



**PUBLIC PETITION NO.**

**PE01586**

### **Name of petitioner**

James A Mackie on behalf of Innes Community Council

### **Petition title**

Statutory control measures for Invasive Non-Native Species

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to amend the Wildlife and Natural Environment (Scotland) Act 2011 to include statutory powers enforced by penalties to force land owners/tenants to destroy invasive non-native species that grow on their lands.

### **Action taken to resolve issues of concern before submitting the petition**

Invasive non-native species (INNS) are a major problem in Scotland. Giant Hog Weed, Japanese Knot Weed and Himalayan Balsam are especially widespread and dangerous. The problem is national and in particular in areas described as “wild land” and river courses. Some plants are very dangerous to people and animals causing severe burns with the risk of death. The above mentioned INNS block out sunlight and kill native species of plants. We have discussed this issue with land owners and farmers, Fishery Trusts, SNH, SWLT, Moray Council and other agencies. All admit that the problem we are describing is a national problem with no statutory powers in Scotland to prevent the INNS from growing and spreading.

### **Petition background information**

Innes Community Council is a body put in place by legislation and covers an area of approximately 30 square miles west of the River Spey and on the south shore of the Moray Firth. Within the Community Council’s area there are large areas of non agricultural land that have become seriously infected by Giant Hog Weed, Japanese Knotweed and Balsam. The Spey Foundation for example calculates that in the three miles of banking of the River Spey between Fochabers and the sea, 120 acres of a total area of 800 acres are contaminated by INNS.

River banks/water courses across the whole of Scotland have similar rates of contamination. Each year the number of these plants increases and they are not only causing a threat to people, they are crowding out and killing many native plants in areas of SSSI’s. This is having a serious impact on other wildlife in the area, as well as reducing numbers of area specific native plants. By the nature of their growth pattern/behaviour, these plants are increasing the danger of land erosion during periods of heavy rainfall and flooding.

Our enquiries show that this situation is a national problem recognised by many organisations including SNH, SWLT and Rivers and Fisheries Trust (a national charity). We have checked all the legislation on the subject and found that it is only an offence to knowingly plant seeds from these plants, or to dispose of the plants, roots and seeds in an unsafe way such as dumping in unauthorised dumpsites.

There is no legislation to force land owners to kill such plants. The result is that nothing gets done and the INNS spread fast and widely. Our investigations show that no action has been taken against any landowner to control INNS plants since the 2011 Act came into force. Many land owners don't treat/kill INNS on their land because there are no penalties to force them to treat. Those few landowners who wish to treat/control INNS give up if neighbouring land owners do not treat INNS on their property.

It is recognised through various pieces of research that these plants are primarily transmitted from one area to another by the transportation of the seeds and rhizomes or roots by rivers and streams, especially in times of flooding. Some seeds may be carried by the wind or transferred by animal or bird movement. Transportation of soil whether accidental or intentional is another means of spreading of INNS and that is a punishable offence.

Through checking the legislation we were referred to by the various organisations we contacted, there are no powers or sanctions available to force any land owner to treat and kill out these menacing species. Currently, the various organisations that are involved in both the statutory and voluntary sectors can only try and persuade land owners to take actions (primarily the use of herbicides) to kill these weeds as they grow each year. As with other major weed species, it is well understood that spraying has to be done on a regular and cyclical manner to eventually eliminate these species which were originally introduced to this country by explorers who brought specimens back for ornamental gardens.

Voluntary area agreements are dependent on 100% involvement by all landowners over a number of years. Many are looking for Government Grants to cover the costs. As a result of this situation, very few areas nationally have introduced systems and they are not 100% effective. Thus the problem gets bigger each year. Grant money (from the public purse) tends to be small sums that are insufficient to address the problem fully.

Many voluntary organisations and/or charities try to control INNS through co-operation with landowners. All are dependent on the public purse for grants. The cost of treatments is very high and "voluntary projects" are very short lived and cover a tiny percentage of the problem. Chemical treatment costs approximately £40 per acre for chemical alone. Recent legislation requires all those under the age of 51 years of age to be trained and certificated to use commercial herbicides. A training course costs approximately £600.00 per person. Further costs are protective overclothing and equipment. Approvals are required from SEPA for applying such herbicides close to water courses. Most land owners already possess such equipment and certificates therefore the cost to them is much lower than for volunteers trying to control INNS.

The location/habitat of Giant Hog Weed, Japanese Knotweed and Himalyan Balsam makes it very difficult and expensive for volunteers to access areas to be controlled. The main herbicide used is normally applied mixed with 400 litres of water per acre. Volunteers are restricted to using knapsack sprayers that have a capacity of about 20 to 25 litres. Therefore, the manual application of herbicides is extremely time consuming. There are different times of the year for spraying the different INNS due to their growth patterns and susceptibility to herbicides. Dormant seeds and inaccessible areas for spraying mean that control of these species is a long term project. Land owners have ownership of agricultural machinery that could make the treatments quicker and more effective, thus overall shortening the period of treatments and costs.

To reduce the problem and eradicate these invasive non-native species, we request that the Government introduces legislation to give statutory agencies, such as SEPA, SNH, Department of Agriculture and Local Authorities, powers to serve notices on land owners requiring them to take immediate and controlled actions to kill all invasive non-native species on their land. Failure to act on the notice should be punishable by way of a fine and/or removing subsidies from errant land owners. The relevant

authority/agency should be given powers to enter any land/water course to eradicate these invasive species and be able to recover the cost from the land owner should a land owner refuse to act on the notice.

Our suggestion/request would not be setting a precedent for control of weeds/plants. There are examples of where failure to comply with good agricultural husbandry methods for the control of certain weeds and parasites of animals is punishable by Statute. Therefore our suggestion would not be a new regulatory type of enforcement.

The Westminster Parliament has recently passed new legislation to deal with INNS. The Infrastructure Act 2015 will give the relevant environmental authorities in England and Wales the power to issue species control orders. These orders will make it possible to compel land owners or occupiers to carry out control/eradication operations, or allow them to be carried out by the issuing authority.

The three major INNS currently are Giant Hog Weed, Himalayan Balsam and Japanese Knotweed. However there are a wide number of other INNS in the environment causing major problems for native plants, animals, birds, humans and the aquatic environment. In producing legislation, the Scottish Government may wish to add clauses controlling other species of INNS and/or clauses that will allow other species to be added to the controlled list at a later date. INNS are not just the three mentioned in our petition, but cover a wide range of land and aquatic plants and other forms of life.

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01586>

#### Related information for petition

#### Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

#### How many signatures have you collected so far?

1

#### Closing date for collecting signatures online

27 / 11 / 2015

#### Comments to stimulate online discussion

The spread of invasive non-native species is having a serious impact on Rural Scotland. These INNS are noxious and destroying our countryside. They choke out native species thus reducing the beauty of the countryside as well as having a negative impact on insects, birds and wild animals. By their method of smothering all other fauna they are part of the cause of an increase in river bank erosion leading to other major environmental, economic and social problems. In the aquatic environment INNS are having a major and dramatic adverse impact on native species of plants, fish and invertebrates. Land owners should be legally liable to control these INNS without recourse to public funds in the way of grants. The land owners could still use volunteer labour where such agreements can be made but they must be responsible for all costs

and training. If tighter controls against landowners were in place, the problem would recede quickly and permanently.