



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2021-22**

**PUBLIC SERVICE DELIVERY,  
COMMUNITIES AND PROSPERITY  
SCRUTINY COMMITTEE**

**17<sup>TH</sup> FEBRUARY 2022**

**REPORT OF THE DIRECTOR, PUBLIC  
HEALTH, PROTECTION & COMMUNITY  
SERVICES**

**Agenda Item No.8**

A REPORT TO PROVIDE AN  
UPDATE ON THE CONTROL OF  
JAPANESE KNOTWEED IN  
RHONDDA CYNON TAF

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**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide an update to the Committee on the control of Japanese Knotweed in Rhondda Cynon Taf.

**2. RECOMMENDATIONS**

It is recommended that the Committee:

- 2.1 Note the information contained with the report.
- 2.2 Consider the development of a coordinated approach throughout Council to Japanese Knotweed including the reporting and treatment as well as staff training.

### 3. BACKGROUND

- 3.1 Introduced from Japan in 1850, Japanese Knotweed (JK) is one of the most pernicious weeds in the UK. In its native habitat, Japanese Knotweed is a pioneer species found typically on Volcanic larva. Reproduced rapidly via tiny fragments of its rhizome, the weeds of Japanese Knotweed can grow up to 10cm a day and in just 10 weeks its stems can reach 3-4 metres in height.
- 3.2 Japanese Knotweed is able to grow in most (if not all) soil conditions found in the UK, though these species show a strong preference for man-made habitats. Common habitats where invasive knotweeds are found include roadsides, waste ground, railway embankments and cuttings, mine spoil-tips and along rivers and streams. The plant is widespread throughout Rhondda Cynon Taf.
- 3.3 The Government has introduced a number of Japanese Knotweed laws and regulations surrounding the control, growth and transportation of Japanese Knotweed in order to protect homeowners, businesses and the environment alike. These laws have been put into legislation slowly over the years as a reaction to the growing spread of invasive plant species in the UK.
- Due to the negative impacts on the UK environment and economy, all invasive knotweeds are listed under Schedule 9 of **The Wildlife and Countryside Act 1981** which means it is an offence to plant or cause these plants to grow in the wild. It is not in itself an offence to have Japanese Knotweed growing on your land however it becomes an offence if you allow the plant to spread onto neighbouring land.
  - The knotweed plant material is a 'controlled waste' under the **Environmental Protection Act 1990** which means it can only be transported by a registered waste carrier to suitably permitted or exempt sites.
  - In 2014, a decision was made to include the negligent cultivation of invasive plants such as Japanese Knotweed into the remit of the **Anti-social Behavior Crime and Policing Act 2014**. Under the powers of this Act, police and local council authorities have the power to issue individuals and businesses with Community Protection Notices. This notice could require the recipient to make reasonable efforts to remove the knotweed from their property or prevent the knotweed from returning. Failure to meet the requirements of this notice, without a reasonable excuse, could be treated as a criminal offence making the recipient liable to a fixed penalty notice or prosecution.
- 3.4 The Council began treatment of Japanese Knotweed in approximately 2006 when treatment was required on the Porth Relief road project. Landtech UK Ltd was approached to carry out the spraying. This company was already well established and had a good reputation for knotweed treatment. The company also then did some trial work using the single autumn treatment per season technique now adopted as best practice in the UK.
- 3.5 The knotweed treatment programme grew steadily as more knotweed sites were identified and also because of the '7-metre rule' backed by the Royal Institute for

Chartered Surveyors (RICS). This ruling was adopted by mortgage lenders to determine risk of Japanese Knotweed affecting properties. If Japanese Knotweed was found to be within 7 meters of a property, mortgage lenders would usually require a formal treatment plan in place before mortgages were granted. The result being that the Council was required to take on treatment of many more council sites close to domestic properties. These RICS guidelines have very recently been reviewed and the '7-meter rule' reduced back to 3 meters. This will come into play in March 2022 and hopefully reduce the number of properties making legal claims.

- 3.6 To date the Council have received 34 legal claims since the first in June 2018. Of these, 23 are still open and ongoing. £873,735 of reserves have been allocated to the 34 active legal claims. The majority of claims have reserves of over £10,000 with 10 over £50,000 and the highest being £90,000.
- 3.7 It is understood that the highest contributing factor for the onset of the legal claims is the fact that several large law companies began to pursue the Councils targeting properties close to council land where knotweed was known or thought to be present. This was coupled with increased publicity and advertising by these legal firms. The Covid-19 pandemic which struck early in 2020 probably only made matters worse with people restricted to their gardens and having increased spare time to research Japanese Knotweed.
- 3.8 All knotweed queries (with the exception of allotments) are dealt with by the Countryside department. The public are encouraged to direct inquires through the Customer Complaint (CRM) System but this is currently restricted to e-forms via the call centre. Other Council departments and Councillors forward all issues relating to knotweed (and other invasive species) to the Countryside Department. We are currently treating in excess of 400 council sites in Rhondda Cynon Taf (see appendix 1).
- 3.9 All allotment sites identified with knotweed are treated annually by herbicide but treated separately by the allotments Team.

#### **4. FUTURE IMPROVEMENTS**

- 4.1 After increased demand and rising numbers of legal cases, the Countryside department appointed a new full time Invasive Species officer in September 2021. This will afford greater capacity to deal with the increased numbers of knotweed complaints and legal claims.
- 4.2 There is currently no means on the Council's website to report knotweed. The Countryside department is currently reviewing and improving its web design with the intention of adding a reporting system including an online tool for uploading photographs. This will not only improve the reporting facility but also reduce time wasted on cases of mistaken identity.
- 4.3 Due to the changing nature of knotweed complaints and increased risk of legal claims it seems pertinent to update advice and training to other council departments. With the appointment of the new Invasive Species Officer, it is planned to carry out updated training to raise awareness in all relevant departments.

## **5. FINANCIAL IMPLICATION(S)**

- 5.1 The Countryside department has £10,000 allocated to Japanese Knotweed treatment. For several years the department has also been able to gain additional grant funding of £10,000 from the Invasive Non-Native Species group (INNS) which was set up as part of the Heads of the Valleys project.
- 5.2 As a result of the increasing number of sites being added to the treatment programme year on year, it is becoming increasingly difficult to work within the allocated budget.
- 5.3 As outlined in 3.6, the Council has allocated £873,735 of reserves to the 34 active legal claims in relation to Japanese Knotweed.

## **6. CONCLUSION**

- 6.1 Over the last 4 years the Countryside department has developed a co-ordinated approach throughout the Council to Japanese Knotweed treatment. This has included better awareness and reporting as well as additional staff training further enabling the Council to mitigate against the detrimental effects of this plant and help reduce the likelihood of costly legal claims.
- 6.2 The situation around Japanese Knotweed has changed over the last few years with the Council's priorities changing and adapting to try and reduce the chances of further legal claims. Staff and budgetary constraints still mean that the systems used are predominantly reactive, however with a new dedicated officer, it is hoped that we can move towards a more proactive approach.

