

Our Ref: JL/PC/EXT05-A-F0186060

**PE1586/B**

Sigrid Robinson  
Assistant Clerk  
Public Petitions Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

If telephoning ask for:  
Paula Charleson

14 January 2016

By email: [petitions@scottish.parliament.uk](mailto:petitions@scottish.parliament.uk)

Dear Sigrid

**Consideration of Petition PE1586**

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on the above petition.

**General view on the petition**

SEPA considers that the powers suggested for introduction by the petition already exist in the Wildlife and Countryside Act 1981 (as amended by the Wildlife and Natural Environment (Scotland) Act 2011).

Widely established species require a strategic approach to their control, for example on a catchment or regional basis, with action being taken from the upstream end of the catchment working downstream. Piecemeal action by cooperative landowners is likely to be ineffective unless action has already been undertaken upstream, removing the source of re-infestation. It is considered most effective, both in terms of cost and the likelihood of success of action, for control to be carried out in a coordinated manner, for example the River and Fisheries Trusts of Scotland (RAFTS) biosecurity plans and associated catchment control projects, and the Tweed Forum Invasives Project.

SEPA has contributed in excess of £1.2 million since 2008 to such strategic projects through its Water Environment Fund. In addition, SEPA is supportive of the research underway to investigate and trial potential biocontrol organisms which could provide a cost effective approach to reducing the impact of non-native plant species such as Himalayan balsam and Japanese knotweed.



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## **SEPA powers**

Under the amended 1981 Act relevant bodies, including SEPA, have powers to make voluntary Species Control Agreements (SCAs) setting out what must be done by whom, and by when, in order to control an invasive non-native animal or plant. SCAs are the preferred approach to cultivating long term cooperation on non-native species issues and to promote good practice. If, however, an SCA is not fulfilled, a Species Control Order (SCO) can be used to enforce action, with penalties for failure to act. There are provisions to allow access by the relevant bodies and their agents to undertake action, as well as provisions to recover from the landowner the costs of operations undertaken to enforce a SCO. SEPA would only use its powers where control is considered to be viable and of sufficient priority.

## **SEPA role**

The Non-Native Species Code of Practice published by Scottish Government identifies lead organisations for non-native species issues in Scotland. Scottish Natural Heritage (SNH) is the overall lead coordinating organisation, supported by habitat lead organisations: SEPA is the habitat lead for standing and running freshwater habitats, while Forestry Commission Scotland covers woodland habitats, Marine Scotland Science covers marine habitats, and SNH takes the lead for terrestrial and wetland habitats.

These habitat leads act as a point of contact for species within the particular habitat and determine what the strategic priorities are for that habitat type, ensuring an appropriate strategy is delivered for these priorities. In many situations, delivery will mean encouraging or coordinating action by other groups or bodies. Habitat leads consider prevention measures such as assessment and management of high-risk pathways (both into and within the habitat) and consider strategies to reduce risk from these pathways. They determine the suitability and necessity of control work and coordinate and manage any work undertaken within the habitat. Control action must be technically and financially feasible, humane and safe, and proportionate to the level of threat.

## **Herbicides**

Plant protection products such as herbicides are licenced by the Health and Safety Executive, and are authorised for different types of use. The only herbicide licenced for use in or near water is glyphosate. SEPA should be consulted on the use of herbicides in or near watercourses to ensure the chemicals and application proposed are suitable for use in this situation.

## **Waste containing non-native species**

Any waste containing non-native species, for example plant fragments or seeds, is classified as controlled waste and must be disposed of in an appropriate manner; this means the movement and disposal of the waste requires a licence. SEPA licences and

monitors waste management facilities such as landfills, administers producer compliance schemes for particular waste streams, and regulates the trans-frontier shipment of wastes.

For some non-native plant species, there are particular requirements for their disposal, for example waste materials containing Japanese Knotweed may need to be buried 5 metres below ground level, while for Himalayan balsam and giant hogweed a depth of 1 metre below ground level is recommended.

## Funding

Those planning to undertake action to protect the morphological status of waterbodies under the Water Framework Directive can apply for funding through SEPA's Water Environment Fund. Since 2008, £1.2 million has been spent by the Water Environment Fund to support local fisheries trusts on the control of all river bank invasive species across Scotland (i.e. Giant Hogweed, Japanese Knotweed, Himalayan Balsam and Rhododendron). The breakdown of funding is displayed in Table 1. The Water Environment Fund has committed future spend of £100,000 to continue this work into 2016/2017.

Table 1: Water Environment Fund financial contributions allocated (and committed) across Scotland for eradication of invasive bankside plants

Financial year	Funds allocated/committed
2008/9 to 2011/12	£645,000
2012/13	£138,082
2013/14	£179,728
2014/15	£146,451
2015/16	£102,293
2016/17	Up to £100,000

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Paula Charleson, Head of Environmental Strategy, SEPA Stirling Office, at the address shown.

Yours sincerely

**Paula Charleson**  
**Head of Environmental Strategy**