to their chosen secondary school.

During discussions on the report's recommendation, Councillor M G Baker suggested that the outcomes of the consultation exercise should be circulated before authorisation was given to finalise and approve the UDF. In response, Members were reminded that representatives of the Town, District and County Councils had been involved in the preparation of the UDF. Furthermore, residents had been acquainted with the content of the UDF, the aim of which was to meet the aspirations expressed during the consultation process. Councillor J D Ablewhite addressed the Panel during its deliberations and emphasised that the principle of development of the site had already been accepted by the Council and that Members were charged with ensuring that the right decisions were made for the District. In addition, the Chairman stated that approval of the UDF would give planning officers more opportunities to influence decisions on potential planning applications. Having concluded their discussions, the Panel

#### RESOLVED

that the Cabinet be recommended to authorise the Executive Councillor for Strategic Planning and Housing, in conjunction with the Chairman of the Development Management Panel and the Head of Planning Services, to finalise and approve the Draft Urban Design Framework for Bearscroft Farm, Godmanchester to inform Council policy and Development Management decisions on potential planning applications.

**18. NEW HUNTINGDONSHIRE LOCAL PLAN CONSULTATION AND ENGAGEMENT PROCESS**

*(Councillor N J Guyatt, Executive Councillor for Strategic Planning and Housing, was in attendance for this Item.)*

Councillor N J Guyatt introduced a report by the Head of Planning Services (a copy of which is appended in the Minute Book) on the consultation and engagement process for the preparation of the new Huntingdonshire Local Plan to 2036. Members were advised that the Local Plan presented them with an opportunity to influence how land would be allocated. Councillor Guyatt indicated that all Members would be encouraged to discuss with him their Ward's requirements. Further to this Parish Councils would also be engaged. The Head of Planning Services informed Members that a workshop would be arranged for them to review the draft Plan.

Members' attention was drawn to paragraph 3.9 of the report, which highlighted the various methods of communication that would be used to ensure maximum engagement was achieved. It was suggested that the Peterborough Evening Telegraph should be utilised for the dissemination of proposals, as this would ensure that the whole of the District would be covered. This suggestion was accepted.

RESOLVED

that the consultation and engagement process for the preparation of the new Huntingdonshire Local Plan to 2036 be noted.

**19. PLANNING IMPLICATIONS OF THE ENTERPRISE ZONE**

The Panel received a presentation by Mr P Mumford, Special Projects Manager (Alconbury) on the planning implications of the Enterprise Zone. Members were acquainted with the history of the Alconbury site and were advised that planning permission for enabling works on the site had been granted in February. Development works were expected to commence imminently.

It was likely that the Enterprise Zone would create 8,000 jobs, the majority of which would be in the high-tech manufacturing sector. The combination of business rate discounts, super fast broadband and simplified planning should ensure that the Alconbury Enterprise Zone would be an attractive location for businesses.

Members noted that the consultation process for development at the site would be extensive and exceed the standard consultation requirements. Urban and Civic, the site owners, were currently undertaking consultation exercises as part of their pre-application work. Having noted that the site's rail link permission had been extended to 2015, the Panel questioned whether the provision of an additional station would have an impact on the Huntingdon Railway Station. In response, the Head of Planning Services explained that Network Rail were keen to expand and it was his understanding that a rail link at Alconbury would be an additional facility.

Having discussed its aspirations to create 'high value jobs' at the Enterprise Zone, the Head of Planning Services advised Members

that the Local Enterprise Partnership would be looking to provide 'transformational employment' at the site. Subsequently, there was a possibility that commuting patterns across the District would change as traffic towards Cambridge and London could be reduced. The Head of Planning Services acknowledged that traffic management on the site would be a key factor in ensuring its success, and advised that work with the Highways Agency in this respect was already taking place. The Panel was advised that Urban and Civic had a strong record of delivering high quality developments in the South of England and the Enterprise Zone at Alconbury should be no exception.

The Head of Planning Services undertook to report back to the Panel with more information once development had commenced.

## **20. WORK PLAN STUDIES**

The Panel considered and noted a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) informing them of studies being undertaken by the other Overview and Scrutiny Panels.

Councillor D A Giles highlighted his concerns over reports of Japanese Knotweed growing in Eaton Socon, some of which related to council-owned land and the implications for the waste collection service. In response, the Scrutiny and Review Manager undertook to produce a scoping report on this matter in order for the Panel to assess whether a study was required.

## **21. OVERVIEW AND SCRUTINY PANEL PROGRESS**

With the aid of a report by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) the Panel was advised of progress on issues that had been previously discussed. Having regard to the slow progress that had been made in the production of the Tree Strategy, Councillor J W Davies reported that he had contacted the Arboricultural Officer and a response was awaited.

With regards to the scheduled visit to the Great Fen, given that a number of Members were unable to attend on the proposed date, it was agreed that a new date should be arranged in order to achieve maximum participation.

In response to a request, the Panel appointed Councillor D A Giles to the Waste Collection Working Group.

## **22. SCRUTINY**

The Panel received and noted the latest Edition of the Council's Decision Digest (a copy of which is appended in the Minute Book), which summarised recent decisions by the Council. In so doing, Councillor J W Davies explained the reasoning behind the Licensing and Protection Panel's decision to return the responsibility for licensing pavement cafés to the County Council.

Chairman



### FORWARD PLAN OF KEY DECISIONS

**Prepared by**  
**Date of Publication:**  
**For Period:**

**Councillor J D Ablewhite**  
**16 August 2012**  
**1 September 2012 to 31 December 2012**

Membership of the Cabinet is as follows:-

Councillor J D Ablewhite	- Executive Leader of the Council, with responsibility for Strategic Economic Development	3 Pettis Road St. Ives Huntingdon PE27 6SR  Tel: 01480 466941 E-mail: <a href="mailto:Jason.Ablewhite@huntingdonshire.gov.uk">Jason.Ablewhite@huntingdonshire.gov.uk</a>
Councillor N J Guyatt	- Deputy Executive Leader of the Council with responsibility for Strategic Planning and Housing	6 Church Lane Stibbington Cambs PE8 6LP  Tel: 01780 782827 E-mail: <a href="mailto:Nick.Guyatt@huntingdonshire.gov.uk">Nick.Guyatt@huntingdonshire.gov.uk</a>
Councillor B S Chapman	- Executive Councillor for Customer Services	6 Kipling Place St. Neots Huntingdon PE19 7RG  Tel: 01480 212540 E-mail: <a href="mailto:Barry.Chapman@huntingdonshire.gov.uk">Barry.Chapman@huntingdonshire.gov.uk</a>
Councillor J A Gray	- Executive Councillor for Resources	Shufflewick Cottage Station Row Tilbrook PE28 OJY  Tel: 01480 861941 E-mail: <a href="mailto:Jonathan.Gray@huntingdonshire.gov.uk">Jonathan.Gray@huntingdonshire.gov.uk</a>
Councillor D M Tysoe	- Executive Councillor for Environment	Grove Cottage Maltings Lane Ellington Huntingdon PE28 OAA  Tel: 01480 388310 E-mail: <a href="mailto:Darren.Tysoe@huntingdonshire.gov.uk">Darren.Tysoe@huntingdonshire.gov.uk</a>
Councillor T D Sanderson	- Executive Councillor for Healthy and Active Communities	29 Burmoor Close Stukeley Meadows Huntingdon PE29 6GE  Tel: 01480 412135 E-mail: <a href="mailto:Tom.Sanderson@huntingdonshire.gov.uk">Tom.Sanderson@huntingdonshire.gov.uk</a>

Any person who wishes to make representations to the decision maker about a decision which is to be made may do so by contacting Mrs Helen Taylor, Senior Democratic Services Officer on 01480 388008 or E-mail: [Helen.Taylor@huntsdc.gov.uk](mailto:Helen.Taylor@huntsdc.gov.uk) not less than 14 days prior to the date when the decision is to be made.

The documents available may be obtained by contacting the relevant officer shown in this plan who will be responsible for preparing the final report to be submitted to the decision maker on the matter in relation to which the decision is to be made. Similarly any enquiries as to the subject or matter to be tabled for decision or on the availability of supporting information or documentation should be directed to the relevant officer.

Colin Meadowcroft  
Head of Legal and Democratic Services

Notes:- (i) Additions/significant changes from the previous Forward are annotated \*\*\*  
(ii) For information about how representations about the above decisions may be made please see the Council's Petitions Procedure at <http://www.huntsdc.gov.uk/NR/rdonlyres/3F6CFE28-C5F0-4BA0-9BF2-76EBAE06C89D/0/Petitionsleaflet.pdf> or telephone 01480 388006

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Council Tax Support***	Cabinet	13 Sep 2012	None.	Julia Barber, Head of Customer Services Tel No. 01480 388105 or email <a href="mailto:Julia.Barber@huntingdonshire.gov.uk">Julia.Barber@huntingdonshire.gov.uk</a>	Overview & Scrutiny (Economic Well-Being).	J A Gray	Economic Well-Being
Joint Strategic Planning***	Cabinet	13 Sep 2012	None.	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email <a href="mailto:Paul.Bland@huntingdonshire.gov.uk">Paul.Bland@huntingdonshire.gov.uk</a>		N J Guyatt	Environmental Well-Being
Fixed Penalty Notice - Section 46 Waste Offences	Cabinet	13 Sep 2012	None.	Sonia Hansen, Streetscene Manager 01480 388630 or email <a href="mailto:Sonia.Hansen@huntingdonshire.gov.uk">Sonia.Hansen@huntingdonshire.gov.uk</a>	Overview and Scrutiny Panel (Environmental Well-Being)	D M Tysoe	Environmental Well-Being
Leadership Direction	Cabinet	13 Sep 2012	None	Helen Donnellan, Corporate Team Manager Tel No 01480 388263 or email <a href="mailto:Helen.Donnellan@huntingdonshire.gov.uk">Helen.Donnellan@huntingdonshire.gov.uk</a>	Overview & Scrutiny Panels and Corporate Plan Working Group	J D Ablewhite/ N J Guyatt	All O&S Panels

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Charging for Second Green Bin	Cabinet	13 Sep 2012	None	Eric Kendall, Head of Operations Tel No. 01480 388635 or email Eric.Kendall@huntingdonshire.gov.uk	None	D M Tysoe	Environmental Well-Being
Bearscroft Farm Urban Design Framework	Cabinet	13 Sep 2012	None.	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk	Adopt as Council policy.	N J Guyatt	Environmental Well-Being
Technical Reforms of Council Tax	Cabinet	13 Sep 2012	None	Julia Barber, Head of Customer Services Tel No 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk	None	B S Chapman	Economic Well-Being
Financial Strategy	Cabinet	13 Sep 2012	None	Steve Couper, Head of Financial Services Tel No 01480 388103 or email Steve.Couper@huntingdonshire.gov.uk	Overview & Scrutiny (Economic Well-Being)	J A Gray	Economic (Well-Being)
Business Plan One Leisure - Quarterly Performance Reports***	Cabinet	18 Oct 2012	None	Simon Bell, General Manager, One Leisure Tel No. 01480 388049 or email Simon.Bell@huntingdonshire.gov.uk	Overview and Scrutiny Panel (Economic Well-Being).	T D Sanderson	Economic Well-Being
Community Right to Challenge***	Cabinet	18 Oct 2012	None.	Colin Meadowcroft, Head of Legal and Democratic Services Tel No. 01480 388021 or email Colin.Meadowcroft@huntingdonshire.gov.uk		N J Guyatt	Economic Well-Being
Risk Based Verification in Housing Benefits***	Cabinet	18 Oct 2012	None.	Julia Barber, Head of Customer Services Tel No. 01480 388105 or email Julia.Barber@huntingdonshire.gov.uk		J A Gray	Economic Well-Being

Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
Town and Parish Council Charter***	Cabinet	18 Oct 2012	None.	Dan Smith, Community Health Manager Tel No. 01480 388377 or email Dan.Smith@huntingdonshire.gov.uk		N J Guyatt	Social Well-Being
Houghton & Wyton Conservation Area Boundary Review	Cabinet	18 Oct 2012	Consultation Outcomes	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk	Approve new Conservation Area Boundary	N J Guyatt	Environmental Well-Being
Housing Strategy 2012-2015 - to include Tenancy Strategy	Cabinet	18 Oct 2012	Previous Housing Strategy 2006-2012 and Strategic Housing Market Assessment (SHMA)	Jo Emmerton, Housing Strategy Manager Tel No. 01480 388203 or email Jo.Emmerton@huntingdonshire.gov.uk	Housing Associations and Partners	N J Guyatt	Social Well-Being
A14	Cabinet	18 Oct 2012	None.	Steve Ingram, Head of Planning Services 01480 388400 or email Steve.Ingram@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being
CIL Governance Principles	Cabinet	18 Oct 2012	None.	Steve Ingram, Head of Planning Services Tel No. 01480 388400 or email Steve.Ingram@huntingdonshire.gov.uk	Endorse Governance Principles.	N J Guyatt	Economic Well-Being
Planning for Sustainable Drainage Systems (SuDs)	Cabinet	18 Oct 2012	Consultation Outcomes	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 388430 or email Paul.Bland@huntingdonshire.gov.uk	Approve new Conservation Area Boundary.	N J Guyatt	Environmental Well-Being
Gambling Act - Revised Statement of Principles	Cabinet	22 Nov 2012	None	Christine Allison, Licensing Manager Tel No 01480 388010 or email Christine.Allison@huntingdonshire.gov.uk	None	T D Sanderson	Social Well-Being



Subject/Matter for Decision	Decision/ recommendation to be made by	Date decision to be taken	Documents Available	How relevant Officer can be contacted	Consultation	Relevant Executive Councillor	Relevant Overview & Scrutiny Panel
St. Neots Town Centre Urban Design Framework***	Cabinet	13 Dec 2012	None.	Paul Bland, Planning Service Manager (Policy) Tel No. 01480 3888430 or email Paul.Bland@huntingdonshire.gov.uk		N J Guyatt	Environmental Well-Being

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**OVERVIEW & SCRUTINY  
(ENVIRONMENTAL WELL BEING)**

**11<sup>th</sup> SEPTEMBER 2012**

**CABINET**

**13<sup>th</sup> SEPTEMBER 2012**

**FIXED PENALTY NOTICES FOR ENVIRONMENTAL CRIME  
(Report by the Head of Operations)**

**1. PURPOSE**

- 1.1 To seek approval for the change in the fine level for Fixed Penalty Notices for section 46 and 47 of the Environmental Protection Act as required by the Amendment Order 2012.

**2. BACKGROUND**

- 2.1 In November 2005 Cabinet approved the Director of Operational Services to appoint persons to issue Fixed Penalty Notices under the Environmental Protection Act 1990, as amended by the Clean Neighbourhoods and Environment Act 2005, and to set the fixed penalties at the default level.
- 2.2 An environmental crime team was established within the Operations Division with two officers who are engaged in prevention, intervention, investigation and enforcement of environmental crime such as littering, fly tipping and abandoned vehicles. The officers are authorised to issue Fixed Penalty Notices for various offences under the Environmental Protection Act 1990 (EPA), Clean Neighbourhoods and Environment Act 2005 and other relevant legislation.

**3. SECTION 46 & 47 ENVIRONMENTAL PROTECTION ACT 1990**

- 3.1 Under section 46 of the EPA Fixed Penalty Notices can be issued for 'Failure to place waste in the prescribed receptacle' for household waste and under section 47 for the same offence but relating to commercial waste.
- 3.2 Section 46 Fixed Penalty Notices received some bad publicity nationally as some councils were using them to fine people for very minor infringements which have generally been dealt with by this council by light-touch intervention and education.
- 3.3 The default level for section 46 and 47 notices was £100 but the coalition government was of the view this was too high. The council currently has the level at £100 with a reduction to £60 if paid within 10 days.

3.4 In May 2012 the Government passed an Amendment to the EPA to reduce the default level of section 46 and 47 Fixed Penalty Notices to not less than £60 and not more than £80.

3.4 The Council's environmental enforcement officers have only issued eight section 46 notices since 2008. No section 47 notices have been issued. In most cases education, intervention and the threat of such a fine has been effective in achieving compliance.

#### **4. CONCLUSION**

4.1 To comply with the Amendment Order passed by Parliament the Council is required to change the default level of section 46 and 47 Fixed Penalty Notice to not less than £60 and not more than £80. A reduction is still allowed for early payment.

#### **5. RECOMMENDATION**

5.1 It is recommended that Cabinet approves the reduction of Fixed Penalty Notices for Environmental Protection Act 1990 section 46 and 47 offences to £80 reduced to £60 if paid within 10 days.

**Contact Officer:** Sonia Hansen, Streetscene Manager

 01480 388630

**COMT  
OVERVIEW & SCRUTINY PANEL  
(ENVIRONMENTAL WELL-BEING)  
CABINET**

**03 SEPT 2012  
11 SEPT 2012  
13 SEPT 2012**

## **NEW GUIDANCE FOR LOCAL AUTHORITIES ON THE HOME ENERGY CONSERVATION ACT 1995 (HECA) AND DELIVERY OF THE GREEN DEAL IN HUNTINGDONSHIRE**

**(Report by Head of Environmental Management)**

### **1. INTRODUCTION**

- 1.1 The purpose of this report is to provide a briefing on guidance recently published by the Secretary of State for Energy and Climate Change requiring all local authorities with housing responsibility to prepare reports by 31st March 2013, setting out plans to implement practical, cost effective energy conservation measures to achieve significant improvement in the energy efficiency of residential accommodation in their areas.
- 1.2 The report also gives details of the Government's flagship environmental initiative the 'Green Deal', outlining options for the delivery of the Green Deal in the district and recommending continued work to establish a preferred approach designed to maximise take up and provide a revenue income for the Council, whilst promoting local jobs, skills and apprenticeships.

### **2. BACKGROUND**

- 2.1 The Home Energy Conservation Act (HECA) has been in force since 1996. It requires local authorities with housing responsibilities to periodically report improvements to the energy efficiency of the housing stock in their area.
- 2.2 The Energy Act 2011 amended HECA by supplementing the definition of an 'energy conservation measure' to include 'any available financial assistance'. This amendment enables local authorities to report measures installed through the Governments forthcoming Green Deal initiative.
- 2.3 The Green Deal is a new finance framework that will provide householders with up-front loan finance for installing cost effective energy efficiency measures in their homes.
- 2.4 Green Deal loans will be available for a full range of measures (45 in total) including such things as loft and cavity wall insulation, boiler replacement, heating controls, double glazing, secondary glazing, solid wall insulation, flat roof insulation and micro-generation (solar thermal and PV).
- 2.5 Green Deal loans will not operate as personal loans but will be repaid through savings achieved in household energy bills. The 'Golden Rule' of the Green Deal is that loan repayments must be less than the expected savings from the measures installed.

- 2.6 There is also potential to bring in top-up grant funding from what is known as the Energy Company Obligation (ECO). Around £1.3bn per annum is to be invested by the major energy companies to cover a combination of the more expensive measures (e.g. solid wall insulation) and the delivery of affordable warmth to priority of householders who may be suffering from fuel poverty.

### **3. DELIVERY OF THE GREEN DEAL IN HUNTINGDONSHIRE**

- 3.1 The Green Deal has huge potential to stimulate energy efficiency improvements in the building stock of the District. Although it has largely been devised with housing in mind, it will also be available for commercial and public buildings.
- 3.2 An initial assessment of Huntingdonshire's housing stock suggests that about 70% of houses are likely to have some potential for green deal measures. The greatest potential lies in semi-detached and detached homes, where heat loss potential is more substantial than in flats or terraced houses.
- 3.3 The Green Deal can be provided by commercial companies, social enterprises and local authorities acting alone or in partnership. To deliver the Green deal locally there are basically three approaches local authorities might choose to adopt:
- Provide – the Green Deal directly to their local residents and businesses, co-ordinating finance and delivery;
  - Partner – work in partnership with commercial Green Deal providers and community partners to deliver and facilitate delivery; or
  - Promote – by acting as advocates for the Green Deal locally
- 3.4 The Council is currently participating in a county wide study to assess the size of the opportunity for the take up of the Green Deal in Cambridgeshire and to provide an options appraisal of the various delivery mechanisms.
- 3.5 There are a number of issues local authorities need to consider in deciding what role/s they might play in delivering the Green Deal but the study has indicated that the maximum benefits for a District Council such as Huntingdonshire (in terms of scheme viability and potential revenue returns) will come from partnering with a commercial provider either alone or with other Cambridgeshire Local authorities.
- 3.6 Indications from Central Government are that the Green Deal will be most efficiently delivered by local authorities on a county wide scale and that Local Authorities partnering early are likely to be at an advantage when it comes to attracting investment from Green Deal providers and energy companies.
- 3.7 The joint procurement of a Green Deal offering for Cambridgeshire is likely to take up to 6 months. An option under the procurement is that participating local authorities will seek referral fees from the Green Deal provider for every household benefitting from the installation of Green Deal measures under the scheme to provide an ongoing revenue benefit for the Council.
- 3.8 Alternatively the District Council could seek to procure its own Green Deal offering, however there is evidence that a smaller scheme such as this may be less attractive to commercial partners, will be more difficult to promote effectively and could have a reduced take up as a result.

#### **4. FINANCIAL/RESOURCE IMPLICATIONS**

- 4.1 The main costs associated with the development of a local authority Green Deal scheme either for Huntingdonshire or Countywide are the costs of the procurement process necessary to secure a Green Deal provider partner and the officer time to promote the scheme once it is up and running to ensure that take up is maximised and therefore revenue potential.
- 4.2 Running a single joint procurement exercise Countywide is likely to be more cost effective for the public purse than operating five almost identical processes district by district.
- 4.3 Revenue potential is likely to be higher under a Cambridgeshire wide Green Deal scheme as there is evidence that take up will be greater because of increased brand awareness and market penetration.
- 4.4 Once any procurement exercise is complete the management of the scheme will largely be undertaken by the Green Deal provider and local authority investment will be limited to start up costs for marketing and officer time spent promoting the scheme for lead generation. As such there will be no long term balance sheet exposure from this partnership approach.

#### **5. CONCLUSIONS**

- 5.1 The Council has the option of entering a joint procurement exercise to deliver a single Green Deal offering for Cambridgeshire. All Cambridgeshire districts have expressed support for this course of action.
- 5.2 Joint procurement is likely to be more cost effective and a joint scheme is likely to have greater take up through the added media profile and publicity that will be generated leading to greater revenue income.
- 5.3 Further work is necessary to develop a business case and support the development of an action plan to deliver the procurement and implementation of a joint Green Deal offering for Cambridgeshire.

#### **6. RECOMMENDATIONS**

It is recommended that:

- 6.1 further work is undertaken by Officers of the Council's Environment Team (in conjunction with Officers from other Cambridgeshire authorities) to develop an outline business case for and action plan to deliver the procurement of a joint local authority Green Deal offering for Cambridgeshire.
- 6.2 when completed the outline business case is presented to Members for consideration including a full appraisal of the work streams and resources required to procure and deliver a Green Deal scheme for Cambridgeshire.

#### **BACKGROUND INFORMATION**

**Contact Officer: Chris Jablonski (Environment Team Leader)**  
**Tel: Ext. 8368**

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COMT  
OVERVIEW AND SCRUTINY  
(ENVIRONMENTAL WELLBEING)  
CABINET

17 AUGUST 2012  
11 SEPTEMBER 2012

13 SEPTEMBER 2012

## JOINT STATEMENT ON THE DEVELOPMENT STRATEGY FOR CAMBRIDGESHIRE AND PETERBOROUGH BY THE LOCAL AUTHORITIES

(Report by Head of Planning Services)

### 1. INTRODUCTION

- 1.1 The purpose of this report is to recommend that Cabinet endorses the updated 'Joint Statement on the Development Strategy for Cambridgeshire and Peterborough by the Local Authorities' (July 2012), which is attached as Appendix 1.

### 2. BACKGROUND

- 2.1 The updated Joint Strategic Planning Statement on the Development Strategy for Cambridgeshire and Peterborough by the Local Authorities (the 'Joint Strategic Planning Statement') was agreed at the Cambridgeshire Together Leaders and Chief Officers meeting on 24<sup>th</sup> July 2012. It updates and replaces a previous joint statement that each local planning authority in Cambridgeshire endorsed in 2010. The updated version is not radically different in principle from the 2010 version, but it does take recent important changes to the planning system into account, and now incorporates Peterborough unitary authority as well as the Cambridgeshire authorities. The Cambridgeshire and Peterborough local authorities are now individually seeking Cabinet level endorsement of the updated Joint Strategic Planning Statement to ensure that it has weight in the current development planning process.
- 2.2 The Joint Strategic Planning Statement provides a basis for enabling the Cambridgeshire and Peterborough authorities to continue to work together at a strategic level across administrative boundaries and to plan effectively for growth. This is in the context of the Coalition Government's stated intention to abolish Regional Spatial Strategies as part of the Localism Act 2011, with the development planning system becoming wholly locally based, and the introduction of planning reforms including the National Planning Policy Framework (March 2012).
- 2.3 The Joint Strategic Planning Statement provides an important context for each of the authorities to take forward their new Local Plans, to ensure that each authority meets its formal 'Duty to Co-operate' in plan making as introduced by the Localism Act 2011, and to enable each of the emerging Local Plans to effectively reflect strategic matters. Such matters, for Huntingdonshire, include the future of the A14 and other highways and transport infrastructure, and the implementation of the Alconbury Enterprise Zone.

2.4 The production of the Joint Strategic Planning Statement has been led by the Cambridgeshire & Peterborough Joint Strategic Planning Unit (JSPU). The JSPU is based at the offices of South Cambridgeshire District Council and is funded from a two year transition fund from the Department for Communities and Local Government. The partner authorities involved in establishing the JSPU and preparing the Joint Strategic Planning Statement are as follows:

- Cambridge City Council
- Cambridgeshire County Council
- East Cambridgeshire District Council
- Fenland District Council
- Huntingdonshire District Council
- Peterborough City Council
- South Cambridgeshire District Council

2.5 The JSPU's work is overseen by the Cambridgeshire and Peterborough Joint Strategic Planning and Transport Member Group, which consists of three members from each authority. The HDC members of the group are Councillors Ablewhite, Guyatt and Shellens. The Member Group has been established to ensure that, in the context of the Joint Statement, a coherent approach is taken to the preparation of development strategies across Cambridgeshire and Peterborough and that the Duty to Co-operate in plan making with relevant authorities and agencies is actively addressed. The Member Group does not have any formal decision making powers, and will meet in public. The key outcomes of the Member Group will be:

- To steer the development of a non-statutory spatial framework for Cambridgeshire and Peterborough to at least 2031 (NB. It is important to note that this non-statutory spatial framework will ultimately replace the Joint Strategic Planning Statement which is the subject of this report).
- To steer the development of a long term transport strategy for Cambridgeshire covering 2012 to 2050.

2.6 The wider context for strategic planning work also recognises the roles of:

- The Greater Cambridgeshire / Greater Peterborough Local Enterprise Partnership (LEP) on preparing a vision and action plan for its designated area's economic growth.
- Cambridgeshire County Council and Peterborough City Council in preparing transport strategies as the relevant local highway authorities.
- The Sub Regional Housing Board in updating its Housing Strategy and reviewing and developing the Strategic Housing Market Assessment (SHMA).
- The Duty to Co-operate bodies which have their own plans and priorities related to the longer term growth of the area.

### **3. RECOMMENDATION**

3.1 It is recommended that Cabinet endorses the Joint Statement on the Development Strategy for Cambridgeshire and Peterborough by the Local Authorities (July 2012).

## **APPENDICES**

Appendix 1 – Joint Statement on the Development Strategy for Cambridgeshire and Peterborough by the Local Authorities (July 2012)

### **BACKGROUND PAPERS**

Cambridgeshire Together Leaders and Chief Officers Meeting 24<sup>th</sup> July 2012: Agenda Item 3 Joint Strategic Planning Statement

Joint Strategic Planning and Transport Members Group 5<sup>th</sup> July 2012: Agenda Items 3 to 7 available to view at:

<http://www.cambridgeshire.gov.uk/CMSWebsite/Apps/Committees/Committee.aspx?committeeID=61>

**CONTACT OFFICER** - Enquiries about this report to Steve Ingram, Head of Planning Services, on 01480 388400

### **Appendix 1**

#### **JOINT STATEMENT ON THE DEVELOPMENT STRATEGY FOR CAMBRIDGESHIRE AND PETERBOROUGH BY THE LOCAL AUTHORITIES<sup>1</sup>**

##### **1 Introduction**

- 1.1 In 2010 the Coalition Government announced its intention to abolish Regional Spatial Strategies (and by extension any 'saved' Structure Plan policies) and introduce a wholly locally-based planning system. In response to this changing policy environment the Cambridgeshire authorities issued a joint statement in autumn 2010 to set out their position in support of the existing, established development strategy for the County.
- 1.2 This statement updates and replaces that earlier one in the light of events since its publication in 2010. It is expanded to cover Peterborough in addition to Cambridgeshire, reflecting the history of joint working between the two areas, the shared objectives within the Local Enterprise Partnership, and the recent agreement to co-operate effectively and work together on strategic planning issues.

##### **2 Background**

- 2.1 The existing development strategy originated in the Cambridgeshire and Peterborough Structure Plan 2003 and with the support of all of the Cambridgeshire local authorities was incorporated in the East of England Plan (the Regional Spatial Strategy) published in 2008. These strategic plans

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<sup>1</sup> Cambridgeshire County Council, Cambridge City Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, Peterborough City Council and South Cambridgeshire District Council.

informed the development of the City and District Councils' Local Plan and Local Development Frameworks, which currently are being implemented.

- 2.2 The key objective of the strategy is to secure sustainable development by locating new homes in and close to Cambridge and Peterborough and to other main centres of employment, while avoiding dispersed development which increases unsustainable travel and restricts access to key services and facilities. Further sustainable locations for growth focus mainly on Cambridgeshire's market towns and Peterborough's district centres, with one large new town (Northstowe) to be connected to Cambridge and other key locations through a new dedicated public transport option, the Cambridgeshire Guided Busway.
- 2.3 Implementation of the strategy is on-going, with new urban extensions being delivered in Cambridge and Peterborough. With the Busway now up and running, significant development activity is underway in Cambridge's southern and north-west fringes and an application for a first phase for the new town of Northstowe has been submitted. Major developments, essential regeneration and infrastructure provision in Cambridgeshire's market towns continue to make positive progress.

### **3 National and Local Developments**

- 3.1 The National Planning Policy Framework, published recently, requires all local authorities to plan for sustainable development including planning positively for economic growth, with their local plans being prepared on the basis that objectively assessed development needs should be met. With the enactment of the Localism Act in 2011, all local authorities are now under a Duty to Co-operate in the preparation of their plans, both with each other and a range of other bodies.
- 3.2 The national economic situation has presented significant challenges in maintaining the pace of growth and the delivery of sufficient investment where it is most needed. In the face of these challenges, the Cambridgeshire and Peterborough local authorities have continued to take a positive attitude to delivery of the development strategy and have taken innovative approaches to funding challenges - for example, the equity investment in the southern fringe sites. This has enabled development to start earlier than would otherwise have been the case, whilst still securing a future financial return for the authorities, which can then be reinvested to support future high quality growth for the benefit of local communities.
- 3.3 The Greater Cambridge-Greater Peterborough Local Enterprise Partnership is now well-established and has secured the designation of an Enterprise Zone at the former Alconbury airfield. The County Council has also announced it is putting in place the funding to deliver a new rail station in the north of Cambridge, which will enhance public transport accessibility and provide some relief to congestion within the city. Work is now underway, led by the Department for Transport but working in partnership with the County and District Councils, to find a way forward for delivering improvements along the A14 corridor. The outcomes are critical in order to support a range of key development locations, including at

Northstowe. An announcement from Government on the way forward is expected this summer.

#### **4 The Response to these Challenges**

- 4.1 Despite the clarity of and support for the existing development strategy, the local authorities realise the need to keep the broader, strategic perspective under consideration. As a result, all authorities except Peterborough City Council, which last year adopted a Core Strategy running to 2026, are undertaking a review or roll forward of their local plans.
- 4.2 The need for this work results from a range of factors, including fostering continued economic growth, providing sufficient housing and the need for delivery of the necessary infrastructure to support the development of sustainable communities. The review or roll forward of plans will also need to take account of the fundamental changes that are likely to impact on the existing strategy – for example, the current unavailability of Cambridge Airport for housing development or the introduction of the Enterprise Zone at Alconbury. With regard to the Enterprise Zone the local authorities will need to consider and effectively respond to the wider spatial implications of that designation as a matter of urgency. Nevertheless, it is critical that a combined clear focus and effort remains on the effective delivery of the existing ambitious strategy and the major developments that are part of it; and to recognise that Cambridgeshire and Peterborough, as a whole, still have more than adequate land coming forward to effectively deliver sustainable growth, which can be continued as the strategy is updated.
- 4.3 Preparation of these updated plans will take account of policies outlined in the National Planning Policy Framework, including wide community engagement in accordance with the principles of localism. This will enable engagement around a range of development needs, including community-based, locally-generated proposals as well as those of more strategic significance. Furthermore, the local authorities will continue their long history of close collaboration and joint working as part of their Duty to Co-operate. This will include jointly gathering appropriate forms of evidence to both inform their plans and to shape the formulation of their strategies. Their work will be supported and constructively challenged at a strategic level by a newly-formed Joint Strategic Planning Unit. Close links to the Local Enterprise Partnership will also be further developed.
- 4.4 In undertaking the review or roll forward of their plans, the local authorities are clear that fundamentally they will continue to be guided by the strategic principles which underpinned the original growth strategy, first set out in the 2003 Structure Plan. Locating homes in and close to urban areas and to other main centres of employment is critical to ensure appropriate, sustainable development. It is essential, therefore, that the future development needs of the wider area are considered and agreed through a strategic plan-led approach, which takes account of identified local and national priorities.
- 4.5 Pending this review of the strategy, the local authorities are clear that they remain committed to delivering the existing planned strategy, and that significant capacity exists in terms of housing and employment land supply as we recover

from the recession. During the transition period leading up to the introduction of their new, updated local plans, the local authorities will continue to give full weight to current, adopted planning policies.

July 2012

**DESIGN PRINCIPLES FOR FUTURE DEVELOPMENTS  
(Report by the Working Group)**

**1. INTRODUCTION**

- 1.1 At their meeting held on 8<sup>th</sup> November 2011, the Overview and Scrutiny Panel (Environmental Well-Being) decided to establish a working group to examine concerns raised over the Loves Farm development in St Neots and to make recommendations to inform future developments. The Working Group comprised Councillors Mrs M Banerjee, I J Curtis, P M D Godfrey and G J Harlock. Ward Members for St Neots have also attended Working Group meetings. Councillor Mrs M Banerjee has acted as rapporteur.

**2. BACKGROUND**

- 2.1 The Panel's interest in the subject was prompted by the attendance of Councillors Mrs B E Boddington and R J West at a meeting to address Members on their concerns over the appearance of the Loves Farm development at St Neots. Councillors Mrs Boddington and West had been approached by residents owing to their membership of the Development Management Panel and the close proximity of their Ward to the area. The Panel's attention was drawn to the high density of the housing within the development and problems associated with it. Residents had complained about the poor appearance of the extremities of the development as well as the narrowness of the roads, the lack of footpaths and the absence of street names. The Panel acknowledged that there could often be tensions and differences in priorities between developers and the planning authority, but it was decided that there was a need not only to address the current problems but also to learn from them to inform the design stages of future developments.

**3. EVIDENCE AND INVESTIGATIONS**

- 3.1 The Working Group initially undertook an exercise to establish a comprehensive list of the matters that have been causing concern to residents at Loves Farm, St Neots. Local Members assisted the Working Group with this. Activities to familiarise Members with the Loves Farm site have also been undertaken.
- 3.2 The Head of Planning Services has provided Members with an overview of the Loves Farm site. The initial concept for Loves Farm had arisen from the 2002 Local Plan Alteration. The main application for development of the site was approved in April 2006 and the first Reserved Matters application for the primary infrastructure of the site was approved in June 2006. Considerable emphasis is attached to the fact that, in this instance, the planning process has delivered the infrastructure upfront. This is a positive achievement. Some of the main areas of residents' concerns are now addressed.

### *Access Routes*

- 3.3 Access routes to and within the site have frequently been cited as matters that cause residents concerns. The initial outline proposal plan includes access routes. Many aspects of access routes are beyond the District Council's control. From the outset, the County Council has stated that the access route over the railway bridge is substandard and as such is only for use by emergency vehicles and buses. There does not appear to be any scope to change this position by making it available for general use. With regard to the absence of footpaths on some roads, the Movement Strategy makes clear that the integration of roads and footways is deliberate. Furthermore, a bridge, which will link the site to the railway station and the Town, should be delivered by Network Rail in 2014. It will be suitable for pedestrians and cyclists and will be Disability Discrimination Act compliant. This is considered to be a short timescale.

### *Housing Density*

- 3.4 The density of housing at Loves Farm varies throughout the site between 30 to 50 houses per hectare. At the time the development was approved the Government required developers to construct sites having an average of 40 homes per hectare. This requirement has been met at Loves Farm.
- 3.5 There is a general perception that developers are able to circumvent planning requirements by requesting amendments once the principle of development has been approved. With this in mind the plans that were originally approved have been compared with what has actually been built. There is little deviation between the two. Moreover, there have not been any planning breaches at the site. Everything that has been built has received planning permission and there has not been any necessity to take enforcement action.

### *Affordable Housing*

- 3.6 On the question of the prevalence of affordable housing on the site, the working group has learnt that the application granted in 2006 had stipulated that 29% of the development would be affordable housing. However, housing associations at that time had been allocated funds by the Government to purchase houses at market value, which has resulted in a higher level of affordable housing on the site. As a result of the fact that some of the issues raised relate specifically to affordable housing, the Head of Planning Services has arranged for Councillors Mrs Boddington and West to meet with Bedfordshire Pilgrims Housing Association to discuss the Councillors' concerns.

### *Other Matters*

- 3.7 In addition to the matters referred to above, each of the detailed points identified during the initial stage of the study have been examined. They are listed together with comments by the Head of Planning and Housing Strategy in the Appendix hereto.

### *Building for Life Assessment*



3.8 In order to obtain an objective assessment of Loves Farm from a planning perspective, during a site visit each Member of the Working Group has completed a 'building for life' assessment of the development. Building for Life is the national standard for well designed homes and neighbourhoods. The Council assesses all development sites and aims to achieve a score of at least ten out of twenty; a score of fourteen to fifteen being considered good (silver standard) and sixteen is very good (gold standard). On the basis of the assessments carried out by the Working Group in the course of the study, Loves Farm scored fifteen out of twenty (silver standard).

3.7 The areas that have been rated positively are:-

- the good mix of housing;
- the site exploits existing landscaping and topography, and
- the development feels safe with public spaces overlooked.

Those parts of the development that scored less well include:-

- car parking, and
- environmental impact.

#### **4. FUTURE DEVELOPMENTS**

4.1 The next phase of Loves Farm will be developed at a lower density as the Government has relaxed density levels. This deals with one aspect of residents' concerns. However, there is still the question of the mix of dwellings. The Council has previously tried to influence the housing mix delivered on a given site but developers try to resist this because the optimum profit is obtained from a four bedroom detached house. The Working Group has supported the suggestion that the new Local Plan should be more orientated towards obtaining a mix of dwellings on new developments.

4.2 Further, on the type of accommodation that is built, it is recommended that the Decent Homes Standard, which is applicable to social housing, should be a driver for market housing.

4.3 Car parking is an issue at Loves Farm. It is the responsibility of Planning Officers to ensure that developers provide an appropriate level of parking spaces and this needs to be factored into planning applications. At the same time, highway design influences how and where people park their cars. The view has been expressed that Highways Officers do not appear to have residents' needs in mind when making recommendations of developments. It has, therefore, been suggested that Highways Officers should be invited to brief Members on their work.

4.4 The County Council can change proposed road layouts when they receive Section 38 approvals, regardless of recommendations by District Council Planning Officers. It is suggested that Section 38 plans are referred back to the District Council once they have been processed by the County Council.

4.5 Clarification is required as to who is responsible for bringing footpaths to an acceptable standard.

4.6 Generally, the importance of developing communities with residents' needs in mind has been highlighted. In the short term this view will be adopted towards the next phase of the Loves Farm development and other up and coming large developments. Thereafter, it should be a feature of the Design Guide.

4.7 Following discussions with the Urban Design, Trees and Landscape Team Leader on the findings of the Building for Life Assessment, four principal actions have been identified that will be implemented to deal with the concerns that have been raised. These are:-

**a) More co-operation between the District Council as planning authority and other responsible authorities such as the County Highways Authority and the Environment Agency.**

The Working Group will look at how greater co-operation will be achieved. It has also been suggested that greater co-operation with utility companies would be beneficial. Further to this, the County Council is now responsible for Sustainable Drainage Systems and the District Council is looking to tackle drainage issues; this needs to be done in conjunction with the County Council. Natural drainage solutions are being sought where possible. Meetings are already being held regarding the second phase of the Loves Farm development on all relevant matters.

**b) Better targeted design policies to be included in the new Local Plan. Policies, for example, based upon parking standards (wider car parking dimensions), requirement for good or silver BFL standard before planning approval.**

Attention is drawn to the 'Lifetime Home Standards', which have been introduced in London. It might be a targeted design policy in the new Local Plan. The possibility of using the 'Building for Life' assessments as a suitable standard for assessing planning applications has also been raised. If this strategy is adopted applicants will need to employ an accredited assessor. This approach could be used for small sections of large developments.

**c) The production of an updated District Design Guide as part of the evidence base to underpin the new local plan.**

Issues associated with the current Design Guide will be addressed in the new Local Plan.

**d) More effective engagement with residents in neighbouring areas and with embryonic groups on large scale schemes as they are being developed.**

Throughout the investigations the importance of engaging with the local community when development is planned has been stressed. In this respect, local Members need to be informed if developments deviate from what has been approved.

4.8 The Working Group is satisfied that the Council is undertaking significant steps to effectively deal with concerns raised over the Loves Farm

development and that lessons learnt from this site will influence the design of future developments.

## APPENDIX

### DESIGN PRINCIPLES FOR FUTURE DEVELOPMENTS WORKING GROUP SUMMARY OF ISSUES – **AND RESPONSES**

#### Infrastructure

- the lack of utility space – **only affordable houses are built to a minimum size standard, therefore they are bigger than market housing. Play areas will be delivered**
- the narrowness of roads – **this is a deliberate design feature to comply with the 20 mile per hour speed limit**
- the lack of footpaths – **this derives from the shared surface concept, which encourages all road users to share the space**
- the absence of street names and the problems this caused for emergency vehicles – **this was monitored on the site visit and not found to be a problem**
- Utilities not adopted – **this is a matter for the relevant statutory utility provider**
- delays in the provision of a community centre – **an application was due to be considered by the Development Management Panel in February/March 2012. The school was designed to have a community room**
- unadopted roads and associated traffic management problems – **the County Council will not adopt roads until they meet a specific standard**
- the railway bridge, which the County Council has designated as being structurally unsound for traffic – **it is not suitable for large scale traffic use and was never intended to be an access point.**
- the down-turn in demand for market housing has resulted in a change in the way the development of the site has progressed i.e. the types of housing that have been constructed – **the development concept has not changed**
- play areas are not in place because certain community trigger points have not been reached - **a MUGA is in place**
- street scene / tree planting – **planting of many trees has been proposed, some trees have already been planted**

## Planning

- the process for approving variations to the original approved planning permission – the concept has not changed, the detail has. Most variations have been outside planning remits
- project management of the development – local authorities have little involvement on large scale building sites, HDC Building Control officers are not involved. The District Council's Community Manager and Bedfordshire Pilgrims have had a lot of involvement on site
- enforcement of terms of planning permissions – no enforcement has been necessary
- timing and delivery of facilities – this is always an issue but positive points have been noted such as early delivery of the School
- the density of housing within the development – the site was built to former government minimum requirements. The new Government Planning Policy Framework will set the requirements for the eastern expansion
- the mix of housing / where different types of housing have been located – this has been dictated by market forces. Social housing is filtered through the site
- the poor appearance of the development, its design and deterioration of the materials used in its construction – the site visit was used to assess the design and the results are reported above. The site level at the frontage of the development is above ground level so it is exaggerated. This will be partly ameliorated by development on the other side of the road. The design ethos was 'urban extension'. The Council has tried to have trees incorporated and County Council have agreed to this. This will not be the long term appearance
- S106 trigger points are only based on market and not social housing – this is inevitable as market housing provides the money for S106 provisions
- the positioning of residential garages has lead to excessive on-street parking – emphasis is placed on parking courts, there is a difficulty in enforcing habits. Provision has been made at the right level. Parked cars act as a good traffic calming measure. It is a deliberate policy elsewhere to use car ports rather than garages

## Access

- the A428 – this is controlled by the Highways Agency
- general access problems – there will be further access issues to address with the Eastern Expansion; it is likely this will be via another roundabout off Cambridge Road. This is a very expensive road to work on due to its

position near the railway line and the river. Councillors are urged to lobby MPs regarding access

- traffic routing – previously covered through discussions
- mobility scooters are obstructed by lamp-posts in the middle of pavements – County Council determined the design, which intentionally creates shared surfaces
- footpath design / layout – County Council determined the design

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**OVERVIEW AND SCRUTINY PANEL  
(ENVIRONMENTAL WELL-BEING)**

**11TH SEPTEMBER 2012**

**CABINET**

**13TH SEPTEMBER 2012**

**THE CONTRIBUTION OF AGRICULTURE TO THE ENVIRONMENT AND  
ECONOMY IN THE CONTEXT OF PLANNING POLICIES  
(Report by the Working Group)**

**1. INTRODUCTION**

- 1.1 At the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 10<sup>th</sup> January 2012, one of the Agenda items was the Cambridgeshire Green Infrastructure Strategy. Members raised concern that there was no mention of agriculture and its environmental work in the Strategy. A Working Group was established to undertake a study on this subject. Councillors Mrs M Banerjee, P M D Godfrey, G J Harlock and D Harty and Mr D Hopkins agreed to join the Working Group.

**2. THE PURPOSE OF THE STUDY**

- 2.1 According to The National Farmers' Union (NFU) estimations, up to 80% of land in Huntingdonshire is used in farming and Cambridgeshire County Council data reveals that 51% of people live in villages. Farmers are keepers of the rural environment and they are supported by the Common Agricultural Policy of the European Union. The Working Group judged that the importance of rural areas and agriculture should be reflected to a greater extent in the Council's planning policy framework.

- 2.2 Food security is a national and international concern. The NFU core policy states:

“Farming in the Fens is nationally important and makes a significant contribution to the regional economy. It is essential that all stakeholders continue to support the sustainable growth of the farming and food industries to guarantee the future prosperity of the Fens.”

Agriculture in the Fens earns £1.7bn for the Gross Domestic Product.

- 2.3 Given that the new National Planning Policy Framework (NPPF) removes the detailed planning guidance set out in Planning Policy Statements, Planning Policy Guidance Notes and Circulars it was particularly timely to conduct the review. Through the NPPF the Government's intention is that local planning authorities will be free to develop planning policies which are suitable for their areas. Detailed guidance will be encapsulated in new 'Local Plans' so there is an opportunity to influence the terms of the Plan framework.

- 2.4 The study's terms of reference are:-

- to make recommendations on terms for inclusion in the Local Plan regarding land use and economic development outside the market towns with a view to giving equal value to land use from economic, food security and environmental perspectives;

- to review detailed planning policies relating to planning and conservation in rural areas;
- to investigate the Council's procedure for dealing with applications where agriculture is a factor;
- to examine abuses of conditions and consents for agricultural use and diversification, and
- to consider the policy position relating to minerals/waste land use.

The Working Group is keen to examine how the Council treats planning applications where agriculture is a factor and what happens once such applications have been determined. However, given the timetable for the Local Plan production, Members have decided to focus initially on terms that might be included in the Plan.

- 2.5 The Environmental Well-Being Panel has also discussed the fact that the Great Fen project occupies high quality agricultural land. This suggests there may be a need to look at how agriculture is taken into account when other policies and strategies are developed.

### **3. EVIDENCE AND INVESTIGATIONS**

- 3.1 The Working Group has met on five occasions. During these meetings, Members have interviewed:

- Mr David Felce – Farmer at Midloe Grange farm and LEAF (Linking Environment and Farming) member;
- Mr Paul Hammett – Environmental Adviser, NFU – East Anglia region, and
- Mr Paul Bland – Huntingdonshire District Council's Planning Service Manager (Policy).

Following the interview with Mr Felce, a visit to Midloe Grange Farm was undertaken. In addition to being a demonstration farm for LEAF, Midloe Grange Farm has been in the Countryside Stewardship Scheme since 1992.

### **4. FINDINGS**

- 4.1 The Planning Service Manager (Policy) has advised the working group that, in the past, there has been no need to develop specific local planning policy to protect agricultural land. This position is changing. The pressures for development in this area are well known. Detailed guidance will be required to ensure there is balanced growth across the District.
- 4.2 Population forecasts indicate that Huntingdonshire needs to provide 5,000 to 10,000 new homes plus associated employment, shopping and other facilities in the period up to 2036. Guidance will have to take account of demographic trends and environmental capacity. One of the tools that the Council can use to inform this guidance is an environmental capacity study. An environmental capacity study assesses the quality of the environment and landscape in an area. It factors in agricultural land classifications around each of the main settlements and also the interface with Peterborough along the boundary with Huntingdonshire. The environmental capacity study will enable the Council to identify environmental and landscape constraints to development across Huntingdonshire and, ultimately, define the developable limits of the



settlements in the Plan period. This should minimise the pressure for development on agricultural land around settlements. **The Working Group supports the use of an environmental capacity study to ensure that preference will be given to development on lower quality agricultural land before development on higher quality land is considered. Furthermore, the Working Group recommends the new Local Plan should reflect the fact that there are a number of rural villages that will benefit from low levels of development to ensure they are sustainable.**

- 4.3 Large development sites on the edge of towns and villages have tended to be on Greenfield land, which is also former agricultural land. Changes in employment patterns and the industrial/business base of the District mean that there may be further Brownfield land development opportunities at some older employment areas, thereby reducing the need to use Greenfield land to meet identified development needs. The NPPF recognises the need for a vibrant rural economy to be nurtured through the planning process. It focuses on supporting economic growth within the context of sustainable development. The widely accepted definition of sustainable development refers to development that meets the needs of the present without compromising the ability of future generations to meet their own needs. There is a strong national and local policy stance on development on Brownfield and Greenfield sites. It holds that Brownfield land should be developed first, in preference to Greenfield land. In order to clarify the Council's policy position the **Working Group recommends that definitions of Greenfield and Brownfield sites are produced and consistently applied.**
- 4.4 Existing policy generally prevents development in the open countryside, unless it is justifiable and directly linked to agriculture and rural life or other 'land hungry' activities such as new road building, quarrying and minerals extraction. The latter are covered, in planning terms, by the Minerals and Waste Plan that is prepared by the County Council. The allocations made in that Plan may be shown on the proposals map which will accompany the new Local Plan.
- 4.5 The NPPF's core planning principles seek to recognise 'the intrinsic character and beauty of the countryside' and support 'thriving rural communities within it'. Furthermore, Section 3 of the NPPF guides local planning authorities to take account of the rural economy:

#### **'Supporting a prosperous rural economy**

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, Local and Neighbourhood Plans should:-

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.'

4.6 The only reference in the NPPF to agricultural land is in paragraph 112. It states that:-

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

4.7 In the opinion of the Planning Service Manager (Policy) a policy protecting agricultural land is unnecessary as adequate protections are already in place. However, it is suggested that local green space policy designations might be identified, which could include farm land, giving additional protection against other uses of the land. This will be pursued in the next phase of the study.

4.8 The working group has discussed these principles in detail with David Felce (LEAF) and Paul Hammett (NFU). As a result of their discussions, **it is recommended that the new Local Plan adopts the National Planning Policy Framework's principles relating to the rural economy and agricultural land (see paragraphs 4.5 and 4.6 above).**

4.9 In the course of the study various aspects of detailed planning policies and processes have been identified as meriting close investigation (see Appendix hereto). Given the time constraints of the new Local Plan process recommendations have been made on terms that ought to be included in it. **Further investigations will now be undertaken into the Council's procedure for dealing with applications where agriculture is a factor and into other detailed matters with a view to establishing whether changes need to be made to the existing arrangements or new provisions should be added.**

4.10 The Working Group has not yet had the opportunity to consider the policy position relating to minerals/waste land use. It has suggested that this objective should form the basis of a future study.

## 5. RECOMMENDATIONS

The Working Group

### RECOMMENDS

- (a) that the new Local Plan reflects the fact that there are a number of rural villages that will benefit from low levels of development to ensure their sustainability (para. 4.2);

- (b) that definitions of Greenfield and Brownfield sites are produced and consistently applied (para. 4.3);
- (c) that the new Local Plan takes account of the National Planning Policy Framework's principles relating to the rural economy and agricultural land as set out in paragraphs 4.5 and 4.6 above (para. 4.8);
- (d) that further investigation is undertaken into the Council's procedure for dealing with applications where agriculture is a factor and other detailed matters including the establishment of an Advisory Group to review applications where agriculture is a feature of the proposals (para. 4.9), and
- (e) that the Working Group undertakes a separate study on the policy position relating to minerals/waste land use (para. 4.10).

### **BACKGROUND INFORMATION**

Notes of the Land Use for Agricultural Purposes in the Context of Planning Policies Working Group.

Why Farming Matters in the Fens – NFU Online

National Planning Policy Framework

**Contact Officer:** Mrs J Walker, Democratic Services  
☎ 01480 387049



**Issues Identified by the Local Agriculture Working Group.**

**Resource Protection**

- Renewable energy initiatives need to be in the right place.
- Planning policy should be sympathetic to initiatives that operate within a single site.
- Agricultural land is increasingly being used for environmental purposes.

**Pasture**

- Unimproved pasture is scarce – there is an EU requirement that each country maintains the same level of cropped pasture as a baseline.
- Permanent pasture is under threat. Ridge and furrow is one of the most threatened features of local farms. There needs to be clarity within planning policies on how building on such land would be regarded.

**Planning Policy**

- Policy needs to be consistent e.g. wind turbines are granted permission where housing would be refused.
- Where permission is granted for construction of operational buildings, the buildings should only be used for the purpose for which permission was granted. A condition might be imposed to this effect, unless there are exceptional circumstances.
- Agricultural buildings should have regard to their location. Planning conditions might be imposed on the appearance of buildings.
- The Council should be flexible and willing to enter into a dialogue with the agricultural industry. Similarly, the agricultural industry should be flexible in its requirements.
- There is a need for greater agricultural expertise in the planning process. This would help to assess the viability of applications. It has been suggested that a review Working Group might be established, comprising individuals with an in-depth knowledge of the agricultural industry, to advise on applications and negotiate with applicants on acceptable developments. The Working Group should be confined to considering applications for development that has an agricultural purpose or is sought on the grounds of agricultural exceptions.
- A question has been raised over the quality of advice received from consultants for agricultural applications. This should be reviewed.
- Workplace homes in rural communities are viewed positively as they bring benefits to the communities in terms of income and employment.
- Some rural villages would benefit from low levels of development.
- Agricultural policy needs to be taken into account when house building targets are set. Villages need more houses to continue to be viable.
- Diversification needs to be defined. It should not have an adverse effect on the environment.
- Planning permission for developments that have agricultural purposes might be assessed against a range of criteria.
- The criteria need to cover the broad perspectives of the economy, land use and farming.

- Planning permission for development with agricultural purposes might have off-setting conditions attached to them that promote the environment e.g. allow development if wood land is planted or a pond is built.
- There should be a policy for storing run-off water.
- Does the designation of green-field and brown-field sites apply only to buildings or does it include the surrounding land?
- Agricultural development needs to be of the right kind.
- Farmers need to make green areas viable.
- Development should not result in pollution.
- Guidance is required on how the effects of development on the environment might be mitigated.
- No new agricultural planning permission should be granted or permitted development take place if the applicant has existing similar buildings used for non-agricultural purposes with or without planning permission.
- Change of use for non-agricultural purposes should only be approved on condition that, if needed in the future, the premises will revert back to agriculture and there will not simply be a new building.

### **Housing**

- Diversification enables farmers' families to stay in villages where the farm is not big enough to provide an income for all descendants. This helps to maintain the viability of villages.

### **Enforcement**

- It is suspected that the agricultural justification for development might sometimes have been abused; such as using barns for warehousing and selling their houses and applying to build new homes.
- There should be follow up enforcement, for example, if a house is built using agricultural justification and the business is discontinued.
- Planning Officers should have mobile technology that will provide them with data on planning permissions for use when visiting sites.

## OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING)

11TH SEPTEMBER 2012

### JAPANESE KNOTWEED (Report by the Head of Legal and Democratic Services)

#### 1. INTRODUCTION

- 1.1 This report contains scoping information on Japanese Knotweed, which will enable the Panel to determine whether to undertake a study on this subject.

#### 2. BACKGROUND

- 2.1 At meeting on 10th July 2012, the Panel requested information on Japanese Knotweed. The request was made because there exist concerns that Japanese Knotweed might be growing on Council owned land and that there could be legal implications for the Council if it is disposed of by the Council and private land owners through the waste collection service.
- 2.2 Japanese knotweed (*Fallopia Japonica*) is native to Japan, Taiwan and China, and was introduced to Europe as an ornamental plant in the early 19th century. It is a large vigorous weed that appears to have no natural enemies in Britain. It grows to a height of about 3 metres in the midsummer with bamboo-like stems, and produces large masses of white flowers. It can colonise most habitats and is regarded as a troublesome pest in many parts of the Country because of its rapid invasion and domination of habitats, which results in the exclusion of other plants. It can damage property (for example by growing through tarmac or even the floors of houses) and therefore needs to be cleared from development sites. The species also causes problems in terms of flood management. It increases the risk of riverbank erosion when the dense growth of the plant dies back in the autumn exposing bare soil. It can create a flooding hazard if the dead stems are washed into the streams and clog up the channel.
- 2.3 Japanese knotweed is listed by the World Conservation Union as one of the world's 100 worst invasive species. A fragment of root as small as 0.8 grams can grow to form a new plant.

#### 3. LEGISLATION

- 3.1 Managing Japanese knotweed is the responsibility of the owner/occupier of a site. It is not an offence to have it on your land and there is no specific legal requirement to control it if it is. It is not a notifiable weed so there is no need to report its presence on your land. Allowing Japanese knotweed to grow onto other people's property may be regarded as a private nuisance under common law, but this would be a civil matter.
- 3.2 Legislation covering the handling and disposal of knotweed includes the following:

**The Control of Pesticides Regulations 1986** require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution

of water. For application of pesticides in or near water approval from the Environment Agency should be sought before use.

Section 14(2) of the **Wildlife and Countryside Act 1981 (WCA 1981)** states that “if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.” Japanese knotweed is one of the plants listed in the Schedule. Both the Police and local authorities have enforcement functions under the Act. Anyone convicted of an offence under Section 14 of the WCA 1981 may face a fine of £5,000 and/or 6 months imprisonment, or 2 years and/or an unlimited fine on indictment.

The **Environmental Protection Act 1990 (EPA 1990)** contains a number of legal provisions concerning “controlled waste”, which are set out in Part II. Any Japanese knotweed contaminated soil or plant material that an individual discards, intends to discard or is required to discard is considered to have the potential to cause ecological harm and is likely to be classified as controlled waste (Waste Management Licensing Regulations 1994). The most relevant provisions are in:

Section 33 (1a) and (1b) which create offences to do with the deposit, treating, keeping or disposing of controlled waste without a licence. Exemptions from licensing are available in some circumstances, and are set out in Schedule 3 to the Waste Management Licensing Regulations 1994 as amended (the WMLR 1994).

S.33 (1c) which makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. For offences a magistrates’ court can impose a maximum fine of £20,000 or a maximum prison sentence of 6 months, or both. A Crown Court can impose an unlimited fine or a maximum prison sentence of 2 years, or both.

Section 34 places duties on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorised person, in other words a person who is either a registered carrier or exempted from registration by the **Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**. A waste transfer note must be completed and signed giving a written description of the waste, which is sufficient to enable the receiver of the waste to handle it in accordance with their own duty of care. The provisions concerning waste transfer notes are set out in the **Environmental Protection (Duty of Care) Regulations 1991** (as amended). Failure to comply with these provisions is a criminal offence. The Environment Agency is responsible for enforcement and a person found guilty of an offence under this section is liable to a fine not exceeding £5000 in the magistrates’ court and to a fine in the Crown Court. Japanese knotweed must be safely disposed of at an appropriately licensed landfill site in accordance with the **Environmental Protection (Duty of Care) Regulations 1991**. To ensure safe disposal, contaminated soils must be buried to a depth of at least 5 metres.



The **Hazardous Waste Regulations 2005 (HWR 2005)** contain provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Untreated Japanese knotweed is not classed as hazardous waste, but material containing knotweed which has been treated with certain herbicides, may be classified as hazardous waste.

The **Waste Management Licensing Regulations 1994** describe 'waste relevant objectives' in Paragraph 4 of Schedule 4. These objectives require that waste is recovered or disposed of "without endangering human health and without using processes or methods which could harm the environment and in particular without – risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest"

#### **4. GOVERNMENT ACTION**

- 4.1 The Government is aware of the problems of invasive non-native plants such as Japanese knotweed. The cost of a national eradication programme using current techniques is prohibitively expensive, estimated in the Defra Review of Non-native Species Policy to be in the region of £1.56 billion. However, the Environment Agency does take local measures if flood defences are compromised (using risk assessment and local knowledge).
- 4.2 Defra has contributed funding to scientific research into the natural control of Japanese knotweed, commissioned in collaboration with Cornwall Council, the Environment Agency, the Welsh Assembly Government and others. This study has been undertaking the necessary research to establish whether natural control is a feasible method for the long-term, sustainable management of Japanese knotweed in Great Britain. The project has identified a potential control agent, an insect which is highly specific to Japanese knotweed. The research is currently undergoing rigorous scientific and regulatory examination, and consideration of any risks, which will form the basis of a decision on whether any release of the control agent can go ahead.
- 4.3 The Environment Agency (in partnership with Defra and Network Rail) has published [the knotweed code of practice](#) for those involved in the development industry, which faces the problem on a large scale. Much of the advice holds good for householders and private landowners. The code also gives practical advice on the use of herbicides and other control methods. The Non Native Species Secretariat (NNSS) has produced the [Horticultural Code of Practice](#).
- 4.4 In Cornwall, in response to particular problems, a proactive programme has been implemented by the Environment Agency in association with the Cornwall Knotweed Forum. A considerable amount of information is available on the Cornwall County Council website (see <http://www.cornwall.gov.uk/default.aspx?page=13789>).

## 5. THE LOCAL POSITION

- 5.1 In Huntingdonshire Japanese Knotweed cannot be disposed of through the green waste collection service. The advice is that there are a number of routes for treatment including removal, burning, spraying or disposal by a specialist firm.
- 5.2 There are three locations where Japanese Knotweed has been found on land for which the District Council is responsible. They are already being managed. One occurrence is in St Neots on open space land that it is believed has come from a neighbouring property. It is being sprayed regularly with herbicides to kill it. The Council will write to the properties affected and advise them of their responsibilities. There is also some at Paxton Pits which the Countryside section is dealing with. It is being cut and burnt. The third occurrence is in a car park site and is similarly being treated. The Council is not aware of any other cases on its land at the current time.
- 5.3 Cambridgeshire County Council provides the following advice:

“When taking down this plant do not flail mow. You should ensure that the plant is cut with simple blades with no fragments. It would be beneficial to ensure that it has been treated with an appropriate chemical beforehand.

**All cutting and shoots should be burnt to avoid further infestation.**

- Do not take this to a recycling centre.
- Do not place it in the compost waste collected by your district council.
- Do not try to compost this at home.”

## 4. CONCLUSION

- 4.1 A potential area of study has been identified relating to the District's environment and the Council's waste collection service. A survey of available information has been undertaken and the findings have been presented above. There is a very limited occurrence of Japanese Knotweed in Huntingdonshire and, where the Council is responsible, action has been taken to deal with it. Members are invited to decide whether to commence a study.

## BACKGROUND PAPERS

Environment Agency Website  
Environment Agency - [the knotweed code of practice](#)  
Cornwall County Council Website  
Natural England Website  
Cambridgeshire County Council Website  
Cornwall County Council Website  
Non-Native Species Secretariat Website

**Contact Officer: A Roberts (01480) 388015**



Environment  
Agency

Managing Japanese knotweed  
on development sites

# the knotweed code of practice



We are the Environment Agency. It's our job to look after your environment and make it **a better place** – for you, and for future generations.

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Managing Japanese knotweed  
on development sites

# the knotweed code of practice

The Environment Agency wish to thank Defra and Network Rail for their contribution towards the cost of production of this code.



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# Summary

Managing land infested by Japanese knotweed in a timely and appropriate way can avoid:

- excessive cost
- potential prosecution and/or compensation claims
- physical damage to buildings and hard surfaces
- harm to the environment.

Identifying Japanese knotweed on a site early lets developers assess and cost options for destroying, disposing of and managing it, as well as negotiating an appropriate change in the purchase price of the land.

You should keep the amount of Japanese knotweed-infested soil you excavate to a minimum.

Making sure your staff can identify Japanese knotweed rhizome can reduce waste costs and improve how you manage Japanese knotweed on site.

Do not accept topsoil until you have inspected it for Japanese knotweed rhizome.

Japanese knotweed-infested soil that has been treated can be reused for landscaping the site, but should not be taken off site, unless to landfill.

Designating a clerk of works to oversee the Japanese knotweed management plan is a good way of ensuring that contractors treat Japanese knotweed in an appropriate manner.

You have a choice of herbicides that are effective against Japanese knotweed, depending on your situation.

It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990.

**You can get advice on managing waste from us on our customer services line; 08708 506 506**

**If you see anyone illegally moving or disposing of waste, call our incident hotline on; 0800 80 70 60.**

# Introduction

## Purpose

This code has been written for anyone involved in the development and haulage industry who may encounter sites with Japanese knotweed, or soil containing it. It allows our staff to provide consistent advice.

This code replaces “The Environment Agency code of practice for the management, destruction and disposal of Japanese knotweed” May 2001.

**This code of practice will help developers manage Japanese knotweed legally. It also gives you options for cost effectively managing Japanese knotweed on site. Architects, planners, designers, contractors, consultants and landscape gardeners can also use this code.**

Japanese knotweed *Fallopia japonica var japonica* is a non-native invasive species of plant. Since it was introduced into the UK as an ornamental garden plant in the mid-nineteenth century it has spread across the UK, particularly along watercourses, transport routes and infested waste areas.

Plants within their native range are usually controlled by a variety of natural pests and diseases. When these plants are introduced into new areas that are free from these pests and diseases, they can become larger and more vigorous. They invade natural habitats and out-compete the native plants and animals that normally live there. Rivers, hedges, roadsides and railways form important corridors for native plants and animals to migrate, and large infestations of non-native weeds can block these routes for wildlife.

Japanese knotweed isn't just a problem for our native wildlife. The vigorous growth can damage buildings and hard surfaces. Once established underneath or around the built environment, it can be particularly hard to control. Riverside Japanese knotweed damages flood defence structures and reduces the capacity of channels to carry floodwater.

Footpaths become crowded with tall canes, making it difficult for pedestrians to see and making them feel less safe. In winter, the tall dead canes show



where litter has become caught up and rats can live there. Lawns and gardens become infested and the cost of maintaining buildings increases.

There are a number of ways in which we can manage the impact of Japanese knotweed. It is important that we find out the ways in which Japanese knotweed has been spread and try to tackle these. Disposing of soil from development sites is one way Japanese knotweed has spread.

Brownfield development is an important aspect of urban and rural regeneration and protecting green belt. Many of these sites support infestations of Japanese knotweed, which can live in poor soil quality and contamination common to these areas. These sites have often been used to receive waste, often fly-tipped by gardeners.

# Managing Japanese knotweed - legislation

Legislation covering the handling and disposal of knotweed includes the following:

**The Control of Pesticides Regulations 1986** require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water. For application of pesticides in or near water approval from the Environment Agency should be sought before use.

Section 14(2) of the **Wildlife and Countryside Act 1981 (WCA 1981)** states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence." Japanese knotweed is one of the plants listed in the Schedule. Anyone convicted of an offence under Section 14 of the WCA 1981 may face a fine of £5,000 and/or 6 months imprisonment, or 2 years and/or an unlimited fine on indictment.

**The Environmental Protection Act 1990 (EPA 1990)** contains a number of legal provisions concerning "controlled waste", which are set out in Part II. Any Japanese knotweed contaminated soil or plant material that you discard, intend to discard or are required to discard is likely to be classified as controlled waste. The most relevant provisions are in:

section 33 (1a) and (1b) which create offences to do with the deposit, treating, keeping or disposing of controlled waste without a licence. Exemptions from licensing are available in some circumstances, and are set out in Schedule 3 to the Waste Management Licensing Regulations 1994 as amended (the WMLR 1994) s.33 (1c) which makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

section 34 places duties on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorised person, in other words a person who is either a registered carrier or exempted from registration by the **Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**. A waste transfer note must be completed and signed giving a written description of the waste, which is sufficient to enable the receiver of the waste to handle it in accordance with their own duty of care. The provisions concerning waste transfer notes are set out in the **Environmental Protection (Duty of Care) Regulations 1991** (as amended). Failure to comply with these provisions is an offence.

**The Hazardous Waste Regulations 2005 (HWR 2005)** contain provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Untreated Japanese knotweed is not classed as hazardous waste, but material containing knotweed which has been treated with certain herbicides, may be classified as hazardous waste.

**The Waste Management Licensing Regulations 1994** describe 'waste relevant objectives' in Paragraph 4 of Schedule 4. These objectives require that waste is recovered or disposed of "without endangering human health and without using processes or methods which could harm the environment and in particular without – risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest"

The above legal provisions have consequences for a range of people, including anybody involved in the management or disposal of knotweed. For example knotweed which is cut down or excavated and removed from a development site must be transferred to an authorised person, and correctly described. It must be disposed of appropriately, as set out below in this Code. If you are going to bury knotweed on the development site you will need to consult us first to make sure that the material does not contain any other contaminant that may affect the quality of groundwater. If you pollute the environment or cause harm to human health you may be prosecuted. Anyone who uses a herbicide must ensure that they do not pollute the water environment and the use of herbicides in or near water requires approval from us.

If any waste soil or knotweed is sent for landfill either before or after any treatment, it must go to a landfill that is authorised to receive it.

It is not an offence to have Japanese knotweed on your land and it is not a notifiable weed. Allowing Japanese knotweed to grow onto other peoples property may be regarded as a private nuisance under common law, but this would be a civil matter.

Where you rely on the methods of on site knotweed management in paragraphs 4.1, 5.4 and 5.5 this would normally require you to have a waste management licence or a pollution prevention and control permit.

However if you carry out these activities in full accordance with this code of practice, and the work meets the waste relevant objectives described above, then in accordance with our Enforcement and Prosecution Policy we would not normally prosecute for failure to have a waste management licence or permit.

## Our role

The Environment Agency is responsible for regulating waste. We grant waste management licences, register exemptions and can take enforcement action including prosecution if the law is not complied with. We give approvals under the Control of Pesticides Regulations 1986 for use of pesticides in or near water.

We may take enforcement action under WCA 1981, but there are also a number of other organisations that can do so. We would not normally use this legislation unless a waste offence had also been committed.

**We are not responsible for controlling Japanese knotweed, other than that growing on our land. Managing knotweed is the responsibility of the owner/occupier of a site. We do not endorse Japanese knotweed management plans, or endorse companies that do this.**

# The status and use of this Code

Provided there is a suitable location, this code describes ways of managing Japanese knotweed that developers may wish to consider, which will avoid creating a waste disposal problem. We are keen to provide alternatives that allow developers to treat Japanese knotweed on site, so you don't have to use landfill. Landfill is very expensive for the development industry, it reduces valuable landfill capacity and needs haulage, which damages the environment and increases the risk of Japanese knotweed spreading. Sometimes, due to shortage of time and location, landfill is the only reliable option, but it should be treated as a last resort.

There are a number of ways of managing Japanese knotweed within a development site. Site managers need to be careful of claims made about products and methods on offer for controlling Japanese knotweed, particularly those that claim it can quickly destroy the problem completely.

We cannot guarantee that any of the methods we describe in this code will be successful. We believe the methods within this code are among the best that are currently available, but do not reflect the complete choice that is available. The contractor and client need to agree a contract for effectively treating the problem. Remember that Japanese knotweed can stay dormant for many years.

You may wish to use this code of practice to assist you in carrying out your legal duties concerning knotweed. However this code does not constitute legal advice and it does not aim to give a detailed or comprehensive account of the legislation that could apply to you. You should be aware that it is your responsibility to make sure that the law is complied with. Waste legislation is especially complex. You need to discuss these issues with us to make sure you act appropriately.

**If you need advice, call our customer services line on 08708 506 506. If you see anyone illegally moving or disposing of waste, call our incident hotline on 0800 80 70 60.**

Much of the information in this code concerning on-site treatment options is aimed at suggesting best practice rather than setting out legal obligations.

This code should be used in conjunction with other guidance or regulations concerning Japanese knotweed if relevant, such as the model specification and tender documents produced by the former Welsh Development Agency, now part of the Welsh Assembly Government.

# Tips for developers

We hope that, by developing this code, we will help industry to avoid excessive costs, protect the environment and use natural resources in a sustainable way. We would encourage developers to consider the following particular points:

## Check for Japanese knotweed before buying a site.

- a) The information and internet links within this code should be enough for you to find out about Japanese knotweed in its various forms. If there is Japanese knotweed on a site, this should not stop you buying it, but you will need to consider this when working out how profitable a development is likely to be.
- b) If a site has been skimmed or treated, look for evidence of Japanese knotweed material. Consider some form of legal protection from the potential subsequent cost of managing Japanese knotweed within the purchase agreement.
- c) If there is Japanese knotweed, consider whether you will be able to treat the material on site. Have you bought enough space to shift soil and create a bund, for instance?
- d) If you think there is no Japanese knotweed on the site, consider getting legal guarantees that say this before you buy the site.

## Timetable for treatment and development.

- a) Plan to minimise the amount of Japanese knotweed that you have to excavate.
- b) Make sure you have allocated enough time within the project timescale to develop and apply a Japanese knotweed management plan.
- c) Treating Japanese knotweed early and effectively can significantly reduce the chance of it growing again. You should agree and implement a treatment plan as soon as possible.
- d) Consider phasing the development, to allow more time to treat the problem.
- e) Use the best methods, including the most effective herbicides for the site in question. This will be determined by factors such as how close the site is to controlled waters and desirable trees and other vegetation.

## Managing treated material.

Just because soil has been treated, this does not mean Japanese knotweed cannot grow again. However, if soil is treated effectively, it can be clean enough to be used for landscaping within the development.

You should only use treated soil in localised areas, where Japanese knotweed control methods could easily be used, if material starts to grow again. We advise that you should not use treated soil within 50m of a watercourse.

## Long-term management.

You need to consider the chance that Japanese knotweed could grow back when you are managing the site long-term.

Current owners of the site need to accurately record within the deeds of the property where any material is buried and make this available to all subsequent owners so the material is not disturbed.

A summary of the treatment should be included within the vendor statement declaration.





# Ecological information on Japanese knotweed

## 1.1 What is Japanese knotweed?

Japanese knotweed is a tall, vigorous ornamental plant that escaped from cultivation in the late nineteenth century to become an aggressive invader in the urban and rural environment.

## 1.2 What does Japanese knotweed look like?

Japanese knotweed, scientific names *Fallopia japonica* (Houtt. Ronse Decraene), *Reynoutria japonica* (Houtt.) or *Polygonum cuspidatum* (Siebold & Zuccarini) is a member of the dock family (Polygonaceae). It is a rhizomatous (produces underground stems) perennial plant with distinctive, branching, hollow, bamboo-like stems, covered in purple speckles, often reaching 2-3 m high. The leaves of the mature plant are up to 120 mm in length with a flattened base and pointed tip and are arranged on arching stems in a zig-zag pattern. The plant flowers late in the season, August to October, with small creamy-white flowers hanging in clusters from the leaf axils (point at which the leaf joins with the stem). The underground rhizomes are thick and woody with a knotty appearance and when broken reveal a bright orange-coloured centre. The rhizome system may extend to, and beyond, a depth of at least 2m and extend 7m laterally from a parent plant.

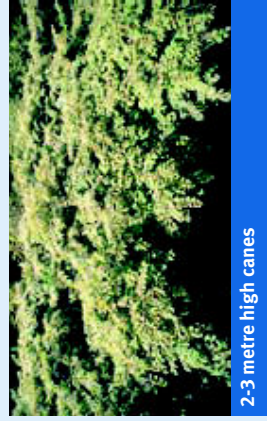
During winter, the leaves die back to reveal orange/brown coloured woody stems which may stay erect for several years. Stem and leaf material decomposes slowly, leaving a deep layer of plant litter. During March to April, the plant sends up new shoots, red/purple in colour with rolled back leaves. These shoots grow rapidly due to stored nutrients in the extensive rhizome system. Growth rates of up to 40 mm a day have been recorded.

## 1.3 Regeneration

Only female Japanese knotweed (*F. japonica* var *japonica*) plants have been recorded to date in the UK. Although seeds are produced, they are not true Japanese knotweed seeds but hybrids, and rarely survive.



Spring Growth



2-3 metre high canes



August - October flowers



Alternate leaves



Zig-zag pattern



Purple speckles

Two species closely related to Japanese knotweed are also found in the UK. These are, giant knotweed (*Fallopia sachalinensis*), a much taller plant which reaches a height of 5m; and a smaller compact variety (*Fallopia japonica* var. *compacta*), which grows to a height of only 1m. The hybrid (*Fallopia x bohemica*) (a cross between Japanese knotweed and giant knotweed) is also found throughout the UK but is not as common as Japanese knotweed. Both giant knotweed and the hybrid should be managed in the same way as Japanese knotweed.

Japanese knotweed rarely produces viable seeds. In the UK the plant is mainly spread through rhizome fragments or cut stems. Greenhouse trials have shown that as little as 0.7 gram of rhizome material (10 mm in length) can produce a new plant within 10 days. Cut fresh stems have also been shown to produce shoots and roots from nodes when buried in soil or immersed in water. Once cut stem material has been allowed to dry out thoroughly and has reached the orange/brown 'woody' stage, there is no further regeneration. Rhizome material may take much longer to die and may remain dormant for long periods, possibly as long as 20 years.

## 1.4 Dispersal

The spread and high regeneration rates of the plant have serious implications for dispersal by both natural and human means. In river catchments, fragments of rhizomes or cut stems that are washed into watercourses under high water flows can form new plants downstream. Fly-tipping garden waste that contains stem or rhizome fragments, using contaminated topsoil and sites during construction works

are the main ways that people spread the plant. Small fragments of stem and rhizome may also be transferred from an infested site to other sites on machinery, for example for building works or for maintaining road verges.

## 1.5 Why do I need to manage Japanese knotweed on my development site?

Habitats affected by Japanese knotweed include those in both urban and rural areas. In an urban environment, sites such as road verges, railway land and watercourse corridors may be affected. Waste ground, cemeteries and heavily disturbed ground are particularly vulnerable. In rural areas, the problems include disrupting sight lines on roads and railways and, in the riverside environment, disrupting flood defence structures.

The plant damages the urban environment by pushing up through tarmac and paving, out-competing other species in planting programmes as part of landscaping schemes and causing aesthetic problems as litter accumulates in the dense thickets formed by the plant. This also encourages vermin.

Japanese knotweed is also invading continental Europe, particularly in the east. It is also causing problems on the western seaboard of the United States. Within its native range, Japanese knotweed rarely causes problems.

Japanese knotweed has been removed from the natural enemies that control it in its native range in Japan. It out-competes our native plants and animals. The spread of Japanese knotweed is a serious threat to our countryside, and the native plants and animals that rely upon it.



Dead winter canes

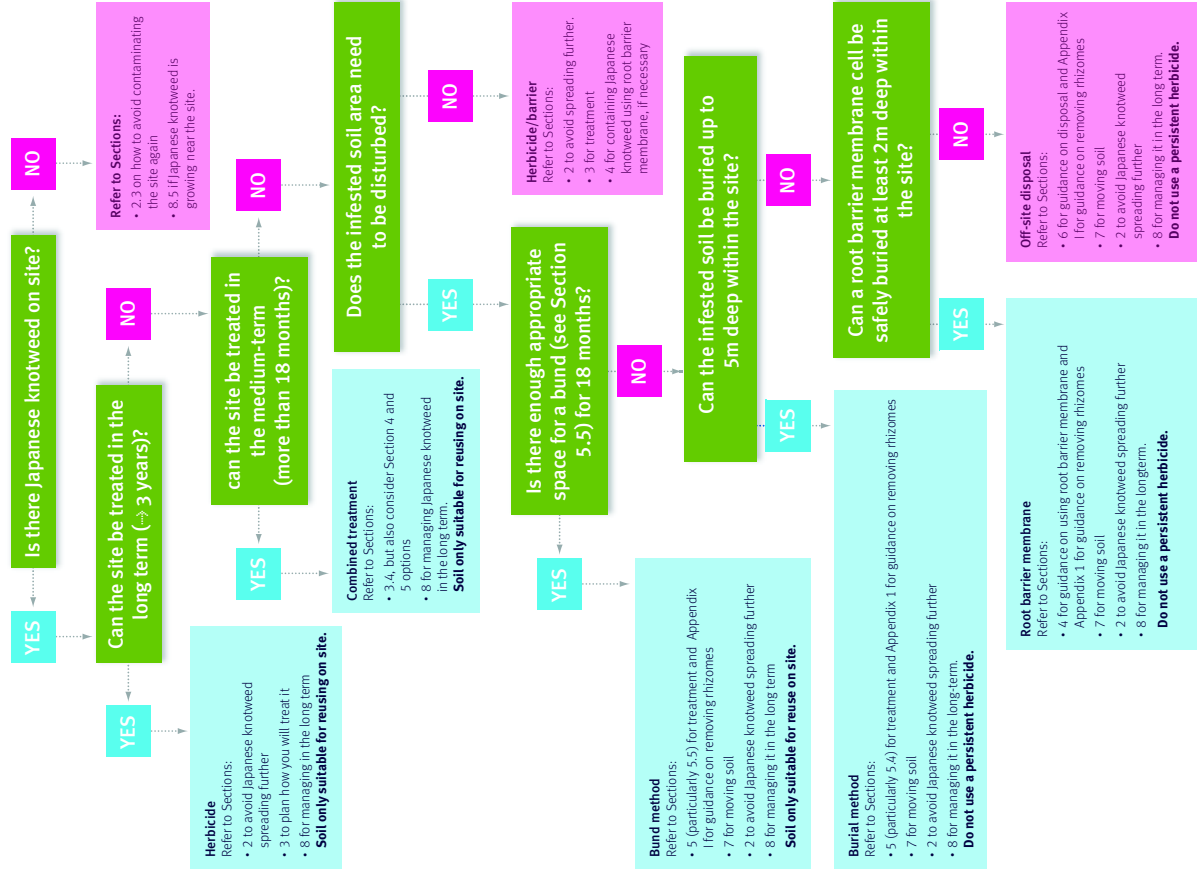


Giant knotweed *F. sachalinensis*



Hybrid knotweed *F. x bohemica*

# Flowchart for treating Japanese knotweed



# How do I prevent Japanese knotweed spreading?

It is important to make sure that the site is not contaminated by fresh Japanese knotweed, or that parts of the site previously unaffected by Japanese knotweed do not become contaminated. We recommend that:

- i) you have a Japanese knotweed management plan (see section 3.1);
- ii) all staff are aware of what Japanese knotweed looks like and what their responsibilities are; you have a clerk of works responsible for the management of Japanese knotweed.
- f) vehicles used to transport infested soils must be thoroughly pressure-washed in a designated wash-down area before being used for other work;
- g) areas infested by Japanese knotweed that are not going to be excavated should be protected by root barrier membrane if they are likely to be disturbed by vehicles (see section 4). Root barrier membranes will need to be protected from damage by vehicles with a layer of sand above and below the root barrier membrane, topped with a layer of hardcore or other suitable material, as specified by an architect or engineer (see section 7.1);

## 2.1 Avoiding contamination around the site

It is essential that you find out how much Japanese knotweed infestation there is on the site and that everyone working there clearly understands this. You should brief all contractors fully. You should record any areas that are contaminated with Japanese knotweed in the Japanese knotweed management plan (Appendix V and VI), isolate them with fencing and put up a restricted access sign (Appendix VII). Section 7 describes the precautions you need to take when moving soil infested with Japanese knotweed.

## 2.2 Good site hygiene

To maintain good site hygiene, we suggest:

- a) as a general rule, the area of infestation is 7m horizontally from the nearest growth of Japanese knotweed that can be seen. To determine exactly how far the rhizomes have spread, you would need to dig a series of test pits and examine them carefully;
- b) a fence that can clearly be seen should mark out the area of infestation. Signs should warn people working there that there is Japanese knotweed contamination (appendix VII);
- c) you should indicate stockpiles of soil contaminated with Japanese knotweed with appropriate signs and isolate them;
- d) you should not use vehicles with caterpillar tracks within the infested area;
- e) vehicles leaving the area should either be confined to haulage routes protected by root barrier membranes, or be pressure washed (see section 7.1);

- h) the material left after the vehicles have been pressure washed must be contained, collected and disposed of along with the other Japanese knotweed material;
- i) a clerk of works should oversee the Japanese knotweed management plan (appendix V), including the provisions for avoiding contamination. Everyone working on site must clearly understand the role and authority of the clerk of works.

# How do I prevent Japanese knotweed spreading?

## 2.3 Avoiding new contamination to the site

This advice is particularly relevant to sites fortunate enough not to be infested by Japanese knotweed.

The three most common ways a site can become infested are:

**Infested topsoil:** There have been numerous incidences where site owners have paid to remove Japanese knotweed infested soil from their site, only to introduce it again with topsoil they have bought and not inspected.

**Section N.6.4.5 of BS 3882:1994, the British Standard for topsoil clearly states that it is critical that material should be free from Japanese knotweed propagules, rhizome and vegetative fragments.** You should always inspect topsoil brought into the site, using the guidance in appendix I-IV of this code. You can often get topsoil from different sources. Ideally, you should inspect these sources before you receive material on site. You should use topsoil from different sources within distinct areas of the site and keep a record of this. This may help you with compensation claims against the supplier, should Japanese knotweed subsequently grow. If you have any evidence that sub-standard topsoil is being sold, you should let the local Trading Standards Office know.

**Contamination on vehicles:** You should inspect vehicles before using them on site. You need to pay particular attention to caterpillar tracks and where trucks and dumpers are stowed.

**Fly-tipping:** Most Japanese knotweed infestations on development sites started as a result of fly-tipped waste and this often continues after the development has started.

**You should report any fly-tipping incidences to us on the 24-hour freephone number 0800 80 70 60.**

## 2.4 Reusing treated soils on site

If soil has been treated and is free from Japanese knotweed contamination and suitable for use, it can be reused on site without the need for a waste management licence or an exemption. **If taken off site, this material must be disposed of in a landfill.**

Developers reuse treated soils at their own risk, unless the agreement they have with their contractors states otherwise. To minimise the potential problems there could be if the soil was not treated adequately, you should only use soil again where there is little risk of spreading Japanese knotweed. The site should also facilitate herbicide treatment, if it is necessary. Suitable areas should be away from:

- watercourses (we advise, at least 50m) and ditches;
- being disturbed by people or livestock;
- existing amenity areas, lawns and gardens;
- boundaries with other properties;
- an area that could be disturbed in the future.

You should also use the soil in a restricted area, rather than spread out across the site. You should record this area in the Japanese knotweed management plan and keep a record of inspection. You must treat any regrowth appropriately.

# How do I manage my Japanese knotweed problem?

## 3.1 Japanese knotweed management plans

Once you find Japanese knotweed on a site, it is essential that you set up some form of Japanese knotweed management plan (KMP). You need to identify a clerk of works to oversee the plan and you need to let all relevant contractors on the site know how important the plan is, for example through 'toolbox' briefings to staff operating on the site.

It is important to only disturb a minimum amount of Japanese knotweed. It is vital that you keep this contaminated material separate from other waste and surplus soil within the site. Soil free from Japanese knotweed and other waste may be disposed of relatively cheaply under exemptions from waste licence. Unless an area of Japanese knotweed is likely to have a direct impact on the development, you should control it in its original location with herbicide over a suitable period of time, usually two - five years.

Appendix V gives a template of a KMP for reference. You can change this according to your own needs. Appendix VI gives an example of a completed KMP.

The KMP is an important document and provides a valuable record of the treatment of the site for future owners. It may also provide evidence that the site has been appropriately managed if subsequent Japanese knotweed regrowth results in litigation against the contractor.

## 3.2 Herbicide treatment

It is essential that a competent and qualified person carries out the herbicide treatment.

Contractors must have the appropriate National Proficiency Tests Council (NPTC) certification. They must carefully follow the instructions on the herbicide label. You can only use certain herbicides in or near water, and you need approval from us before you can use these.

The most effective time to apply glyphosate is from July to September (or before cold weather causes leaves to discolour and fall). Spring treatment is acceptable, but less effective. Triclopyr, picloram and 2,4-D amine can be used throughout the growing season. You should avoid the flowering period to protect bees and other pollinating insects. The majority of herbicides are not effective during the winter dormant stage because they require living foliage to take up the active ingredient. An exception to this rule is picloram, which can be applied as a soil treatment.



Sub-lethal glyphosate 'bonsai' regrowth

Rhizome can remain dormant for a considerable period after regrowth has apparently stopped, and so you need to check if rhizomes are still living before disturbing the site. **Unconfirmed observations suggest rhizome can stay alive for more than 20 years.** However, treating Japanese knotweed with an appropriate herbicide can reduce its growth, even if it were only treated a few weeks before it was disturbed. If the timescale of the development does not give you enough time to effectively eradicate Japanese knotweed using chemicals, you should still treat the plant, if it is in leaf, as soon as possible.

You should expect to use herbicide treatment for at least three years before Japanese knotweed stops growing back. It is important to remember that you cannot rely just on herbicide to get rid of Japanese knotweed. **You must not see the lack of regrowth as evidence that the Japanese knotweed is no longer alive.** Disrupting the rhizome by disturbing the soil is likely to result in substantial regrowth.



First year regrowth after glyphosate

### 3.3 Which herbicide should I use?

Herbicide	Affects grasses?	Time of application	Approved for use in or near water?	Persistence
Glyphosate	Yes	May - October (late season preferable)	Yes (certain formulations)	Non-persistent
2,4-D Amine	No	May - October (early season preferable)	Yes (certain formulations)	Up to 1 month
Triclopyr	No	May - October (early season preferable)	No	Up to 6 weeks
Picloram	No	All year (soil treatment in winter)	No	Up to 2 years

There is increasing concern about using pesticides. It is important that suitably qualified operators use these chemicals appropriately. When you use a herbicide, always follow the information on the label. The most important questions to ask before deciding which herbicide to use are:

#### 3.3.1: Is the site in or near water?

'In or near water' includes 'drainage channels, streams, rivers ponds, lakes, reservoirs, canals and dry ditches'. It also covers control of vegetation growing on banks or areas immediately adjacent to water bodies. If you intend to use a herbicide within 5m of water, or if your treatment may impact water quality, you should contact us beforehand.

Wherever there is a risk of contaminating a watercourse, choice of herbicides is limited to formulations of glyphosate and 2,4-D amine that are approved for use near water. Not all herbicides that contain these active ingredients are suitable to use in or near water. You must refer to the label to make sure that the product you intend to use is approved for use in or near water. You must consult us before you use a herbicide in or near water. You will need to discuss the treatment with a BASIS' qualified officer from the local Area office. You can get the telephone number of your local office by calling our national call centre on 08708 506 506. You may need to complete a WQM1 notification form. You should allow us two weeks to process this application.

#### 3.3.2: Will the treatment damage trees or grass, which I wish to keep?

Glyphosate is a non-selective herbicide and therefore kills most plants, including grass. You can use it, with care, around mature trees and shrubs. Picloram and 2,4-D amine are selective and you can use them without harming grass. Picloram

is persistent in soil, prone to leaching and highly damaging to nearby trees.

#### 3.3.3: If I want to reuse the soil from the treated area for replanting, how long before I am able to landscape it?

If you want to carry on using soil or you want to reuse it immediately for landscaping, it would be appropriate to use a non-residual herbicide, such as glyphosate. If replanting is likely to be delayed for at least six weeks, you may consider a formulation containing triclopyr. If you intend to cover the area in a hard surface, or delay replanting for at least two years, a persistent chemical, such as picloram, would be appropriate if you use it away from trees and watercourses. It is not acceptable to bury soil treated with a residual herbicide if it may contaminate groundwater. However, a hard surface can usually be laid over treated soil without causing pollution.

It is highly unlikely that a single treatment of herbicide would provide enough control to let you safely reuse the soil for landscaping purposes. Whenever you reuse soil, you should use it in a localised area rather than spread across the whole site. We advise that you should not use it within 50m of a watercourse. You should choose a site that can easily be inspected and subsequently treated, if Japanese knotweed regrows, as described in Section 2.4 (Reusing treated soils on site).

BASIS is an organisation committed to making sure people involved in handling and using pesticides are competent. BASIS maintains a register of trained advisors, who need to demonstrate an annual programme of continual professional development to maintain their qualification. Details on the BASIS Professional Register are available from 34, St John Street, Ashbourne, Derbyshire DE6 1GH. Tel: 01335 34 3945.

### 3.3.4: What should I use if I intend to bury the material or dispose of it off-site?

If you intend to bury the material or dispose of it off-site, you should only use glyphosate formulations. If there are persistent herbicides present, this will prevent you from using burial as a Japanese knotweed disposal option (see section 5.4). Refer to page 6-7 for details of the relevant waste regulation. If sent for disposal off-site, the requirements of the EPA 1990 s.34 and the Duty of Care Regulations will have to be complied with in relation to the transfer of the waste. Using certain types or quantities of pesticide could mean that soil or plant material is classified as 'hazardous waste', and then you would need to dispose of it at a hazardous waste landfill. It would also have to be consigned and suitably described under the HWR 2005, which would include giving a description of the pesticide.

We advise developers to seek the advice of a suitably qualified pesticide operator or BASIS registered pesticides advisor before they start a spraying programme.

There are some practices that you can follow to further reduce the chance of damaging engineered structures. Early results (currently unpublished) suggest that the residual herbicide Tordon 22K, containing picloram as an active ingredient, achieves a high level of Japanese knotweed control when applied direct to foliage or as a soil treatment (5.6 l/ha).

It is advisable to consider soil treatment, or an effective root barrier membrane method before creating an engineered surface over any area that could support living Japanese knotweed rhizome. This is particularly important under tarmac, which can be damaged considerably by Japanese knotweed.

It is important that you use herbicides as stated on the labels. It is not appropriate to use Tordon 22K near water or trees, where the extensive root system can take up the herbicide from the soil.

#### Only qualified operators should use herbicides and they must follow the instructions on the label when using them.

Further guidance is also available in the former Welsh Development Agency guidelines, now Welsh Assembly Government, detail of which is given in section 9.2. These guidelines should be used in conjunction with this code in Wales.



Post-treatment reaction to picloram



Regrowth after picloram treatment

### 3.4 Combined treatment methods

Site trials have shown that combining digging and spraying treatment is effective in reducing the time needed for chemical control. You need to take great care with this method to avoid spreading plant material.

The aim of the treatment is to break up the rhizome, which stimulates leaf production and therefore makes the plant more vulnerable to herbicide treatment. Rhizome is also stimulated to produce green growth if it is near or on the surface. Therefore the success of the treatment will be determined by the amount of rhizome that is brought to the surface layer.

You should cut, dry and burn Japanese knotweed canes on-site if allowed (see Section 5.2). You can also burn crowns and surface rhizome raked from the surface with tines or take them to landfill. You cannot rely on burning to kill rhizome or crowns.

The majority of Japanese knotweed rhizome exists in the upper layers of topsoil. It has been estimated that in an infested area, 14,000 kg/ha dry weight of Japanese knotweed may exist in the top 25cm (Brook, 1994). You may use an excavator to scrape surface crowns and rhizomes into a pile. You can then cultivate the exposed ground to at least 50cm deep, depending on how deep the bulk of the rhizome is, and turn the piled material and re-spread it over the cultivated area.

This process stimulates the rhizome to produce a higher density of stems, which makes it more vulnerable to herbicide treatment. We have seen that subsequent herbicide treatment has achieved significantly better rates of control. Whilst this disturbance technique may have the potential to eradicate Japanese knotweed infestations, it cannot guarantee it. It would be inappropriate to dispose of treated material under a waste exemption. You could reuse soil on-site, in localised areas that would facilitate herbicide treatment if regrowth were to occur (see section 2.4).

You can dig the soil during the winter, if you take care not to compact wet soil, and you can treat regrowth during the spring and summer. Soil can become compacted if you drive over it or work it when it's wet. This reduces rainwater infiltration, which increases runoff and may spread Japanese knotweed across the site and into watercourses. Compacted soils are also less likely to encourage the regrowth needed for treatment.

## How do I use root barrier membranes?

Various root barrier membranes are available which claim to prevent Japanese knotweed penetrating. A root barrier membrane is only as good as the way in which it has been laid. It is essential that there is expert supervision when the root barrier membrane is supplied.

A root barrier membrane physically protects a structure or clean soil. It must be made of a material that is fit for purpose. It should be made of a material that can be:

- used without damage;
- provided in large sizes, to minimise the need for seals;
- sealed securely;
- remain intact for at least 50 years;
- resist UV damage if it is exposed to sunlight.

Various root barrier membranes are available which claim to prevent Japanese knotweed penetrating. A root barrier membrane is only as good as the way in which it has been laid. It is essential that there is expert supervision when the root barrier membrane is supplied.

Japanese knotweed will tend to break through holes or joins in the fabric, so it is essential that the integrity of the root barrier membrane is maintained, and there is a minimum number of seams. Ideally, root barrier membrane material should consist of a single sheet.

You must ensure that root barrier membranes containing leachable chemicals do not pollute streams and groundwater.

Given that Japanese knotweed rhizome may remain dormant for at least 20 years, it is important that a root barrier membrane carries a guarantee well beyond that time. We advise a manufacturer's guarantee of at least 50 years.

Root barrier membranes are vulnerable to damage from burrowing mammals. Burying root barrier membrane cells 2m or deeper should provide some protection against smaller mammals, such as rats. If badgers and rabbits are present, you should consider deeper burial. Badgers and their setts are protected by law and should not be disturbed.

Root barrier membranes are currently used in a number of ways:

- Cell formation
- Protecting structures and hard surfaces
- Preventing horizontal spread
- Protecting services, etc.



The importance of intact root barrier membrane



#### 4.1. Cell formation

In some situations where burial is the preferred disposal method but it is not possible to bury Japanese knotweed to 5m (see section 5.4), it may be completely encapsulated into a root barrier membrane cell. These cells may be placed under buildings, within cellar voids or in places that will not be disturbed. It is important that the deeds of the property show where these cells are located, to avoid damage in the future that could be caused, for example, by trenching to lay services. To avoid

damage after it has been installed, the upper 'cell' surface must be covered with a capping layer, at least 2m deep. Depending where it is located, the cell is quite often used in the landscape and trees planted within the capping layer.

**You must use root barrier membranes in a way that will not increase the risk of subsidence to subsequent buildings.**

#### Cell formation - putting the Dendro-Scott root barrier membrane in place



**Stage 1:** Calculate volume required and excavate site, allowing for 2m depth of burial



**Stage 2:** Protect the integrity of the root barrier membrane with a layer of sand and provide shutter ply supports for the edge of the cell.



**Stage 3:** Put root barrier membrane in place, allowing enough material along the edges to eventually provide a seal.



**Stage 4:** Protect the root barrier membrane from tyre damage with a layer of sand.

#### Cell formation - putting the Dendro-Scott root barrier membrane in place



**Stage 5:** Fill the cell with the knotweed infested soil. No other material, contaminants, or wastes should be included.



**Stage 6:** Make sure that dedicated vehicles are used and cleaned properly after they have been used. Haulage routes must be protected.



**Stage 7:** Put the surface of the root barrier membrane in place and make sure the cell is adequately sealed.



**Stage 8:** Protect the surface of the cell with sand and bury deep enough to prevent disruption in the future.

**It is important that the suppliers of root barrier membranes can advise the designing architect of potential problems and supervise installation.**

#### 4.2 Protecting structures and hard surfaces

Where there is a chance that Japanese knotweed rhizome is still living within the soil and there are plans to construct buildings in these areas, there are a number of ways root barrier membranes are used:

1. Before development, infested areas are sealed horizontally with the root barrier membrane. Care must be taken that laying the root barrier membrane does not affect the condition of the building or structure, especially on sloping ground.
2. Root barrier membranes are built into the structures to prevent Japanese knotweed entering the building or laid horizontally underneath the paved surface, road or car park.

As Japanese knotweed could create 'heave' and cause initial fractures to concrete floors or a paved surface, it is important that a pliable surface is laid between the concrete and the root barrier membrane. This would allow the Japanese knotweed to grow without stressing the concrete. Care must also be taken to protect the services entering the building.

#### Surface sealing - peripheral protection



Make sure the root barrier membrane is sealed properly around pillars and other structures.



#### Surface sealing - putting the Dendro-Scott root barrier membrane in place



**Stage 1:** Protect the integrity of the root barrier membrane and prevent damage from 'heave' with a layer of sand.



**Stage 2:** Put the root barrier membrane in place.



**Stage 3:** Apply another layer of sand over the surface of the root barrier membrane.



**Stage 4:** Lay final floor surface.

#### 4.3 Preventing horizontal spread

Carefully using a vertical root barrier membrane has been used to prevent the horizontal growth of Japanese knotweed. This is usually used against uncontrolled infestations from neighbouring properties. Vertical root barrier membranes are also often used around the edge of cuts, as a precaution

against regrowth from any residual rhizome. Vertical root barrier membranes can often be most conveniently used when reinforced by a plywood frame. If it is not known how deep the rhizome has spread, vertical root barrier membranes should be used to 3m deep as a standard.

#### Preventing horizontal spread by using a vertical root barrier membrane



**Stage 1:** Excavate a trench, making sure that all the knotweed is contained.



**Stage 2:** Put the root barrier membrane in place.



**Stage 3:** Support the root barrier membrane with shutter ply and backfill the trench.



**Stage 4:** Make sure that the presence of the root barrier membrane is recorded and is not disrupted by future developments and landscaping.

#### 4.4 Protecting services, etc

If services or other small-scale structures need to be constructed in areas infested with Japanese knotweed, it is often more cost-effective to protect the integrity of the structure within a root barrier membrane rather than subject the entire area to a full-scale Japanese knotweed management plan. It is essential that any soil contained by the root barrier membrane, in proximity to the drain or structure, is free from knotweed. The surrounding infestation can then be controlled using herbicides over a period of time.

# How do I treat or dispose of Japanese knotweed on site?

Wherever possible, you should keep the amount of Japanese knotweed excavated to a minimum and focus on treating the Japanese knotweed in its original location and protecting engineered surfaces and structures from being damaged. If you wish to treat Japanese knotweed in its original position, see Section 3, 4.2, 4.3 and 4.4.

#### 5.1 Cutting Japanese knotweed canes

Pulled stems often have the highly invasive crown material attached to them, and must be disposed of in the same way as rhizome. Cut stems are less of a risk, and are safe once they have dried out and turned brown. If you intend to treat regrowth with a herbicide, you should remove cut material from the treatment area to allow the spray to effectively cover the new growth.

You should leave cut stems where they can dry out. Japanese knotweed can grow again from just small pieces of stem, so you should leave drying canes on an appropriate membrane surface, not on soil or grass. Once the stems have dried to a deep brown colour they are dead. This is not the case with crown or rhizome material. Japanese knotweed stems can be left on site after cutting if:

- the stem is big enough that it won't be blown away by wind or traffic;
- there is no risk they can get into a watercourse;
- the stem has been neatly cut near its base using a cutter, hook or scythe.

You should cut stems cleanly so that they don't create pieces of stem that may spread and regrow. You should not use flails. It is good practice to chemically treat Japanese knotweed, rather than continuously cut the regrowth.

#### 5.2 Burning

You can use controlled burning of stem, rhizome and crown material as part of the programme to control Japanese knotweed. This means the material is less likely to survive and there is less material to bury or dispose of off-site. In its native area, Japanese knotweed grows on volcanic ash and around hot fumaroles, so don't rely on heat treatment to completely kill it. Burning must take into account any local by-laws and the potential to cause a nuisance or pollution. You should contact the Environmental

Health Office of the relevant local council before burning. You must inform our local Area office Environment Management Team (08708 506 506) at least one week before any burial or burning activity.

You may carry out burning in the open in accordance with a registered exemption as described in Paragraph 30 of Schedule 3 of the WMLR 1994. This exemption must be registered with the Environment Agency and covers "burning waste on land in the open if....[it] consists of plant tissue". To fall under Paragraph 30 the waste must be burned on the land where it was produced and the total quantity burned in any period of 24 hours does not exceed 10 tonnes. The exemption also covers associated storage, which will allow the material to dry, which it is likely to need before it can be burned.

You must inform our local Area office Environment Management Team (08708 506 506) at least one week before the burning.





### 5.3 Excavation

Wherever possible, you should treat Japanese knotweed in its original location. You should only consider excavating Japanese knotweed as a last resort, unless this is part of an on-site treatment method. If you use excavation for off-site disposal, you must take great care to avoid excess waste and make sure the excavated Japanese knotweed does not contaminate surplus soil that is currently free from infestation.

It is important to carefully identify rhizomes during the excavation process. Some excavations have been 6 metres deep because of mis-identified tree roots! A recent infestation may have a limited rhizome system that is shallow and only extends a short distance. If Japanese knotweed naturally spreads onto new ground, or is dumped on the surface, rhizome rarely penetrates deeper than 3m. However, if Japanese knotweed was dumped in the early stages of a long period of waste tipping it may have become buried by other deposited waste and be deeper than 3m. Appendices I-IV give guidance on recognising rhizomes, including comparisons with other plant material often found on development sites. Section v) of Appendix I also describes how to excavate Japanese knotweed before burying or bunding it. The guide is designed as a field reference during excavations.

Soil can become compacted if driven over or worked when wet. This reduces rainwater infiltration, which increases runoff and may spread Japanese knotweed across the site and into watercourses. Compacted bunds are also less likely to encourage the regrowth required for treatment (see section 5.5).

### 5.4 The burial method

Soil containing Japanese knotweed material and burnt remains of Japanese knotweed may be buried on the site where it is produced to ensure that you completely kill it. It is advisable to apply a non-persistent herbicide at least once to reduce the growth of infective material. It is important that a non-persistent herbicide is used, such as glyphosate, because persistent chemicals will contaminate the material for a while. The period of time during which the herbicide is 'active' is described on the product label. Material cannot be buried during that period of activity. Burying material treated with a persistent herbicide may contaminate groundwater. If you are in doubt whether the herbicide is still active, you should consult with the supplier of the product or the contractor who applied it.

You must bury material on-site at least 5m deep, unless you are doing this in accordance with section 4.1. You should then cover the Japanese knotweed material with a root barrier membrane layer (see section 4) before infilling it to 5m deep with inert fill or topsoil. Root barrier membranes that may have been used to protect clean ground from vehicles involved in excavating Japanese knotweed can also be buried. This method relies on the depth of burial as the main Japanese knotweed treatment, rather than the protection from the root barrier membrane. If material cannot be buried deep enough, the method described in paragraph 4.1. must be used.

Where you use on-site burial, we strongly advise that you accurately map and record the location of the burial site to prevent potential disturbance and re-infestation, and that you advise any future owners of its position. Japanese knotweed is likely to survive for many years, depending on how effective the treatment was before it was buried. It is essential that you do not bury it where landscaping, installing services, erosion from a watercourse or subsequent development will disturb it.

You must inform our local Area office Environment Management Team (08708 506 506) at least one week before the burial. We will then inspect and inform you whether we are satisfied that the material can be buried. It is only acceptable to bury Japanese knotweed material if the soil is otherwise uncontaminated. Any other waste, such as rubble or discarded household items, must be separated and removed during excavation. If contaminants cannot be separated, it cannot be buried. If burial results in pollution or harm to health you will not have complied with your waste 'relevant objectives' (see page 6-7) and may face prosecution.

#### 5.4.1 Stockpiling Japanese knotweed infested soil prior to burial

If soil containing Japanese knotweed is stockpiled, the material must be stored in a manner that will not harm health or the environment. The stockpile should be on an area of the site that will remain undisturbed. You should clearly sign this area (appendix VII). You should regularly treat Japanese knotweed regrowth with herbicide to avoid re-infestation. As a precaution, you should lay the stockpiled material on a root barrier membrane to avoid contaminating the site further.

### 5.5 The bund method

Where local conditions mean you cannot use burial as an option, it may be possible to create a Japanese knotweed bund. A bund is a shallow area of Japanese knotweed-contaminated soil, typically 0.5m deep. The bund can either be raised, on top of the ground, or placed within an excavation to make the surface flush with the surrounding area. The purpose of the bund is to move the Japanese knotweed to an area of the site that is not used. This 'buys time' for treatment that would not be possible where the Japanese knotweed was originally located.

The way you construct the bund is critical, especially if it is likely to be deeper than 0.5m. The aim is to concentrate the rhizome into the upper surface of the bund, where it will grow and be controlled by herbicide. If rhizome is buried deep, it will become dormant when inside the bund and regrow when the apparently clean soil is used for landscaping on the site.

**It is best to think about if you will need a bund when you are purchasing the site, and planning the building phases. A bund needs the following:**

- a) an area set aside for at least 18 months -2 years for Japanese knotweed treatment. Deeper bunds may need longer;**
- b) local planning authority approval, if necessary, before creating a bund. It is advisable to emphasise the purpose of the bund, and how long it is expected to take to build when discussing the proposal;**
- c) an area within the perimeter of the original site. Removing Japanese knotweed contaminated soil from a site will need a waste licence and disposal will only be permitted at licensed landfill sites;**
- d) positioned away from watercourses (we advise at least 50m) and trees. If the bund is to be created on a site previously free from Japanese knotweed, clean topsoil from the bund area may be removed and used for landscaping purposes, perhaps in restoring the site where Japanese knotweed was excavated;**

- e) temporary bunds should have a root barrier membrane layer to protect the underlying site from Japanese knotweed infestation. Permanent bunds on previously Japanese knotweed-free areas should also use a root barrier membrane layer to contain the material. If the site was previously contaminated with Japanese knotweed, there is no need for the root barrier membrane layer;**
- f) not more than 1m deep, and preferably no deeper than 0.5m. Clearly, a large area may be needed to provide enough space for a bund, especially if infestations are scattered around the site or dominate a large part of it.**

### Pre-excavation treatment

You should treat the Japanese knotweed infestation with a herbicide before removing it. Because material is not intended for burial or removal off-site, it is important to consider what will happen to the material when you choose a product. It would not be appropriate to use a herbicide with a two-year residual activity if you intend to use the soil for landscaping after a one-year bunding process.

When you have allowed enough time for the herbicide to take effect (preferably at least a fortnight) you should cut and remove the canes. After it has dried out, you can burn this material, following the restrictions already described (see section 5.2). You should eventually place any unburned material, especially from the base of canes, on top of the bund.

You should rake the surface of the site with tines and collect the crowns and surface material. The majority of rhizome is shallow, and care at this stage can isolate much of the most infective material. If the soil is sandy and not heavily contaminated with stones or solid waste, you can use extended tines to rake rhizome to the surface. You can place this material on top of the dried canes before burning, or spread it on top of the completed bund. Burning this material before placing it on the surface of the bund destroys some rhizome and is the preferred option, but you must make sure that you clear the fire site of all rhizome and crown material and that fires are allowed at the site (see section 5.2).

Refer to section v) of the rhizome identification guide for guidance on excavating rhizome. The excavation should be inspected to make sure there are no living rhizome left. The aim of the excavation is to use the relatively clean subsoil as the base of the bund and concentrate the rhizome-rich material into the surface layer.

### Bund construction

A well-constructed bund should have the majority of the rhizome near the surface, which will encourage regrowth. The base of the bund should be made up of the subsoil layer, which has the lowest amount of rhizome in it. When you have created the base of the bund, you can place the topsoil over it and spread the surface material, either burned or not, over the surface.

You can add fertiliser to the bund material to help subsequent regrowth. This will increase leaf area and improve herbicide uptake. You should not use fertiliser near watercourses.

### Treating regrowth

The fragmented rhizomes in the surface layer are stimulated to produce new growth. After one or two herbicide treatments, further significant regrowth is unlikely. It is highly advisable to disturb the bund, raking potentially dormant rhizome to the surface and allowing this material to regrow before treating it with herbicide, so that you can be confident that the bund has been treated effectively.

It is particularly important with deeper bunds to concentrate rhizome-rich soil into the surface layer, and disturb the bund after treatment.

There is a choice of herbicide for treating regrowth on the bund. You must think about how you will eventually use the bund material. If you are going to use it for landscaping around the site, avoid herbicides with a protracted residual activity. You must reuse treated soil according to section 2.4.

It is important to remember that research has shown that as little as 0.7g of Japanese knotweed rhizome may grow into a new plant, and larger pieces of rhizome may remain dormant for at least twenty years. A carefully constructed and managed bund is an effective way of treating Japanese knotweed, but it is no guarantee of getting rid of the problem completely.

# How do I dispose of Japanese knotweed off-site?

## 6.1 Arrangements for landfill

If Japanese knotweed cannot be killed by burying or bunding infested excavated soil on site, you must dispose of it at a suitably licensed or permitted disposal facility. You must inform the site operator that there is living Japanese knotweed within the material. **You should regard this method as a last resort.** Disposing of soil contaminated with Japanese knotweed to landfill uses up valuable landfill capacity, involves large-scale haulage and can be very expensive.

Landfills are classified as being for a) hazardous, b) non-hazardous and c) inert wastes and the **Landfill (England and Wales) Regulations 2002** as amended set out waste acceptance criteria for each type of landfill. Waste soil containing Japanese knotweed is usually classed as controlled waste but may be hazardous if herbicide is present. Whenever material containing Japanese knotweed is removed to landfill, it must be taken to a site which is licensed or permitted to receive it. Not all landfill operators may agree to take Japanese knotweed, and they will need to have a suitable area to correctly bury it in.

It is good practice to treat Japanese knotweed with glyphosate at least two weeks before excavating it (see Sections 3.2 and 3.3). This will make any rhizome that may have been lost when it was moved, or left behind after it was excavated, less likely to survive. You should not use persistent herbicides. These are likely to be still active in the soil when it is disposed of, and may mean the soil is classified as 'hazardous waste' as noted above. This is likely to increase the cost of haulage and disposal.

If you use off-site disposal, take great care to avoid losing material en route. For small quantities, this may include 'double-bagging' the waste in heavy duty waste bags. For larger quantities that are being moved in skips or trailers, this will include lining and covering the skip etc. with membrane (See Section 7).

Landfill operators dealing with material contaminated with Japanese knotweed must make sure that:

- they are licensed/permitted to receive it;
- they have enough capacity to make sure they can deal with the material according to the following:

**Material, including contaminated soils, rhizome and the crown at the base of the stem, must be buried:**

- at least 5 metres deep, (immediately cover to 1-2 metres, final depth after 2-4 weeks);
- at least 7 metres from the margins of the site or any engineering features, for example drains or bunds, of the site;
- at least 3 metres above the base/liner of the landfill.

Because landfills need to deal with Japanese knotweed in this way, it is advisable to contact the landfill site several days before any of this material is taken there to allow a suitable area to be prepared for its disposal.

**If you need information on the nearest appropriate landfill to your site, call us on 08708 506 506.**

**Additional information, including details of landfill tax exemptions can be obtained from the NetRegs website, [www.netregs.gov.uk/netregs/processes](http://www.netregs.gov.uk/netregs/processes)**

### 6.2 Duty of care for hauliers

Before accepting waste material for transfer off site you must inspect it for Japanese knotweed contamination unless you know it is present already. You must ensure that you comply fully with your waste duty of care and, if the material is hazardous, the requirements of the HWR 2005 must also be met (see page 6-7). If you take it to a landfill, that facility must be licensed or permitted to receive it. You must inform the landfill operator that the waste contains Japanese knotweed so that he can dispose of it appropriately within the site.

As a haulier, you should not accept infested waste unless you can guarantee that you can dispose of it appropriately. If you are aware of waste producers who are failing to inform their hauliers about Japanese knotweed, or you know hauliers who are knowingly disposing of Japanese knotweed infested material inappropriately, you should let us know by calling our incident hotline on 0800 80 70 60.

You must also make sure that when you are removing material off-site, your vehicles do not carry pieces of Japanese knotweed rhizome on them and that vehicles are suitably covered or enclosed to prevent Japanese knotweed escaping when it is being moved (see Section 7). You should brush vehicles down vigorously or jet-wash them and then inspect them for trapped pieces of rhizome.

Some waste disposal activities that we consider safe to the environment do not require a waste licence. These are classed as exempt from waste licensing. There are no waste licensing exemptions available for the use of Japanese knotweed-infested soils and we will treat any use of this material as a waste offence. You can only reuse knotweed-infested soils after treatment. **You can only dispose of Japanese knotweed-infested soil off-site at a suitably licensed or permitted landfill. You cannot dispose of it with other surplus soil and you must not sell it as topsoil.**

Anyone who does not dispose off-site of any material containing Japanese knotweed appropriately may be prosecuted under Sections 33 and 34 of the E P A 1990 and Section 14 of the Wildlife & Countryside Act 1981. If you need advice, call us on 08708 506 506.



# How do I move soil containing Japanese knotweed?

You should try to move Japanese knotweed infested soil as little as possible. You need to thoroughly clean vehicles after you have used them. Avoid using vehicles that are likely to trap pieces of rhizome, particularly those with caterpillar tracks. Remember, just finger-nail sizes pieces of rhizome can lead to it spreading further.

### 7.1. Moving soil on-site

The Japanese knotweed management plan (Appendix V and VI) should reduce the need to move soil. You need to assess the haulage routes you plan to take for risks, avoiding watercourses, transport corridors and areas of high conservation and amenity value. If haulage routes cross areas free from Japanese knotweed, soil should be protected with a layer of root barrier membrane. This should be protected with a layer of sand above and below the root barrier membrane, and a surface layer of hardcore. This material can be buried within the Japanese knotweed cell, as described above.

You should clearly mark out your haulage routes with tape. You should limit access to these areas to vehicles involved in moving Japanese knotweed. You must decontaminate vehicles before they leave the area.

### 7.2. Moving soil off-site

When you transport soil infested with Japanese knotweed to landfill, it is essential to carry out strict hygiene measures. If you do not follow these standards, this may lead to Japanese knotweed spreading. Japanese knotweed is a particular problem along transport corridors, where it interferes with the line of vision and can cause accidents.

We recommend that you should only fill trucks up to a maximum of 20cm from the top. You must seal the void with a well-secured membrane. You should use enough membrane to let the soil be sealed into a temporary cell for transporting. It is very important that you contain the soil to prevent any material being lost when it is moved. To contain the soil in the short-term, you can use a lower specification of membrane (see glossary).

### 7.3 Decontaminating vehicles

You should decontaminate the outside of vehicles whenever they leave an area contaminated with Japanese knotweed. You should clean vehicles before using them to move Japanese knotweed. You should clean the rear of the truck after it has finished moving soil. You should use a pressure washer and stiff-haired brushes to clean the vehicle, making sure that you thoroughly scour any areas that might retain rhizome. You need to pay particular attention to tyre treads and wheel arches. Any material dislodged during this process must be included within the Japanese knotweed waste. You should only carry out this process over a root barrier membrane layer or hard surface that can contain and collect the material washed off. You must not let this material contaminate drains, ditches or watercourses.

People who know what rhizome look like should do the cleaning. You should carry out a thorough inspection before the vehicle is used for other duties.



# How will Japanese knotweed affect using the site in the long term?

## 8.1 Managing buried Japanese knotweed in the long term

If Japanese knotweed material has been buried as described above, subsequent regrowth is highly unlikely. The likelihood of the material growing in the long term will depend on how it was treated before it was buried. If the infestation was effectively treated with herbicide and the rhizome stressed by being broken up and/or drying out, this will greatly reduce the chance of it surviving in the long term. Japanese knotweed rhizome has been known to survive for at least 20 years, so it is important to consider managing it over a long period of time. Site owners in the future must be able to see a record that gives details of the precise location and nature of the burial. It is important that the site is not disturbed. If it has to be disturbed, the contaminated material must be managed according to this code of practice.

## 8.2 Controlling potential regrowth around the site

When developing a Japanese knotweed management plan, you need to consider the potential for regrowth around the site. When you consider that 0.7 gram of rhizome is enough for it to regenerate, you may expect some regrowth and you will need to build that into any agreement between client and contractor. Regrowth tends to happen when not enough material has been excavated from the initial infestation, tracked vehicles or poor haulage has spread small fragments and when inadequately treated material has been reused for landscaping purposes. Regrowth from fragmented rhizome responds well to herbicide treatment, or careful digging. If regrowth occurs due to undisturbed rhizome that was overlooked during the survey, you will need a long-term control programme.

## 8.3 Advice to new owners

It is good practice to advise the new owners of the property that the site was subject to a Japanese knotweed management plan. You should include this within a vendor statement of declaration. It is possible for isolated regrowths to occur in the future, and good advice will help to prevent these from becoming established. Japanese knotweed from neighbouring land may also re-invade the site. The Cornwall Knotweed Forum website [www.cornwallknotweed.org.uk](http://www.cornwallknotweed.org.uk) gives advice to householders on managing Japanese knotweed.



## 8.4 What do I do if Japanese knotweed starts to grow through tarmac and other engineered surfaces and structures?

Once Japanese knotweed breaks through an engineered surface, there are limited ways of managing it. There is a restricted choice of herbicides, limited to those products that have been approved for treatment on hard surfaces. It is essential that you refer to the label conditions about using the herbicide before treatment. Some formulations of glyphosate are approved for treating hard surfaces, and these would be suitable. It is advisable to let the Japanese knotweed grow before treating it, to allow the maximum surface area of leaf for the herbicide to transfer to the rhizome. You should seriously consider removing the hard surface and treating the infestation, before relaying an intact surface after you have destroyed the infestation.

Prevention is, without doubt, better than cure. If we do not manage Japanese knotweed appropriately and allow it to damage new structures, there are limited ways of controlling it. Herbicides are licensed for specific kinds of treatment, and many chemicals that may have been used before a hard surface was laid cannot be used for treating Japanese knotweed that is growing through tarmac.

## 8.5 How do I stop Japanese knotweed from neighbouring properties from re-infesting the site?

### Co-ordinated control programmes

Ideally, before starting any Japanese knotweed control programme, you should consider any areas of Japanese knotweed close to the boundary of the site within the programme and negotiate some sort of arrangement with the landowner. A site manager may consider including these areas within his treatment programme as an act of goodwill, if the additional costs are negligible. Other options including allowing the neighbouring landowner to pay for material costs, such as herbicide, or sharing the costs according to the area affected.

### Root barrier membrane methods

Carefully using a good quality root barrier membrane should be an effective way of stopping Japanese knotweed from spreading from neighbouring infested sites. We discuss this method in section 4 above.

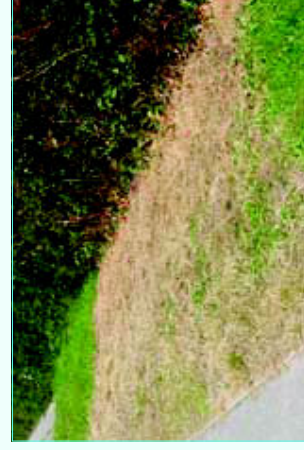
## The law of nuisance

Common law recognises the civil wrongs of nuisance, both private and public. A private nuisance is defined as an “unlawful interference with a person’s enjoyment of land, or some right over, or in connection with it” (Read v Lyons & Co Ltd 1945) and only a person with a legal right to exclusive possession may sue. A public nuisance occurs where a large section of the public is affected. If there were a case of public nuisance, it is important for you to establish if the accused person could have ‘foreseen’ this. So, having evidence that you had let the owner of the neighbouring property know about the Japanese knotweed would be important.

## 8.6 How do I treat Japanese knotweed regrowth amongst valuable shrubs and planting schemes?

Japanese knotweed growth may occur in undisturbed areas of the site where the original vegetation is to be preserved. Regrowth may occur in newly landscaped areas as a result of inadequate treatment programmes or contaminated topsoil introduced to the site. Carefully selecting herbicide, as described in section 3, can avoid damaging grassed areas. Direct application techniques using weed-wipers, or the stem-injection technique can avoid non-target damage.

The stem injection technique involves cutting the cane near its base, just above a node. This leaves a hollow tube, down which a dose of herbicide can be applied. This methodology is described at [www.projects.ex.ac.uk/knotweed/standardmethodology.pdf](http://www.projects.ex.ac.uk/knotweed/standardmethodology.pdf)



Appropriate method of herbicide application can avoid non-target damage.

# Sources of additional information

## 9.1 Additional information

You can find good practice on managing Japanese knotweed on the internet. The Cornwall Knotweed Forum ([www.cornwallknotweed.org.uk/](http://www.cornwallknotweed.org.uk/) **environment/knotweed**) provides useful supporting information. This document updates the advice within that website for developers and hauliers. Devon Knotweed Forum advice can be obtained from: [www.devon.gov.uk/index/environment/natural\\_environment/biodiversity/japanese\\_knotweed/advice\\_land\\_and\\_gardener.htm](http://www.devon.gov.uk/index/environment/natural_environment/biodiversity/japanese_knotweed/advice_land_and_gardener.htm)

Electronic versions of this code are available on: [www.environment-agency.gov.uk/subjects/conservation](http://www.environment-agency.gov.uk/subjects/conservation)

Additional information on Japanese knotweed management, including information on landfill tax credits can be obtained on: [www.netregs.gov.uk/netregs/processes](http://www.netregs.gov.uk/netregs/processes)

**There are various control methods available from companies specialising in Japanese knotweed management on development sites. You should be careful of products and methods that claim to quickly eradicate Japanese knotweed.**

## 9.2 Some useful resources:

Child, L.E. and Wade, P.M. (2000) *The Japanese Knotweed Manual*. Packard Publishing Limited, Chichester. ISBN 1 85341 127 2

Cornwall Knotweed Forum (2001) Japanese knotweed. Guidance for householders and landowners.

Welsh Development Agency (1998) *The control of Japanese knotweed in construction and landscape contracts: Model specification*. (Former Welsh Development Agency), Welsh Assembly Government, Cardiff.

Welsh Development Agency (1998) *The eradication of Japanese knotweed: Model tender document*. (Former Welsh Development Agency), Welsh Assembly Government, Cardiff.

# Glossary

## Active ingredient:

The chemical component of a herbicide that actually kills or debilitates the plant.

## Axil:

The angle between the leaf stalk of a plant and the stem.

## BASIS:

A qualification of technical competence for people who use, store, sell or advise on the use of pesticides. BASIS is an organisation committed to making sure people involved in handling and using pesticides are competent. BASIS maintain a register of trained advisors, who need to demonstrate an annual programme of continual professional development to maintain their qualification. Details on the BASIS Professional Register are available from 34, St John Street, Ashbourne, Derbyshire DE6 1GH. Tel: 01335 343945.

## Brownfield:

A site that has been previously used in a manner that requires remediation before it is used again. Such sites are often post-industrial sites or derelict buildings and often have contaminated land and other waste issues associated with them.

## Bund:

Shallow pile of soil, spread out to achieve a depth no greater than 1m, preferably 0.5m. Bunds can either be on the surface, or occupy voids to create a level surface. Bunds should have the bulk of the Japanese knotweed rhizome concentrated on the surface, to facilitate regrowth suitable for herbicide treatment.

## Canes:

Tall, hollow, bamboo-like stems.

## Clerk of works:

Person responsible for managing all the Japanese knotweed on site. The clerk of works oversees the Japanese knotweed management plan and ensures all staff on site are aware of their role with regards Japanese knotweed management.

## Control of Pesticides Regulations (CoPR) 1986:

CoPR 1986 require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water. For application of pesticides in or near water approval from the Environment Agency should be sought before use.

## Crown:

The visible part of the rhizome from which canes grow. Crowns can produce many new canes and, because of their size, can be resistant to burning or drying out.

## Dormant:

The state in which an organism is still alive, but displays little evidence of life.

## Duty of care:

Section 34 of the Environmental Protection Act 1990 (EPA90) imposes a duty of care on persons concerned with controlled waste. The duty applies to any person who produces, imports, carries, keeps, treats or disposes of controlled waste, or as a broker has control of such wastes. Breaching the duty of care is an offence, with a penalty of an unlimited fine if convicted on indictment.

## Environmental Protection Act 1990 (EPA 1990):

EPA 1990 contains a number of legal provisions concerning "controlled waste", which are set out in Part II. Any Japanese knotweed contaminated soil or plant material that you discard, intend to discard or are required to discard is likely to be classified as controlled waste. The most relevant provisions are in sections 33 and 34.

## Fly-tipping:

Illegal disposal of waste into the environment.

### **Formulation:**

A particular herbicide traded under a specific name. Different formulations of herbicide may share the same active ingredient, but are designed for use in different situations. For instance, only certain formulations of glyphosate are approved for use in or near water.

### **Green belt:**

Area of undeveloped land in proximity to a community that has been preserved to conserve the aesthetic beauty of the location. These areas are referred to as 'green wedges' in Wales.

### **Hazardous Waste Regulations 2005 (HWR 2005):**

HWR 2005 contain provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Material containing knotweed that has been treated with herbicide, may be classified as hazardous waste.

### **Hazardous waste:**

Hazardous Waste – waste which by virtue of its composition, carries the risk of death, injury or impairment of health, to humans or animals, the pollution of waters, or could have an unacceptable environmental impact if improperly handled, treated or disposed of, as controlled in the EC Directives on Hazardous Waste and defined by Special Waste Regulations 1996 (as amended) (schedule 2).

### **Heave:**

Physical disruption of a hard surface caused by an upward stress.

### **Hybrid:**

A plant or animal that results from reproduction by two different species.

### **Membrane:**

In this code, membrane describes a relatively low specification protective layer used for containing Japanese knotweed when it is being transported (sections 5.1, 6.1, 6.2, 7.2). Compare with 'root barrier membrane', below.

### **Perennial:**

A plant that continues its growth from year to year.

### **Persistent herbicide:**

A herbicide that contains an active ingredient that will not be swiftly degraded after it has been applied. This can sometimes limit the manner in which treated soil can be reused or disposed of.

### **Rhizome:**

Underground stem. Enables Japanese knotweed to survive over-winter, when the canes die back. Small sections of rhizome, as little as 0.7g can regrow into a new plant.

### **Rhizomatous:**

Of or pertaining to a rhizome.

### **Root barrier membrane:**

High specification membrane used for highly stressed short-term protection, such as haulage routes (section 2.2, 7.1 and 7.3), or containing Japanese knotweed in the long term (sections 4, 5 and 8.5). Root barrier membranes must be made of a material that is fit for purpose. It should be made of a material that can be:

- used without damage;
- provided in large sizes, to minimise the need for seals;
- sealed securely;
- remain intact for at least 50 years (guaranteed by the manufacturer);
- resist UV damage if used where it is exposed to sunlight;
- buried without polluting groundwater from chemicals leached from it. Compare with 'membrane', above.

### **Sett:**

The system of tunnels and chambers used by badgers and protected by law.

### **Tines:**

Long pointed teeth attached to a digger bucket to rake out rhizome.

### **Viable:**

Capable of growing into a new plant.

### **Waste exemption:**

When the disposal of waste is deemed not to present a risk to public health or the environment.

### **Waste Management Licensing Regulations (WMLR) 1994:**

WMLR 1994 describe 'waste relevant objectives' in Paragraph 4 of Schedule 4. These objectives require that waste is recovered or disposed of "without endangering human health and without using processes or methods which could harm the environment and in particular without risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest"

### **Waste relevant objectives:**

See Waste Management Licensing Regulations (WMLR) 1994, above.

### **Wildlife and Countryside**

#### **Act 1981 (WCA 1981):**

Section 14(2) states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence." Japanese knotweed is one of the plants listed in the Schedule.

# A guide to Japanese knotweed rhizome identification and excavation



This guide should be used in conjunction with the Environment Agency code of practice, 'managing Japanese knotweed on development sites'. It has been produced as a separate guide to facilitate use during excavations.

## i) What is Japanese knotweed?

Japanese knotweed *Fallopia japonica* was introduced into the UK during the mid-nineteenth century as an ornamental plant. It has since become one of the most problematic invasive weeds in Europe (see Section 1 of Code)

Japanese knotweed is a perennial weed, producing tall canes, up to 3m (10 feet) in height during the summer. The canes have characteristic purple flecks, and produce branches from nodes along its length. These branches support shovel-shaped leaves and clusters of white flowers in autumn. The canes die off in winter, turning brown and shedding their leaves. This produces dense mulch that precludes the growth of native plants.

## ii) What is Japanese knotweed rhizome?

Japanese knotweed canes grow from dense crowns that also produce extensive underground stems, called rhizomes. These rhizomes also produce fine, white, hair-like roots. It is hard to state with certainty the likely extent of rhizome spread from the parent plant. Research has shown that rhizome can grow a distance of at least 7m (23 feet) and achieve a depth of at least 2m (6 feet) from the parent crown. However, the actual extent of the rhizome can vary considerably depending on the soil type and the history of the site. Many knotweed infestations start life as a result of fly-tipped waste, and repeated applications of waste on top of the initial infestation can result in a deep matrix of rhizome.



# A guide to Japanese knotweed rhizome identification and excavation

“Finger-nail sized sections of rhizome 0.7g in weight can regenerate into a new knotweed plant.”

### iii) Why is it important to be able to identify Japanese knotweed rhizome?

Whilst knotweed can regenerate from small sections of cane, most knotweed in the UK arises from rhizome and crown material. Finger-nail sized sections of rhizome 0.7 g in weight can regenerate into a new knotweed plant. It appears that the regenerative potential of rhizome varies. Thick, old woody tissue appears to be less able to produce new growth than crown material or thinner succulent rhizome. This has implications for those excavating knotweed rhizomes, where there is a risk of thin terminal rhizome from the edge of the cut being overlooked, which would have a high regenerative potential.

There are often situations in which it is necessary to be able to identify rhizome without the benefit of intact knotweed canes for assistance. If a site is undisturbed it is fairly easy to recognise characteristic summer growth, or the dead winter canes. If the site has already been scraped, it is necessary to inspect the waste material for evidence of knotweed; dead canes, leaves and rhizome, to establish if the weed is present on site. Knowledge of rhizome identification is then required to identify the location and extent of the infestation.

The cost of knotweed management can be significantly reduced if knotweed and non-knotweed waste streams can be kept separate. If poor initial management of a site has already precluded this option, this should be of great concern to any subsequent developer.

Waste hauliers also need to take care to inspect waste material prior to accepting it (See Section 6.2 of Code). Soil containing viable knotweed material is not suitable for disposal under an exemption from Section 34 of the Environmental Protection Act 1990. Section 34 imposes a duty of care on a person who produces, imports, carries, keeps, treats or disposes of controlled waste, or acts as a broker for such wastes.

### iv) How do I recognise rhizome?

An identification chart for knotweed rhizome, and a comparison with other commonly encountered roots, is provided within Appendix II. The former Welsh Development Agency, now part of the Welsh Assembly Government, has produced a tabular guide to the identification of knotweed rhizome that is reproduced in Appendix III with their kind permission.



In addition to the rhizome described within the identification chart, very new rhizome growth, delicate and white in appearance, can be found during the growing season.

### v) How do I remove rhizome?

Put simply, remove the rhizome with extreme care. It is important to read the code of practice before starting excavation. The majority of knotweed rhizome is confined to the top 0.5m of soil. Remove the soil by first scraping off the crowns and surface rhizome and putting to one side. Crowns and rhizome can be dried and burned (see Section 5.2 of Code) prior to treatment with the remaining soil. Crown material in particular is resistant to burning; therefore it is important to regard this material as still potentially infectious.

The next 0.5-1m of soil can then be removed and put aside, and then the remaining soil to a depth of approximately 3m can be excavated. This material should form the base of a bund (See Section 5.5 of Code), or the top layer of buried material (See Sections 5.4 and 4.1 of Code). This process of excavation can be proportioned to any depth of excavation, rather than adopting the 3m generalised depth.

Guidance on the containment and movement of knotweed-infested soil is provided within Sections 2, 6 and 7 of the Code of Practice.

Careful use of the information within this guide should enable operators to effectively inspect the edge of their excavation for remaining rhizome. Depending on the history of the site, the depth to which knotweed rhizome extends can vary between 0.5m – 10m. The history of the infestation, soil type and the water table can all have a profound impact on the extent of rhizome. Situations in which rhizome is greater than 3m tends to be associated with situations in which additional waste has been regularly dumped on an established knotweed stand, or wind-blown sand has created a dune system.

Careful excavation of rhizome has the potential to significantly reduce the volume of waste removed instead of simply excavating a 7m x 3m volume of soil. It also ensures effective removal in situations where a 7m x 3m excavation is an under-estimate. In all cases the precautionary approach must be adopted rather than risk leaving rhizome behind.





Not all rhizome regenerates in the same manner and the factors that determine rhizome regeneration are the subject of research. It appears that older rhizome becomes woody, and tends to be utilised by the plant for food storage, whereas the fresh young rhizome is more carrot-like and much more infectious. Therefore, the small pieces at the extreme edge of the rhizome ring are potentially the most infectious, and therefore require the greatest of care. It is good practice to excavate another 0.5m around the perimeter of the cut after all rhizome has been apparently removed as a further precaution.

Rhizome is an underground stem, rather than a root, and will tend to spread laterally. The rhizome at the periphery of the matrix will tend to be shallow, therefore the excavation usually describes a saucer-shaped profile.

Having excavated the rhizome it is essential that waste streams are kept separate and that rhizome is not allowed to contaminate spoil that has been removed from areas free from rhizome.

## Remember:

**Do not excavate rhizome unless you have to, especially if you do not have the capacity to treat the material on site.**

A 0.7g piece of rhizome is approximately the size of your little fingernail, and this may be capable of growing into a new plant.

The matrix of the rhizome will vary in size and extent, depending on the nature and history of the site. Careful use of this guide will minimise the waste

you produce and significantly reduce your costs. Rhizome may remain dormant for at least 20 years. Dormant rhizome may regrow if it is disturbed. Lack of regrowth is not evidence of eradication.

Avoid spreading rhizome by following the guidance given within the knotweed code of practice.

If you spread rhizome into the environment you may be liable to prosecution under the Wildlife & Countryside Act 1981.



### Root / rhizome identification chart - Japanese knotweed

#### Plants commonly found on development sites



**Japanese knotweed** *Fallopia japonica* (and other **Asiatic invasive knotweeds**). Japanese knotweed is commonly encountered on brownfield sites, where soil disturbance and fly-tipping are common. Close proximity to rivers, roads and railways may also provide a source of invasion.

#### External appearance of root or rhizome



**Colour:** Dark brown, lighter when dried.  
**Texture:** Smooth skin, becoming rough when desiccated.  
**Features:** Often forming long knotty lengths. May support small red buds, particularly on crowns (base of stem). Fine hair-like roots common, particularly on thinner sections.

#### Snap Test

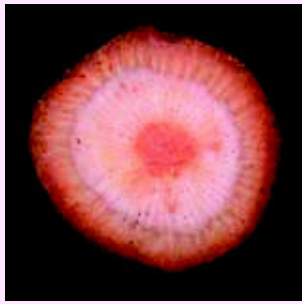


**Snapability:** Easy. Very carrot-like in structure and colour when fresh. More woody when dry. Older material, particularly near the crown, can be very woody. Colour can vary from deep red to pale yellow, with orange the most common. Younger fresh material usually has a different coloured core.

#### Scrape Test



**Outer layer:** Thin skin, easily removed when fresh.  
**Inner layer:** Pale threads often run through darker fibrous flesh, particularly in larger rhizome. Often variations in colour through rhizome when split lengthways. Crown material is often caked with soil and can be hard to recognise. Cleaning should reveal red buds and characteristic flesh.



## Root / Rhizome identification chart - other common plants

## Plants commonly found on development sites



**Docks:**  
Common on disturbed ground and in topsoil. Agricultural weed and covered by the Weeds Act 1959. Closest native plant to knotweed, so similar root appearance.

## External appearance of root or rhizome



**Colour:**  
pale red/brown.  
**Texture:**  
Fleshy skin.  
**Features:**  
Tapering, with branches clustered near the tip. Lacking the knotty appearance of knotweed.

## Snap Test



**Snapability:**  
Easy. Rubbery, but lacks the carrot-like snappiness of knotweed. Core is similar colour to the rest of the root, lacking the colour variation of knotweed rhizome.

## Scrape Test



**Outer layer:**  
Thin skin, similar to knotweed.  
**Inner layer:**  
fleshy, with a distinct core. Orange/yellow in colour, but usually paler than knotweed.

## Plants commonly found on development sites



**Buddleja (Butterfly bush):**  
Introduced shrub (intro: 1890), colonising waste ground and masonry. Spread by seed. Pink, purple or white flowers. Corky bark. Silver underside to leaves.

## External appearance of root or rhizome



**Colour:**  
Pale brown.  
**Texture:**  
Bark-like.  
**Features:**  
Bark easily damaged and revealing the woody core. Tough.

## Snap Test



**Snapability:**  
Very poor. Tends to rip rather than break cleanly. Distinct core.

## Scrape Test



**Outer layer:**  
Thin wrinkled bark.  
**Inner layer:**  
White wood.

## Root / Rhizome identification chart - other common plants

### Plants commonly found on development sites



**Elder:**  
Native shrub, typical of disturbed ground and wasteland.  
White clusters of flowers in spring, black berries in autumn.

### External appearance of root or rhizome



**Colour:**  
Pale brown/yellow  
**Texture:**  
Fleshy and smooth. Wrinkled if desiccated.  
**Features:**  
Fleshy rootlets.

### Snap Test



**Snapability:**  
Reasonable. Thin sections snap, but larger sections are too woody. Tends to tear.

### Scrape Test



**Outer layer:**  
Skin easily removed.  
**Inner layer:**  
White fleshy layer with a pale woody core.

### Plants commonly found on development sites



**Sycamore (and most other trees):**  
Trees are common colonisers of waste ground.  
Their roots are occasionally mistaken for rhizome.

### External appearance of root or rhizome



**Colour:**  
Mid-brown.  
**Texture:**  
Fairly smooth and even.  
**Features:**  
Does not fragment as easily as knotweed. Tend to remain in tapered sections. Fine rootlets.

### Snap Test



**Snapability:**  
Very poor. Very woody, tending to break and tear rather than snap. Fairly uniform in colour and structure.

### Scrape Test



**Outer layer:**  
Tough bark.  
**Inner layer:**  
Pale coloured wood.

Table for the identification of Japanese knotweed rhizome

General characteristics	Yes	No
Twig-like appearance		
Fleshy with hardness like carrot		
Brittle when fresh, break easily like carrot		
Young rhizome is white and very soft		
<b>Exterior of rhizome</b>	<b>Yes</b>	<b>No</b>
Colour dark brown, like coffee granules		
Texture of the outer bark leathery		
When bark is removed, tissue is pale orange/yellow		
Nodes at 1-2cm spacing		
Nodes slightly enlarged and 'knotty'		
At nodes white fibrous roots are common		
If present, fresh buds at nodes are red/pink		
Interior of rhizome		
<b>Longitudinal view</b>	<b>Yes</b>	<b>No</b>
Colour: pale orange and light yellow, similar to a carrot		
Central core is usually dark orange/brown, like rust, and sometimes hollow		
<b>Cross section</b>	<b>Yes</b>	<b>No</b>
Cortex with rays coming from centre, like spokes from a wheel		
<b>TOTAL</b>		

If the 'yes' score is greater than the 'no' score, then treat the identified rhizome as Japanese knotweed.

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# Management plan for Japanese knotweed at:

Period covered:

Prepared by:

Date:

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### 1.1 Description of the Site

**Brief description of the existing site (prior to any development):** include presence of any nature conservation features – e.g. protected species; vegetation to be retained; water courses (include proximity of streams or rivers if adjacent to the site); buildings to be retained; drainage on site; other relevant features.

**Brief description of the proposed development:** include any proposed import or export of soils.

**Brief description of the site post-development:** include any parts of the site designated for landscaping, conservation areas etc.

### 1.2 Site Management Objectives

**Brief description of site management objectives:** include proposed timescale and plans for restoration/re-planting.

### 1.3 Limitations and Threats to Site Management Objectives

**Description of how the presence of Japanese knotweed poses a threat to, or limits management objectives. Include for example:**

- Increasing costs of development
- Delays in scheduling of works
- Damage or potential damage caused by the plant
- Potential for spread of Japanese knotweed from within and outside the site boundary (e.g. within the site, from adjacent land or via watercourses)
- Potential for import of Japanese knotweed on materials

### 1.4 Inventory of the Site

**Description of the site boundaries, topography, access, special features:** include maps of site pre and post development in Appendix 1.

**Description of the Japanese knotweed distribution on site and adjacent to the site:**

Include detailed maps showing location of Japanese knotweed and exact area covered (allocate a unique identification number to each location of Japanese knotweed on site e.g. JK001, JK002 etc). Complete a recording sheet for each location (see Appendix 2) If Japanese knotweed is present on adjacent land, record distribution and details of land use and land ownership.

### 2.1 Brief Description of Management Plan

**Allocate personnel to oversee Japanese knotweed management and to be responsible for sign –off at the end of the treatment period:**

### 2.2 Setting Priorities

**Examples:**

- Areas of Japanese knotweed on site which require rapid treatment will be identified.
- Prevention of further infestation of the plant on the site is a priority.
- Replacement vegetation/habitat will be considered rather than just eliminating Japanese knotweed.
- Control methods which suit the location and timescale will be adopted.
- Implementation will be based on the above information.
- Regular monitoring will be carried out.
- Management will be revised in response to feedback from the above.

**Assign priority to each management objective:** (e.g. High, Medium Low) - Record priorities for each location of the plant in Table 1.

### 2.3 Preventing Further Spread

**Description of methods to be employed to prevent further spread: Include for example:**

- Isolation of Japanese knotweed on site by fencing to avoid disturbance during treatment.
- Assessment of risk of re-invasion of Japanese knotweed from adjacent land.
- Liaison with adjacent landowners to treat Japanese knotweed which poses a risk to the site.
- Procedures to ensure that imported materials are free from Japanese knotweed.
- Identification of designated haul routes through site to avoid contamination.

**Description of training to be given to site operators and contractors during development:**

Include for example identification of the plant (both above and below ground parts) and training on site practices to prevent further spread.

Site name:	
Responsible manager:	Date plan last updated:

**3.1 Management objectives (measurable)**

**Establish measurable objectives for the planned control activities. Include:**

- the impact on density, cover, etc. that you want to achieve;
  - the size of the area in which you hope to achieve this;
  - the period in which you hope to achieve it.
- Examples:**
- Objective 1. Elimination of Japanese knotweed on all parts of the site within 5 years.
  - Objective 2. Reduce percentage cover by 50% on 1 ha of the site within 2 years.
  - Objective 3. Prevention of further spread of Japanese knotweed on site.
  - Objective 4. Co-ordination with adjacent landowners to commence active treatment of Japanese knotweed in adjacent areas within 1 year.

**3.2 Management options**

**Viable control options are:**

- No treatment;
- Treatment alternative 1
- Treatment alternative 2 etc.

Briefly discuss the alternatives, indicate which are preferred and the conditions (size of area treated, location, timing, total anticipated cost, etc.) under which they may be used. Build in restricted flexibility to allow conditions on site to be taken into consideration. State who the site operatives should contact when none of the listed alternatives can be carried out.

**3.3 Actions planned (treatments and monitoring)**

Briefly describe the locations to be treated, materials and methods to be used, and an approximate schedule for control and monitoring activities. Record details in Table 2.

**3.4 How actions will be evaluated (criteria for success)**

Outline the methods that will be used to monitor control activities and the criteria that will be used to evaluate success or failure of the program. The criteria for success should be based on the program's objectives and goals. (Data sheets to be used when collecting monitoring data should be included in Appendix 3).

**3.5 Resource needs**

Estimate the amount of time for staff, materials, contractors etc. and money that will be required to carry out the planned control, monitoring and evaluation. Record in Table 4.

**3.6 Results of evaluation**

This section is to be filled in later, preferably within 1 year, when monitoring data has been taken and evaluated. The evaluation should be used to determine whether any of the sections 3.1-3.5 above should be modified.

**Summary information**

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**Table 1 - Priority areas**

Area	Description and justifications of priority	Priority level

**Table 2 - Control Methods**

Area	Control Method	Carried out by

**Table 3 - Implementation Schedule**

Schedule the planning, surveying, and treatment for Japanese knotweed for at least the next year.

Treatment Schedule	Date

**Table 4 - Projected resources and costs**

Revise this table annually after comparing estimated to actual costs.

Item	Description	Projected resources	Projected costs	Actual Costs

**References**

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List references cited or used. For example:

Child, L.E. and Wade, P.M. (2000) *The Japanese Knotweed Manual*. Packard Publishing Limited, Chichester. ISBN 1 85341 127 2

Welsh Development Agency (1998) *The control of Japanese knotweed in construction and landscape contracts: Model specification*. Former Welsh Development Agency, now part of the Welsh Assembly Government.

Environment Agency and Cornwall County Council (1998) *Japanese knotweed*. How to control it and prevent its spread. Environment Agency, Bodmin.

Welsh Development Agency (1998) *The eradication of Japanese knotweed: Model tender document*. Former Welsh Development Agency, now part of the Welsh Assembly Government.

Environment Agency and Cornwall County Council (2001) *Japanese knotweed*. Guidance for householders and landowners. Cornwall County Council.

## Appendices

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### Appendix 1 - Distribution maps

Attach copies of the map(s) of the site, and of maps depicting the extent of the Japanese knotweed on the site.

### Appendix 2 - Japanese knotweed recording sheet

Example of Japanese knotweed Recording Sheet (complete a new sheet for each area of Japanese knotweed).

Recorded by:			Date:		
Site name:					
Grid ref:		Site ref:			
Area of Japanese knotweed - NB. Mark outline of area of Japanese knotweed on site map and annotate with site ref. no. If patch measures <1.0m <sup>2</sup> , mark as + on map and annotate with site ref. no.					
	m		m		m
Average height of stems	<1m	1 - 2.5m		>2.5m	
Max. stem diameter at 30cm above ground	<1cm	1 - 2cm		>2.5cm	
Vegetation composition	Japanese knotweed only		Mixture of knotweed & other vegetation		
Proximity to water courses	Yes		No		
Slope	Flat	Moderate	Steep		
Land use - Record primary land use as 1 and secondary use as 2 etc. e.g. landscaped area adjacent to riverbank record as Riverbank 1; Landscaped area 2.					
Housing	Shops	Public buildings	Business/Industrial		
Garden	Park	Recreation ground	Landscaped area		
Farmland	Woodland	Waste ground	Graveyard		
Car Park	Road verge	Railway embankment	Roundabout		
River bank	Stream side	Dock	Canal		
Pond	Sea front	hedgerow	Other, specify		
Remarks:					

### Appendix 3 - Forms used in collecting monitoring data

Attach copies of data collection sheets.

### Appendix 4 - Herbicide records

Attach details of herbicides used, dose rate and application rates and dates applied.

### Appendix 5 - Waste records

Attach details of waste records for any material containing Japanese knotweed taken off site.

### Appendix 6 - Useful contacts

Attach details of Contractors, Local Authority contact, Environment Agency contact, adjacent landowners etc.

# Management plan for Japanese knotweed at:

Period covered: 2006-2010

Prepared by: N.E. Body

Date: April 2006

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### 1.1 Description of the Site

**Brief description of the existing site (prior to any development):** include presence of any nature conservation features – e.g. protected species; vegetation to be retained; water courses (include proximity of streams or rivers if adjacent to the site); buildings to be retained; drainage on site; other relevant features.

*The site is a brown-field industrial site formerly a textiles factory which has been vacant for 10 years. Buildings were demolished some 8 years ago. The site covers an area of approximately 6.5 ha. and is surrounded by mature hedgerows with some mature trees. A watercourse runs along the southern boundary of the site in an westerly direction. Existing vegetation cover is rough ruderal vegetation with several patches of Japanese knotweed within the site and adjacent to the watercourse.*

**Brief description of the proposed development:** include any proposed import or export of soils.

*The development will require site levelling, construction of a service road, installation of drainage and services and the construction of a building. Some material will be exported and the remaining inert material will be used on-site in construction works. Import of top soils for landscaping around car parking and communal areas will be required.*

**Brief description of the site post-development:** include any parts of the site designated for landscaping, conservation areas etc.

*The proposed development will incorporate 3 sports pitches and a car parking area with a club house and facilities to the north eastern corner. A service road will provide access onto the site. Hedgerows to be retained and landscaping to be carried out in the vicinity of the clubhouse. A conservation area to the southern boundary is proposed alongside the watercourse.*

### 1.2 Site Management Objectives

**Brief description of site management objectives:** include proposed timescale and plans for restoration/re-planting.

*The site is expected to be operational 24 months after works commence. Landscape planting and restoration of the boundary hedgerows and riparian vegetation will be carried out during the construction period.*

### 1.3 Limitations and Threats to Site Management Objectives

**Description of how the presence of Japanese knotweed poses a threat to, or limits management objectives. Include for example:**

- Increasing costs of development
- Delays in scheduling of works
- Damage or potential damage caused by the plant
- Potential for spread of Japanese knotweed from within and outside the site boundary (e.g. within the site, from adjacent land or via watercourses)
- Potential for import of Japanese knotweed on materials

*The presence of Japanese knotweed on site will increase the financial burden on this project both in terms of treatment costs and in delays in scheduling construction works. Any Japanese knotweed left untreated has the potential to damage hard surfaces and sports pitches and to delay the landscaping. A large area of Japanese knotweed exists outside the site to the eastern boundary and there is potential for further spread into the site along the watercourse. The development will necessitate the export of some material and the import of top soils for landscaping and for sports pitches. Materials leaving or brought onto site should be checked to ensure that Japanese knotweed does not leave or enter the site via this route.*

### 1.4 Inventory of the Site

**Description of the site boundaries, topography, access, special features:** Include maps of site pre and post development in Appendix 1.

*The site is reasonably level with access from the B4452 on the western boundary. The site slopes down steeply towards the watercourse on the southern boundary and there is potential in this area to accommodate a conservation area. Two mature Willow trees are located in the south western corner of the site.*

*Boundaries to the northern, western and eastern edges of the site are composed of mature hedgerow species including Hawthorn, Field maple, Blackthorn with some mature Ash and Oak trees.*

**Description of the Japanese knotweed distribution on site and adjacent to the site:**

*Include detailed maps showing location of Japanese knotweed and exact area covered (allocate a unique identification number to each location of Japanese knotweed on site e.g. JK001, JK002 etc). Complete a recording sheet for each location (see Appendix 2) If Japanese knotweed is present on adjacent land, record distribution and details of land use and land ownership.*

*There are 6 distinct patches of well established Japanese knotweed on the site in addition to 2 areas where a few stems have become established. These are described in the accompanying maps and recording sheets. On adjacent land to the east of the site, a large area of Japanese knotweed is present adjacent to the watercourse. Total area of Japanese knotweed on site is estimated at 1,900m<sup>2</sup>. Total area of Japanese knotweed on adjacent land is estimated at 500 m<sup>2</sup>.*

### 2.1 Brief Description of Management Plan

Allocate personnel to oversee Japanese knotweed management and to be responsible for sign-off at the end of the treatment period:

*The Management of Japanese knotweed on site shall be overseen by the site foreman and in his absence, his deputy. This Management Plan and appendices and revisions of this plan shall be kept for future site owners. This Management Plan should be read in conjunction with the Environment Agency Code of Practice.*

### 2.2 Setting Priorities

#### Examples:

- Areas of Japanese knotweed on site which require rapid treatment will be identified.
- Prevention of further infestation of the plant on the site is a priority.
- Replacement vegetation/habitat will be considered rather than just eliminating Japanese knotweed.
- Control methods which suit the location and timescale will be adopted.
- Implementation will be based on the above information.
- Regular monitoring will be carried out.
- Management will be revised in response to feedback from the above.

**Assign priority to each management objective:** (e.g. High, Medium Low) - Record priorities for each location of the plant in Table 1.

#### High Priority

- Areas of Japanese knotweed which require rapid treatment – JK002 on site access route JK004 overlying site drainage route JK005 and JK008 on land proposed for sports pitches.
- Prevention of further spread. All Japanese knotweed areas to be isolated prior to any work being carried out on site. This to include an area of at least 7 m laterally from above ground stems to ensure that any underground parts are also isolated.
- All personnel on site to receive training on identification of Japanese knotweed both above and below ground parts.

#### Medium Priority

- Control Methods for remaining areas of Japanese knotweed. A range of control methods will be adopted to include excavation and stock piling for future treatment (bund method), in-situ herbicide treatment and a combination of digging and subsequent herbicide application (combination method). Herbicides will be selected which are suitable for site use e.g. restrictions on herbicides which can be used in or near water.
- Monitoring – A scheme for monitoring will be agreed with the site foreman who will be ultimately responsible for overseeing the control of Japanese knotweed on site.
- Management – This management plan will be reviewed on a regular basis and in any case every 6 months from site acquisition to site completion.

#### Low Priority

- Replacement vegetation. JK003 adjacent to watercourse once eliminated should be replaced with grass cover to prevent bankside erosion.

### 2.3 Preventing Further Spread

Description of methods to be employed to prevent further spread:  
Include for example:

- Isolation of Japanese knotweed on site by fencing to avoid disturbance during treatment.
- Assessment of risk of re-invasion of Japanese knotweed from adjacent land.
- Liaison with adjacent landowners to treat Japanese knotweed which poses a risk to the site.
- Procedures to ensure that imported materials are free from Japanese knotweed.
- Identification of designated haul routes through site to avoid contamination.

*All areas affected by Japanese knotweed to be fenced and isolated from activities on site immediately to avoid potential for spread on-site. An area including a perimeter of at least 7m from the above ground stems should be isolated. See Environment Agency Code of Practice 2.1, 2.2*

*There is a high risk of invasion from neighbouring land. Contact the landowner and agree on a co-ordinated treatment programme.*

*No material to leave the site from the isolated Japanese knotweed areas.*

*All topsoil and materials brought onto site to be checked prior to accepting. See Environment Agency Code of Practice 2.3*

*No new materials to be stored adjacent to Japanese knotweed isolated areas.*

*No movement of Japanese knotweed contaminated material across site unless on designated haul routes, avoiding Japanese knotweed isolated areas.*

#### Description of training to be given to site operators and contractors during development:

Include for example identification of the plant (both above and below ground parts) and training on site practices to prevent further spread.

*All contractors and site operatives on site to receive training in Japanese knotweed identification and site practices. Training to be given on day 1. Posters highlighting the key features of the plant to be displayed in all communal areas (see Environment Agency Code of Practice Appendices I-IV).*

Site name: **Dummy Site**

Responsible manager: **Site Foreman**

Date plan last updated: **May 2006**

### 3.1 Management objectives (measurable)

#### Establish measurable objectives for the planned control activities. Include:

- the impact on density, cover, etc. that you want to achieve;
- the size of the area in which you hope to achieve this;
- the period in which you hope to achieve it.

#### Examples:

- Objective 1. Elimination of Japanese knotweed on all parts of the site within 5 years.
- Objective 2. Reduce percentage cover by 50% on 1 ha of the site within 2 years.
- Objective 3. Prevention of further spread of Japanese knotweed on site.
- Objective 4. Co-ordination with adjacent landowners to commence active treatment of Japanese knotweed in adjacent areas within 1 year.

#### Objective 1

- Immediately contain existing Japanese knotweed on site and prevent further spread.

#### Objective 2

- Reduce the percentage cover of Japanese knotweed on site by 50% within 1 year.

#### Objective 3

- Liaise with adjacent landowner to commence active treatment of Japanese knotweed within 1 year.

#### Objective 4

- Eliminate Japanese knotweed on site within 4 years.

### 3.2 Management options - (continue on next page)

#### Viable control options are:

- No treatment;
- Treatment alternative 1
- Treatment alternative 2 etc.

Briefly discuss the alternatives, indicate which are preferred and the conditions (size of area treated, location, timing, total anticipated cost, etc.) under which they may be used.

Build in restricted flexibility to allow conditions on site to be taken into consideration. State who the site operatives should contact when none of the listed alternatives can be carried out.

The various options for the control of Japanese knotweed include in situ herbicide treatment, combined treatment of digging and herbicide, excavation and stock-piling for future treatment (the bund method), excavation and burial on site or excavation and removal off site. It is not an acceptable option to consider doing nothing.

### Summary information

### DRAFT TEMPLATE

#### 3.2 Management options - (continued)

Excavation and removal off site is a rapid method of removal but is costly, and in the long term unsustainable. The particular site conditions do not allow for excavation and burial on site to the required depth of 5m (see Environment Agency Code of Practice). As there is sufficient space on site, excavation and stock-piling on site for subsequent herbicide treatment (the bund method) is a viable option particularly for those areas of site which are required to have immediate availability (e.g. access road). The remaining areas of Japanese knotweed could be treated by a combined digging and herbicide treatment or by in-situ herbicide treatment. The range of herbicides available are limited in the case of the affected areas adjacent to the watercourse, but other herbicides could be considered in more open areas away from water and mature trees. It may be necessary to vary the herbicide used or the mode of application once treatment has commenced. This should be discussed and agreed with the approved contractor.

#### 3.3 Actions planned (treatments and monitoring) - (continue on next page)

Briefly describe the locations to be treated, materials and methods to be used, and an approximate schedule for control and monitoring activities. Record details in Table 2.

JK002, JK004, JK005, JK008

#### Control Method:

The Bund Method (See Environment Agency Code of Practice 5.4)

- Treat affected area with an appropriate non-persistent herbicide and leave for at least 1 week.
- Cut and remove canes and leave to dry on site for subsequent burning.
- Rake the surface of the affected area with tines to remove crowns and surface material – either leave to dry with canes for burning or spread on top of completed bund.
- Excavate affected area until all rhizome material has been removed.
- Create bund on a layer of geotextile starting with least infected soil and build up to 0.5 m to 1 m in height laying crown material and/or stems on top.
- Treat regrowth with appropriate herbicide.
- Disturb bund after one or two treatments and treat regrowth with appropriate herbicide.
- Continue to treat and disturb until no further regrowth appears.
- Soil from the bund may not be used off-site.

### 3.3 Actions planned (treatments and monitoring) - (continued)

Briefly describe the locations to be treated, materials and methods to be used, and an approximate schedule for control and monitoring activities. Record details in Table 2.

#### JK001, JK006 – Control Method:

Combined Treatment Method (See Environment Agency Code of Practice 3.4)

- Cut and remove canes and leave to dry on site for subsequent burning.
- Rake the surface of the affected area with tines to remove crowns and surface material and burn with canes.
- Cultivate affected area to a depth of at least 50 cm depending on the depth to which the bulk of rhizome material exists.
- Re-spread the excavated material over the cultivated area
- Apply appropriate herbicide to regrowth.
- Check for new growth at 4 – 6 weeks intervals after treatment and re-treat accordingly.
- Repeat cultivation and herbicide application until no further regrowth appears.

#### JK003, JK007 – Control Method:

Application of herbicide to above ground stems in situ using a herbicide approved for use in or near water e.g. glyphosate (See Environment Agency Code of Practice 3.2, 3.3)

- Cut and remove dead canes during winter for subsequent burning.
- Apply herbicide according to the manufacturer's guidelines.
- Check for new growth at 4 – 6 week intervals after treatment and re-treat accordingly.

### 3.4 How actions will be evaluated (criteria for success)

Outline the methods that will be used to monitor control activities and the criteria that will be used to evaluate success or failure of the program. The criteria for success should be based on the program's objectives and goals. (Data sheets to be used when collecting monitoring data should be included in Appendix 3).

Monitoring will be carried out by the contractor and the site foreman prior to any treatment being carried out to act as a baseline for future monitoring and every 4 – 6 weeks throughout the growth season. The contractor and site foreman will agree the level of control achieved and the future treatment schedule. Recording sheets will be used to document the percentage cover of Japanese knotweed at each affected area on site over at least 3 representative samples of 1 m<sup>2</sup>.

### 3.5 Resource needs

Estimate the amount of time for staff, materials, contractors etc. and money that will be required to carry out the planned control, monitoring and evaluation. Record in Table 4.

### 3.6 Results of evaluation

This section is to be filled in later, preferably within 1 year, when monitoring data has been taken and evaluated. The evaluation should be used to determine whether any of the sections 3.1-3.5 above should be modified.

Table 1 - Priority areas

Area	Description and justifications of priority	Priority level
JK002, JK004, JK005, JK008	JK002 on proposed access road, JK004 overlying site drainage route. JK005 and JK008 on land proposed for sports pitches. Rapid treatment required	High
JK001, JK003, JK006, JK007	Stands on or adjacent to site boundaries can be treated in-situ	Medium

Table 2 - Control Methods

Area	Control Method	Carried out by
JK001	Combination treatment	Site operatives and contractor
JK002	Bund method	Site operatives and contractor
JK003	Herbicide application	Contractor
JK004	Bund method	Site operatives and contractor
JK005	Bund method	Site operatives and contractor
JK006	Combination treatment	Site operatives and contractor
JK007	Herbicide application	Contractor
JK008	Bund method	Site operatives and contractor

**Table 3 - Implementation Schedule**

Schedule the planning, surveying, and treatment for Japanese knotweed for at least the next year.

Treatment Schedule - Bund Me	Date
Chemical treatment to be carried out prior to excavation if plants are in leaf.	day.month.year
Excavate Japanese knotweed and surrounding area until all traces of rhizome are removed.	day.month.year
Stockpile excavated material on protective membrane for treatment.	day.month.year
Chemical treatment to be carried out during growing season (March to September).	day.month.year
Apply disturbance to stockpile.	day.month.year
Monitor for new growth.	day.month.year
Chemical treatment to be carried out during growing season (March to September).	day.month.year

**Table 4 - Projected resources and costs**

Revise this table annually after comparing estimated to actual costs.

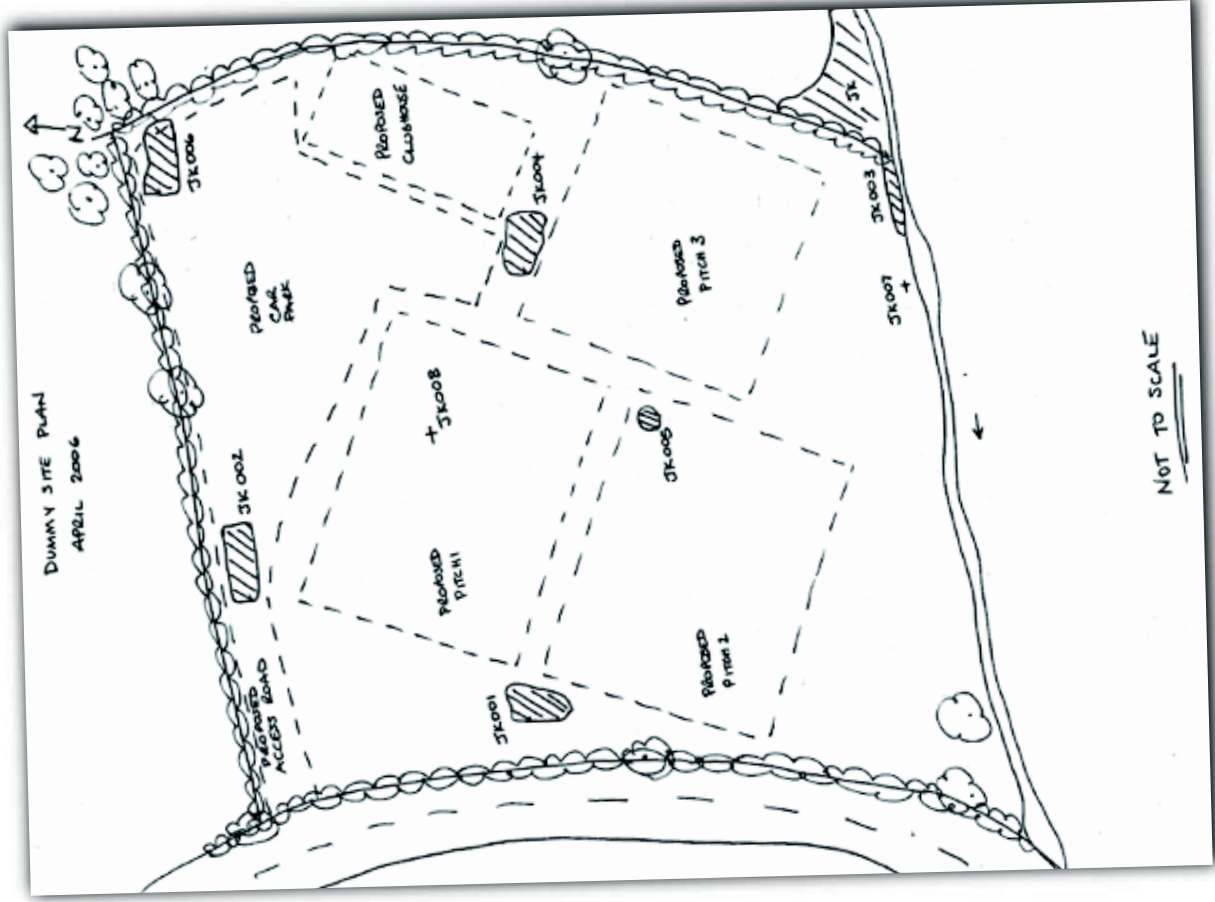
Item	Description	Projected resources	Projected costs	Actual Costs
Chemical treatment	Contractor to apply herbicide	Materials	£	£
		Labour	£	£

References

- List references cited or used. For example:  
 Child, L.E. and Wade, P.M. (2000) *The Japanese Knotweed Manual*. Packard Publishing Limited, Chichester. ISBN 1 85341 127 2
- Environment Agency and Cornwall County Council (1998) *Japanese knotweed*. How to control it and prevent its spread. Environment Agency, Bodmin.
- Environment Agency and Cornwall County Council (2001) *Japanese knotweed*. Guidance for householders and landowners. Cornwall County Council.
- Welsh Development Agency (1998) *The control of Japanese knotweed in construction and landscape contracts: Model specification*.
- Former Welsh Development Agency, now part of the Welsh Assembly Government.
- Welsh Development Agency (1998) *The eradication of Japanese knotweed: Model tender document*.
- Former Welsh Development Agency, now part of the Welsh Assembly Government.

Appendix 1 - Distribution maps

Attach copies of the map(s) of the site, and of maps depicting the extent of the Japanese knotweed on the site.



# Restricted Access



The soil in this area contains Japanese knotweed and is being treated.

Do not enter unless authorised.  
Do not remove soil from this area without authorisation.

**Appendix 2 - Japanese knotweed recording sheet**

**Example of Japanese knotweed Recording Sheet (complete a new sheet for each area of Japanese knotweed).**

Recorded by: *MMM* Date: *5 April 2006*

Site name: *Dummy Site*

Grid ref: *XX 032 033* Site ref: *JK001*

Area of Japanese knotweed - NB. Mark outline of area of Japanese knotweed on site map and annotate with site ref. no. If patch measures <1.0m<sup>2</sup>, mark as + on map and annotate with site ref. no.

	<i>25</i> m		<i>18</i> m
Average height of stems	<1m	1 - 2.5m	X
Max. stem diameter at 30cm above ground	<1cm	1 - 2cm	X
Vegetation composition	Japanese knotweed only	X	Mixture of knotweed & other vegetation
Proximity to water courses	Yes		No
Slope	Flat	X	Moderate
			Steep

Land use - Record primary land use as 1 and secondary use as 2 etc. e.g. landscaped area adjacent to riverbank record as Riverbank 1; Landscaped area 2.

Housing	Shops	Public buildings	Business/Industrial
Garden	Park	Recreation ground	Landscaped area
Farmland	Woodland	Waste ground	1 Graveyard
Car Park	Road verge	Railway embankment	Roundabout
River bank	Stream side	Dock	Canal
Pond	Sea front	hedgerow	2 Other, specify

Remarks: *large well established stand*

---

**Appendix 3 - Forms used in collecting monitoring data**

Attach copies of data collection sheets.

---

**Appendix 4 - Herbicide records**

Attach details of herbicides used, dose rate and application rates and dates applied.

---

**Appendix 5 - Waste records**

Attach details of waste records for any material containing Japanese knotweed taken off site.

---

**Appendix 6 - Useful contacts**

Attach details of Contractors, Local Authority contact, Environment Agency contact, adjacent landowners etc.

**Would you like to find out more about us,  
or about your environment?**

**Then call us on**

**08708 506 506** (Mon-Fri 8-6)

**email**

**enquiries@environment-agency.gov.uk**

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**OVERVIEW AND SCRUTINY PANELS**  
**(SOCIAL WELL-BEING)**  
**(ECONOMIC WELL-BEING)**  
**(ENVIRONMENTAL WELL-BEING)**

**4TH SEPTEMBER 2012**  
**6TH SEPTEMBER 2012**  
**11TH SEPTEMBER 2012**

**WORK PLAN STUDIES**  
**(Report by the Head of Legal and Democratic Services)**

**1. INTRODUCTION**

1.1 The purpose of this report is to inform Members of studies being undertaken by the other Overview and Scrutiny Panels.

**2. STUDIES**

2.1 The Council has a duty to improve the social, environmental and economic well-being of the District. This gives the Overview and Scrutiny Panels a wide remit to examine any issues that affect the District by conducting in-depth studies.

2.2 Studies are allocated according to the Overview and Scrutiny remits. Details of ongoing studies being undertaken by the two other Panels are set out in the attached Appendix.

2.3 Members are reminded that if they have a specific interest in any study area which is not being considered by their Panel there are opportunities for involvement in all the studies being undertaken.

**3. RECOMMENDATION**

3.1 The Panel is requested to note the progress of the studies selected.

**BACKGROUND DOCUMENTS**

Minutes and Reports from previous meetings of the Overview and Scrutiny Panels.

**Contact Officers: Miss H Ali, Democratic Services Officer**  
**01480 388006**

**Mrs J Walker, Democratic Services Assistant**  
**01480 387049**

**Mrs C Bulman, Democratic Services Officer**  
**01480 388234**

## ONGOING STUDIES

STUDY	OBJECTIVES	PANEL	STATUS	TYPE
Gypsy & Traveller Welfare	To examine existing gypsy and traveller sites in the District with a view to informing any future Planning Policy on sites.	Social Well-Being	Report requested for submission to a future meeting. Following consultation with the Chairman, agreed that the study would proceed once Government guidance has been issued on future provision requirements.	To be determined.
Leisure Centre Financial Performance and Employment Structure	To consider the future business model for "One Leisure" and the development of a methodology for the quantification of Social Value.	Economic Well-Being and Social Well-Being	Working Group met on 28 <sup>th</sup> February 2012. Agreed to split into two sub groups to investigate each area.  Sub-Group looking at the 'Social Methodology' met on 2nd August 2012.  The Working Group looking at the Business Model will provide an update to the September meeting of the Overview & Scrutiny Panel (Economic Well-Being).	Joint Working Group
CCTV Provision within the District	To review the impact of the Council's proposal to cease the CCTV service with effect from April 2012.	Social Well-Being	A report on changes to the CCTV service in 2012/13 will be submitted to the Panel in November 2012.	Whole Panel Study.

A14 improvements.	To review the implications to the local economy of the decision not to proceed with the A14 improvements.	Economic Well-Being	Panel has requested a presentation on developments relating to the A14 for all Members of the Council at an appropriate time.  Updates on recent developments to continue to be provided by email.	Whole Panel Study.
Consultation Processes	To assist the Corporate Team with its review of the Council's Consultation and Engagement Strategy.	Social Well-Being	Meeting of the Working Group to be held on 5th September 2012.	Working Group.
The Council's Relationship with the Voluntary Sector	To examine the proposed future relationship between the Council and the Voluntary Sector.	Social Well-Being.	Panel to determine how to proceed with their investigations at a future meeting.	To be determined.
Review of Neighbourhood Forums in Huntingdonshire	To undertake a review of the Neighbourhood Forums in Huntingdonshire.	Social Well-Being	Consultation summary report presented to Cabinet in July. Cabinet agreed to hold a pilot in the Norman Cross County Division. The outcome of Cabinet's deliberations will be reported to the Panel at its September meeting.	Working Group
District Council Support Services	To review the services provided by the District Councils Document Centre to form a view on its efficiency and cost	Economic Well-Being	Working Group has formed two sub groups to consider:- a) the financial cost of the service; and	Working Group

	effectiveness.		b) the operation of the service  Final report awaited.	
Equality Framework for Local Government	To review the action plan arising from the Equality Framework for Local Government peer assessment.	Social Well-Being	Working Group meeting held on 29th August 2012.	Working Group
Economic Development	To be determined.	Economic Well-Being	The Economy Strategy is scheduled for completion at the end of the year. Work is currently taking place to develop a robust evidence base for the new Strategy. As part of this process all members will be given the opportunity to participate in the consultation on the initial report and the Economic Development Manager will attend the November meeting.	To be determined.
Corporate Plan	To assist the Corporate Office with the development of a new Corporate Plan.	All O&S Panels	Meetings held on 1st and 28th August 2012.	Working Group
Fraud Prevention	To consider the implications from forthcoming changes to the Housing Benefits system.	Economic Well-Being	The Corporate Governance Panel have agreed to establish a working group to consider fraud risks, current and future approached and single fraud issues. Their	To be determined.

			report will be considered by the Panel at their meeting in October.	
Supporting People Back to Work	To be determined.	Economic Well-Being	Economic Development Manager to prepare a briefing paper for the Panel's October meeting.	To be determined.
Community Infrastructure Levy (CIL)	To consider the implications of planning social housing requirements on Community Infrastructure Levy income and the housing waiting list.	Economic Well-Being	Managing Director (Communities, Partnerships & Projects) to discuss with Councillor M F Shellens directly.	To be determined.
Council Reserves	<p>Agreed to establish a working group to:-</p> <ul style="list-style-type: none"> <li>❖ identify the combination of co-incident risks against which the Council wishes to insure by having reserves</li> <li>❖ benchmark the Council's level of reserves against other appropriate Authorities.</li> </ul>	Economic Well-Being	First meeting held on Tuesday 4 <sup>th</sup> September 2012.	Working Group

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Panel Date	Decision	Action	Response	Date
16/05/12	<p><b><u>Leadership Direction</u></b> Councillors D Harty and Mrs D C Reynolds have been appointed to the Corporate Plan Working Group.</p>	Leadership Direction document considered at the Panel's July meeting.	The Corporate Plan Working Group has been meeting throughout the summer to help the Corporate Office to produce the Council Service Plan which will outline the key activities that contribute to the aims in the Leadership Direction. Quarterly / bi-monthly performance reports will then be produced for consideration by each of the Overview and Scrutiny Panels.	October 2012
13/07/10	<p><b><u>Great Fen Project</u></b> The Panel attended a tour of the Great Fen.</p>		The Director of Environmental and Community Services advised that updates on the progress of the project would be presented to the Panel at 6 monthly intervals.	October 2012
11/9/2012	Members have been invited to attend a site visit on Monday, 1 <sup>st</sup> October 2012.			
14/09/10	<p><b><u>Tree Strategy Working Group</u></b> To form a strategy in conjunction with the Tree Officers for the retention and planting of trees.</p>	A series of Working Group meetings have been held. A draft policy is being drawn up by the Arboricultural Officer for submission to the group for comment.		To confirmed
13/9/11	<p><b><u>Waste Collection Working Group</u></b> A Working Group appointed to look into waste collection policies. The Working Group comprises of Councillors</p>	First meeting held on 6/10/11 with Mr E Kendall – Head of Operations.	The Group established their terms of reference and a way forward	

Panel Date	Decision	Action	Response	Date
10/1/12	Baker, Godfrey, Harlock and Hyams, and Mr M Phillips.  Following consideration of the Advanced Waste Partnership report it was agreed that the work of the partnership could overtake the findings of the working group, therefore the Working Group study should be put on hold.	The study of the Waste Collection Working Group has been postponed and will be reviewed in due course.	for their study.	
19/06/12	Following a change in the Council's approach to dealing with 'contaminated' bins, Councillor M G Baker has stressed the need to educate residents as to what can be placed in recycling bins.	A meeting between the Working Group and the Head of Operations was held on Thursday, 28 <sup>th</sup> June 2012.	Members requested that a further meeting be held on 2 <sup>nd</sup> August with a representative from South Cambridgeshire District Council present.	
11/9/12	The Working Group has decided to focus on how best to engage with residents to educate them as to what should be placed in which bin.	A meeting has been arranged to discuss ideas.	The Working Group will meet with Eric Kendall, Chris Jablonski and Heidi Field on 6 <sup>th</sup> September 2012 to discuss publicity material.	<b>September 2012</b>
8/11/11	<b><u>Design Principles for Future Developments Working Group</u></b>  A Working Group appointed to examine the matters raised during the Panel's discussions on Loves Farms, St Neots. The Working Group comprising of Councillors Banerjee, Curtis, Godfrey and Harlock will make recommendations to inform future developments.			
6/1/12	First meeting of the Working Group held. Councillor Mrs M Banerjee appointed rapporteur. It was agreed that the Working Group needed an overview of the site from a planning officer and this should be followed by a site visit.	Working Group met with the Head of Planning Services on 26 <sup>th</sup> January to receive an overview of the Loves Farm site.  Site visit held on 2 <sup>nd</sup> March followed by a debrief on 21 <sup>st</sup> March and a meeting on 1 <sup>st</sup> June.	The working group has considered a report by the Urban Design, Trees and Landscape Team Leader analysing the results of the 'building for life' assessments which were completed on the site visit. The	<b>July 2012</b>



Panel Date	Decision	Action	Response	Date
			working group will begin to draft their final report.	
<p><b>5/12/11</b></p> <p><b>9/2/12</b></p> <p><b>13/3/12</b></p> <p><b>10/4/12</b></p> <p><b>19/06/12</b></p>	<p><b><u>Drainage Issues</u></b></p> <p>Consideration was given to a petition in respect of sewage overflow at Windsor Road and Main Street, Yaxley. Members were advised that the Executive Leader had written to Anglian Water expressing his concern over flooding issues in Yaxley and a response had been received. Although Anglian Water's response addressed the specific flooding incident, Members were not satisfied with Anglian Water's programme to prevent problems from occurring and their response to sewerage system failures.</p> <p>The Panel received a presentation from the County Council's Flood and Water Manager on Flood Risk Management. During the presentation the issue of flooding in Yaxley was raised by Members. Officers undertook to investigate this matter further.</p> <p>Ward Members attended an onsite meeting with the Project and Assets Manager who subsequently alerted Anglian Water to a problem with the surface and foul water sewerage system.</p> <p>The Managing Director (Communities, Partnerships and Projects) has suggested that a Working Group be convened to examine Yaxley drainage issues in detail.</p> <p>Having considered the St Neots Surface Water Management Plan, Members acknowledged that drainage problems within the district are widespread.</p>	<p>Given the lack of powers that the Council has to influence Anglian Water, Members requested that the Leader of the Council writes to the Environment Agency to highlight their concerns and to ask it to ensure it used its enforcement powers where merited.</p> <p>The Project and Assets Manager has met with Anglian Water to discuss issues and will continue to pursue this matter.</p> <p>Having reiterated concerns over the long running nature of the problem, Members suggested that a letter be sent to the Environment Agency to highlight the ongoing issues.</p> <p>It was agreed that appointment to the Working Group would be delayed until after the Annual Council Meeting.</p> <p>A Working Group comprising Councillors Mrs M Banerjee and J W Davies has been convened to engage with Anglian Water in order to establish their general powers, responsibilities and limitations on its ability</p>	<p>The Managing Director (Communities, Partnerships and Projects) will follow this concern up with the Environment Agency. The Executive Leader has responded to Anglian Water to state that he is not satisfied with their programme to prevent problems from occurring and their response to sewerage system failures.</p> <p>The Managing Director (Communities, Partnerships and Projects) to be asked to pursue this issue further.</p> <p>A meeting was held on Thursday, 28<sup>th</sup> June so that Members could set out their terms of reference and establish the way forward for the study.</p>	<p><b>June 2012</b></p>

Panel Date	Decision	Action	Response	Date
11/9/12	Two meetings have been held with representatives from Anglian Water and the Environment Agency.	to prevent flooding. A report of the meetings is being produced and the District Council will continue to work with Anglian Water in an effort to resolve the drainage problems which exist in the District.		October 2012
10/1/12  19/6/12	<p><b><u>Land Use for Agricultural Purposes in the Context of Planning Policies and its Contribution to the Local Economy.</u></b></p> <p>The Panel considered the Cambridgeshire Green Infrastructure Strategy and raised concerns over the lack of reference to local agriculture in planning policies.</p> <p>The Working Group has met on numerous occasions and have visited Mr Felce's farm.</p>	<p>A Working Group comprising of Councillors Mrs M Banerjee, P M D Godfrey, G J Harlock, D Harty and Mr D Hopkins has been appointed to review the lack of promotion and protection of land for agricultural purposes and to ensure that local agriculture is included in the new local plan.</p> <p>The Working Group wish to meet with Paul Hammett, NFU, Environmental Adviser.</p>	<p>A meeting will be held with the Planning Service (Policy) Manager on 9<sup>th</sup> February to discuss issues and establish a way forward for the Working Group.</p> <p>The Working Group met with Paul Hammett to discuss the importance of farming in Huntingdonshire.</p> <p>The Working Group has begun summarising its findings to date in order to influence the new Local Plan.</p>	February 2012

## Decision Digest

Edition 126

**Monthly summary of the decisions taken at meetings of the Council, Cabinet, Overview & Scrutiny and other Panels for the period 2nd to 31st July 2012.**

### **UPDATE ON REDESIGN OF MENTAL HEALTH SERVICES**

The Overview and Scrutiny Panel (Social Well-Being) received an update on the redesign of mental health services across Cambridgeshire and Peterborough. Matters discussed included the transportation arrangements for both patients and their carers, the care in the community services available, the role of the Crisis Resolution Home Treatment Team, the reasons for the closure of Acer Ward, together with the community services available from the Newtown Centre, Huntingdon, the availability of specialist mental health assessments at Hinchingsbrooke Hospital and the development of the Advice and Referral Centre.

### **VOLUNTARY SECTOR FUNDING 2013/14 ONWARDS**

The allocation of funding to support the voluntary sector in Huntingdonshire was considered by the Overview and Scrutiny Panel (Social Well-Being). The future funding model will now be a grant based system which is intended to be more flexible than the previous commissioning model.

A proposal to link future financial support to a tapering process has been considered by Members. This is intended to encourage voluntary organisations to match fund any grant that they receive from the Council over a three year period and will enable the

budget set by the Council to stretch further. Members expressed reservations over the tapering process which is regarded as being prescriptive on the voluntary organisations' part. The Panel suggested that alternative ways of supporting the voluntary sector should be explored by the Council such as assisting organisations behind the scenes in their search for match funding opportunities.

In considering the key components of the Community Chest award scheme, the Cabinet has reiterated their view that the process should be straight forward and applications limited to local organisations that require a small injection of revenue up to £5,000. Having acknowledged the work of the voluntary sector, the Cabinet has –

- supported a move to a three year period for funding voluntary sector organisations;
- agreed that the determination of grant applications should remain with the Executive Councillors for Healthy and Active Communities and Resources;
- agreed that provision be made to allow some applicants to make presentations in support of their submissions;
- supported the introduction of a simple bid/check/allocation process for Community Chest Funding;
- agreed that those in receipt of funds via the Community Chest scheme should not be eligible

for reconsideration for a period of two years;

- Supported the introduction of a tapering process and a requirement for match funding; and
- Agreed to set a level of Community Chest funding at a maximum level of £5,000 per application.

### **JOINT STRATEGIC NEEDS ASSESSMENT – AWARENESS RAISING**

The Phase 6 Summary Report for the Cambridgeshire Joint Strategic Needs Assessment was received by the Overview and Scrutiny Panel (Social Well-Being). The report plays an integral part in the development of the draft Cambridgeshire Health and Wellbeing Strategy and identifies key information about the health and wellbeing needs of the Cambridgeshire population, together with information about local health inequalities for specific population groups.

### **DRAFT CAMBRIDGESHIRE HEALTH AND WELLBEING STRATEGY 2012-17**

The Overview and Scrutiny Panel (Social Well-Being) has appointed Councillors S J Criswell, M Oliver and J Pethard, together with Mr R Coxhead, onto a Working Group to formulate the Panel's response to the draft Cambridgeshire Health and Wellbeing Strategy 2012-17. The consultation period closes on 17th September 2012 and the draft response will be submitted to the Panel at its September 2012 meeting.

The consultation seeks views on the terms of the proposed priorities identified by the Shadow Health and Wellbeing Board and Network as being important for local people and outlines

how Partners will work together effectively to address them.

Matters discussed by the Panel included the need for enhanced levels of community involvement on health and wellbeing matters, the involvement of NHS Cambridgeshire on infrastructure planning for large scale developments, the level of resources required to meet the needs of the Strategy, the number of county and district-wide strategies utilised to assist the development of the draft Health and Wellbeing Strategy and the methods of communication adopted to generate awareness of the consultation.

### **NEIGHBOURHOOD FORUMS – PROPOSALS TO ESTABLISH LOCAL JOINT COMMITTEES IN HUNTINGDONSHIRE – CONSULTATION RESPONSES**

The outcome of a consultation on the proposed establishment of Local Joint Committees (LJC's) in Huntingdonshire was reported to the Overview and Scrutiny Panel (Social Well-Being). The Working Group appointed by the Panel to undertake the review has responded to each of the consultation responses received.

Matters discussed by the Panel include how the communities views would be represented at meetings, the likely administrative and Officer costs associated with the proposals and a proposal to undertake a review of the Local Joint Committees after 12 months.

A meeting between the District and County Councils was held on 6th July 2012 to discuss the proposals in advance of its consideration by the Cabinet.

Subsequently, the Cabinet has considered the responses received to the consultation and the views of the

Working Group. In adopting the constitution for the LJC's, Executive Councillors have endorsed the trial of a pilot Local Joint Committee in the Norman Cross County division for a 12 month period and requested that the County Council and relevant Parish Councils involved in the scheme be consulted on adopting the constitution. The Cabinet were of the opinion that limiting the trial to a small area rather than the suggested nine LJC's areas would be more manageable. With regard to the existing Neighbourhood Forums, the Cabinet has authorised the Executive Deputy Leader to review urgently their format with a view to them continuing during the trial in those areas that have expressed a wish that they remain. Finally, the Cabinet has requested the Overview and Scrutiny Panel (Social Well Being) to undertake a review of the pilot scheme during its twelve months of operation.

### **CUSTOMER SERVICES – REVIEW OF CHANGES AT RAMSEY & YAXLEY**

The outcome of a review of the impact of the Council's previous decision to reduce the opening hours at the Ramsey & Yaxley Customer Service Centres has been considered by the Overview & Scrutiny Panel (Economic Well-Being). The Panel was of the view that the Customer Services Centres at Ramsey and Yaxley should continue to operate for two days per week at each location.

The Panel has also asked the Head of Customer Services to report on the impact of the changes as part of their normal six monthly monitoring reports.

### **CUSTOMER SERVICES MONITORING QUARTERLY REPORT**

The Overview & Scrutiny Panel (Economic Well-Being) have considered the Customer Service

Quarterly Performance Report for the period January to March 2012. The report sets out the standards of service that have been achieved and the issues the service will face in the forthcoming quarter.

### **PRIVATE SECTOR RENT LEVELS**

Following a request for further information at a previous meeting, the Overview & Scrutiny Panel (Economic Well-Being) has received an update on rent levels in Huntingdonshire. There is currently no evidence to suggest that landlords were adjusting their rents downwards as a result of changes to the Housing Benefit System.

Having acknowledged that it was still very early days and that it was unlikely that quarterly reports would be able to demonstrate significant movements in rent levels, Members were of the view that it was important to continue to monitor the situation in the current economic climate. With this in mind, the Panel has agreed to receive further reports on a biennial basis.

### **LEADERSHIP DIRECTION**

The Overview & Scrutiny Panels for Economic Well-Being and Environmental Well-Being have considered the content of "Leadership Direction" which has been prepared by the Executive and Deputy Executive Leader to set out their direction of travel and key milestones over the next few years. The Economic Well-Being Panel has commented on a number of the themes and aims within the document. A Member of the Environmental Well-Being Panel has suggested that residents ought to be given the opportunity to influence the Direction so that it reflects needs identified by the community.

### USE OF CONSULTANTS

The Overview and Scrutiny Panel (Economic Well-Being) has received an update outlining the progress which has been made on agreeing, modifying and implementing their previous recommendations. Members have been pleased to note that the majority of their recommendations had been accepted in some form.

The Panel has also been provided with details of the District Council's expenditure on Consultants, Hired and Temporary Staff during 2011/12. Having sought clarification on a number of items within the expenditure, the Panel has agreed that further reports should be submitted on an annual basis.

### LOCALISATION OF BUSINESS RATES

The Overview & Scrutiny Panel (Economic Well-Being) and Cabinet have been acquainted with the background to the introduction of a rates retention scheme localisation of business rates which will come into effect in April 2013. The scheme is designed to encourage Councils to be self-sufficient and to help them to support local jobs, growth and protect the most vulnerable places.

Members were advised that there was an option in the scheme for local authorities to come together to form local pools for business rates income. Having noted the benefits of forming a local pool with the County Council and other Cambridgeshire districts, the Cabinet has requested that the Department for Communities and Local Government be advised of the Council's interest in pooling on the understanding that the governance arrangements will be based on no authority losing from pooling and that

there would be the opportunity to review the decision later in the year.

### THE RATIONALE FOR RESERVES

A working group comprising Councillors R B Howe, P G Mitchell, T V Rogers and M F Shellens has been established by the Overview & Scrutiny Panel (Economic Well-Being) to:-

- (a) identify the combination of co-incident risks against which the Council wishes to insure by having reserves; and
- (b) to benchmark the Council's level of reserves against other appropriate Authorities.

### REVENUE BUDGET AND CAPITAL MONITORING: 2011/12 OUTTURN AND 2012/13 BUDGET

The Cabinet has noted the final outturn for revenue and expenditure in 2011/12 and variations already identified in the current year. Executive Councillors were pleased to note that as a result of under spending the Council has been successful in saving an additional £2.5 million in reserves.

Executive Councillors also have been apprised of variations in the capital programme in the current year and adjustments in the 2012/13 budget.

### RISK REGISTER

In line with the Council's Risk Management Strategy, the Cabinet has noted the options available to manage six risks identified as very high or red in the Corporate Risk Register. The risks relate to various activities including IT business continuity plans, ICT security and changes in Government funding

### **POLICE AND CRIME PANEL**

The establishment of a Cambridgeshire Police and Crime Panel as a Joint Committee of the local authorities has been supported by the Cabinet. The Panel will have an important role in scrutinising the new Police and Crime Commissioner. It will be made up of representatives from the seven Cambridgeshire Local Authorities plus one co-optee. The Cabinet has appointed the Executive Leader as the District Council's representative on the Panel with the Chairman of the Overview and Scrutiny Panel (Social Well-Being) as his substitute.

With regard to the Panel arrangements and associated terms of reference, the Cabinet has endorsed their substance and have authorised the Head of Legal and Democratic Services to finalise the precise wording as necessary.

### **BEARSCROFT FARM URBAN DESIGN FRAMEWORK**

The Overview and Scrutiny Panel (Environmental Well-Being) has received the Draft Urban Design Framework (UDF) for land at Bearscroft Farm, Godmanchester. The UDF is intended to provide constructive guidance to future developers of the area to the maximum advantage and minimum disadvantage to local residents. A Member has expressed the view that Godmanchester does not have the infrastructure to serve a large scale development. Furthermore, the A1198 could be negatively affected by the proposed development. Members have been advised that the UDF was the subject of consultation which has enabled residents to have input into the design of development.

Having considered the options within the UDF, several Members have expressed a preference for Idea 5 which proposes that a new road is

constructed around the southern edge of the development. This will allow for a greater developed area and enable the football pitch and other green spaces to be completely integrated with the rest of the development. Members have expressed concerns at the UDFs lack of provision of a secondary school and highlighted the need to ensure there is a safe route for pupils to take to their chosen school. In its role as a consultee, the Development Management Panel has formulated a series of comments on the draft UDF which will be endorsed by the Panel at its meeting in August for submission to the Cabinet.

### **GROWING AWARENESS – A PLAN FOR OUR ENVIRONMENT**

Both the Cabinet and Overview and Scrutiny Panel (Environmental Well-Being) have considered the Council's Plan for making continual, measurable progress in reducing its own resource use and for stimulating environmental improvements in the wider district. The Panel has also reviewed the Council's progress against targets so far and noted that energy usage has decreased by 18% across the Council's portfolio.

Members were acquainted with the details of the Green Deal, which is due to be launched in the coming months. As Councils will be best placed to promote the scheme Members have stressed the importance of ensuring that the Council provides the best value options for householders. The Panel has also recommended that, as far as possible, local traders should be used to deliver installations.

Attention has been drawn to the fact that the Council has not achieved its target of a 9.5% reduction in the cubic metres of water consumed by Council buildings. Members have been assured that this will become a priority of the Environment Team and will continue to

be carefully monitored. Specific reference has also been made to the increase in the percentage of Council employees travelling to work by car and the slow progress in reducing the amount of waste recycled from the Council's headquarters. This has highlighted that continual efforts need to be made to reinforce the activities designed to achieve targets. In particular, reference has been made to the need to promote the Council's home working policy and its travel plan.

### WASTE COLLECTION POLICIES

The updated Waste Collection Policies have been received by the Overview and Scrutiny Panel (Environmental Well-Being). The Policies have been co-ordinated and some changes have been suggested. The Waste Collection Policies are intended to provide clarity to residents as to the type and extent of service that they can expect. Members have welcomed the fact that the Council's Waste Collection Policies are now available in a single document.

The Panel has endorsed the proposal to provide paper sacks for food/green waste to properties currently receiving weekly bag collections, so that they can be collected fortnightly to fit in with the normal collections and save on additional vehicles and crew having to collect every other week. Members have also supported the proposal to collect non-hazardous clinical waste with the normal grey bin collection, which will result in further savings. The Panel has recommended that the Council should provide and publicise guidance on how items, which are prohibited from wheeled bin and sacks, should be disposed of. With regard to Policy 22, which prohibits stickers on wheeled bins, Members have expressed a view that these stickers could provide an opportunity to convey messages, such as local speed restrictions. This approach is taken by

South Cambridgeshire District Council and is supported by the Police. Having noted that a pilot initiative is taking place in Huntingdonshire, the Panel has recommended that, subject to feedback from the local community, this practice should be adopted in Huntingdonshire.

The Panel has discussed the feasibility of removing the purple stickers on wheeled bins which identify residents who require assistance. Members have raised concerns that this practice identifies vulnerable residents and could potentially create a crime hazard.

Having been advised of the Panel's views, the Cabinet has endorsed the content of the document. With regard to the prohibition of stickers on bins, Executive Councillors reiterated that they were not in favour of notices being attached to bins. On the issue of purple stickers, the Cabinet was of the opinion that there was no evidence that this identifies vulnerable residents and referred to developments in technology which will soon enable collection crews to identify such properties using equipment in their cabs.

### NEW HUNTINGDONSHIRE LOCAL PLAN CONSULTATION AND ENGAGEMENT PROCESS

Both the Overview and Scrutiny Panel (Environmental Well-Being) and Cabinet have received a report on the consultation and engagement process for the preparation of a new Huntingdonshire Local Plan to 2036. Members have been advised that the Local Plan presents them with an opportunity to influence how land will be allocated and have noted the next steps in the consultation and plan making process.

In welcoming an extended strategy and policy consultation period the Cabinet has authorised Officers to proceed to the Strategy and Consultation Stage,



using appropriate consultation material, the content of which to be agreed by the Head of Planning and Housing Strategy after consultation with the Executive Councillor for Strategic Planning and Housing.

## **PLANNING IMPLICATIONS OF THE ENTERPRISE ZONE**

The Overview and Scrutiny Panel (Environmental Well-Being) has received a presentation by Mr P Mumford, Special Projects Manager (Alconbury) on the planning implications of the Enterprise Zone. The consultation process for development at the site will be extensive and exceed the standard consultation requirements. Members have been advised that the Local Enterprise Partnership will be looking to provide 'transformational employment' at the site. Subsequently there is a possibility that commuting patterns across the District will change as traffic towards Cambridge and London could be reduced. The Head of Planning & Housing Strategy has acknowledged that traffic management on the site will be a key factor in ensuring its success.

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