



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Streetscene and Engineering Scrutiny Committee

4th July 2019

Report of the Head of Planning and Public Protection

N. Pearce

Matter for Information

Wards Affected: *All*

Update report on the Japanese Knotweed Management and Treatment service operated within Environmental Health & Trading Standards

Purpose of Report:

To provide Members with an update of the Japanese Knotweed Management and Treatment service operated by Environmental Health & Trading Standards, from April 2018 (1st year review).

Executive Summary:

At the Streetscene and Engineering Cabinet Board on the 19th January, Members approved the implementation of a chargeable Japanese Knotweed treatment service for householders. As part of that decision Members requested that a report is brought back to Scrutiny to provide an update on the first year following implementation. The original Board report from January 2018 is attached as Appendix A.

This service is aimed at assisting private land owners to deal with Japanese Knotweed on their own land and is a different service to that delivered by the Estates and Streetcare sections who deliver treatments on Council owned land.

Background:

In April 2018, the Environmental Health & Trading Standards service introduced a chargeable scheme aimed at land owners (householders) within the County Borough to provide an additional option for dealing with Japanese Knotweed on their land. The service was designed to assist with addressing infestations on privately owned land which may otherwise affect neighbouring land and in some circumstances could impede mortgages and the sale of properties.

The service proposed to deliver Management plans and Treatment contracts which often spanned an initial 5 year period- although “staged payment” options were also available.

Japanese Knotweed is classed as a non-native invasive weed, and can devalue properties where its presence can cause damage to amenity and structures. If uncontrolled, it can often spread onto neighbouring land which has been held by the Courts to be a breach of civil law and can result in claims for damages and compensation.

A number of existing commercial companies provide similar Japanese Knotweed Management and Treatment services, at varying fee levels. The service offered by the Council is seen as keenly competitive, whilst operating on a cost recovery basis. This service has been provided by a small team of existing staff alongside their existing duties, utilising many existing valuable skills - however the delivery of this project has been an opportunity to advance skills in related areas.

First year review: findings and developments

Following the approval of the scheme, new web pages were created and added to the Councils' internet site to provide background information, a booking form and price list. The service was launched and advertised through the NPT Media team and generated some interest immediately through the online enquiry forms. Surveys were booked throughout the summer period with householders/landowners and quotations provided as a consequence. Additionally, contact was made with local Estate Agent companies to further advertise the service.

During the first year, 17 contracts were entered into netting an income of £7,289 and 42 other enquiries were responded to. Given that many of these contracts span a number of years, these existing contracts will continue to deliver an income to the service throughout the duration of the treatment programme.

Certain difficulties have been encountered - particularly in respect of adjoining parcels of land where ownership is not known and no registrations exist with HM Land Registry. Where owners of adjoining parcels of land have been identified, they have been approached to gain written permission to enter onto their land and undertake the necessary treatment, although the cost has usually been borne by the householder who commissioned the treatment. On occasions where no land owner has been identified, the council has been unable to enter into a contract to deliver the treatment programme given its reduced likelihood of success.

This latter problem is not only preventing householders from treating their knotweed which will in turn prevent its further spread, but is also reducing the number of contracts the council is able to enter into with householders.

Options to address this have recently been discussed and agreement has been reached that in exceptional circumstances and after due

diligence has been undertaken to try to identify the land owner, the council will use existing budgets to treat knotweed on land of unknown ownership if it is indeed affecting third party land. The owner of that third party land will however be required to pay for the treatment of their own land. This solution should help the council tackle the further spread of knotweed and remove one of the main obstacles to fulfilling the delivery of the treatment programme.

Since the service commenced a number of compliments have been received. One such compliment was reported in the press from a couple living in the Skewen area. An extract from that story in the press reads as follows:

Earlier this year, Neath Port Talbot Council established a Japanese Knotweed Management and Treatment Service to help people locally deal with the runaway plant.

And the couple from Skewen became one of its first customers when the planned sale of their house looked like being derailed after the presence of Japanese Knotweed on an adjacent property meant mortgage providers were reluctant to lend to their prospective buyers. As part of the contract fully qualified staff prepared a detailed management plan and treatment programme which was accepted by the mortgage company accepted the Council's treatment plan "without question" and the sale went through successfully.

In a letter to the Council's Environment Dept. the satisfied couple said: "My wife and I would like to express our sincere thanks for the outstanding service we got from members of your department".

"I've no doubt that without their speedy and efficient responses to our problems the sale process would have collapsed and we would have been unable to sell the property until the Knotweed problem was resolved".

"An additional bonus was that the cost of the programme was amazingly competitive".

“In my experience it’s very unusual to find people able and willing to carry out their jobs with such a high level of capability and enthusiasm as that shown by your staff”.

“My experience of your organisation compares most favourably with my recent experiences of private sector companies in various industries. It’s even more remarkable when one considers the severe financial constraints imposed on public authorities by the central government.”

Such positive feedback is always welcome and has been reinforced by other satisfied customers. We have recently commenced year two of this treatment programme which is dovetailing with the work the Directorate is undertaking on our own land assets. Whilst the income levels generated to date are not significant, it must be acknowledged that very few new services generate large returns in the first few years of operation. Moreover the service we are delivering is allowing property owners to protect their homes in addition to enabling them to complete on the sales of properties all of which are positive outcomes. As a consequence, at this early stage it is considered that the service is operating as a success.

Financial Impact:

The service is helping to generate income to enable the council to meet the budget gaps as identified within the Forward Financial Plan.

Integrated Impact Assessment:

There is no requirement to undertake an Integrated Impact Assessment as this report is for information purposes.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

The service is currently being delivered by existing staff. They are delivering this service in addition to completing the duties associated with their substantive posts. The fairly restricted level of demand at present allows us juggle these commitments however this may need to be reviewed in the future should demand outstrip capacity.

Legal Impacts:

No significant legal impacts.

Risk Management impacts:

None

Consultation:

There is no requirement for external consultation on this item.

Recommendation(s):

That the report be noted.

Reason for Proposed Decision(s):

Matter for information.

Implementation of Decision:

Matter for information.

Appendices:

None

List of Background Papers:

None

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Appendix A

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Streetscene and Engineering Cabinet Board

14th July 2017

Report of the Head of Planning and Public Protection

N. Pearce

Matter for Decision

Wards Affected: *All Wards*

Report Title

Japanese Knotweed Management & Treatment Service

Purpose of Report

1. To seek Members approval for the introduction of a Japanese Knotweed Management & Treatment Service.

Executive Summary

2. This report seeks approval of Members to introduce a charged for service aimed primarily at residential landowners who want assistance in treating and controlling Japanese Knotweed on their own land.

Background

3. Japanese Knotweed is a non-native plant which thrives in certain areas of the UK, including Neath Port Talbot, and is classed as an invasive weed. Many property owners face challenges when dealing with a growth of Japanese Knotweed on their own land. Various treatment methods are available, including herbicidal treatments- many of which require professional application. Japanese Knotweed is a hardy species and can take a number of treatments over a number of years to see best control results.

This proposal aims to deliver a management and treatment programme delivered by skilled council operatives for private land owners. It will include operatives undertaking a survey of the land, developing a control plan, implementing the most appropriate treatment, and undertaking monitoring of the site for a defined period of time.

Members will be aware that additional resources have been secured to treat Japanese knotweed on council owned land, however the restricted budget together with the high costs of treatment mean that this is undertaken having regard to a set of criteria associated with risk, whereby priority is given to areas of land considered to be high risk. This process will continue to operate.

Proposal

4. To establish a charged for service aimed at landowners who want assistance in managing Japanese Knotweed on their own land, using the skills and expertise of existing Council staff. The growth of Japanese Knotweed is sometimes a cause for concern amongst some Mortgage and Lending institutions, as

well as neighbouring land owners who may be able to take private legal action for damages.

The service will not be enforcement based, so there will be no statutory compulsion to use the service, however by offering this service it may encourage land owners to tackle a problem, which otherwise may ultimately de-value their land.

The proposal will primarily offer a service to land owners of domestic properties with garden sizes of up to 200 square meters with up to 25% Japanese Knotweed coverage. Where larger gardens or bespoke sites are involved, a separate quotation will be undertaken, to reflect the extra work and on-costs involved. Additionally, there will be a slightly discounted rate for Micro sites of up to 4 square meters, where mainly fresh growth has occurred.

Appendix 1 contains fuller details of the Schedule of charges and Service plan overviews.

Financial Impact

5. It is proposed to offer the service on a cost recovery basis. Whilst there will be upfront costs associated with setting up the service, these will be covered by the income generated from delivering the service.

Equality Impact Assessment

6. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

Workforce Impact

7. No significant impact on current workforce- existing officers will incorporate these duties into their current work activities, in accordance with existing Job Evaluation responsibilities.

Legal Impact

8. No significant legal impacts, although it should be noted that the Council is unable legally to provide a guarantee associated with the work. We will however operate as a responsible council.

Risk Management

9. None

Consultation

10. There is no requirement under the Constitution for external consultation on this item.

Recommendation(s)

11. That Members approve the establishment of a Japanese Knotweed Management & Treatment Service, subject to the charges outlined in the attached appendix.

Reason for Proposed Decision(s)

12. An opportunity exists to provide and develop a charged for service to deal with the increasing anxiety of land owners over controlling an invasive weed which has the potential to blight and de-value land. This service will land owners to secure remedial action to protect their land and to prevent the spread of Japanese knotweed onto third party land for which they may be liable.

Implementation of Decision

13. The decision is proposed for implementation after the three day call in period.

Appendices:-

14. Appendix 1 – Japanese Knotweed Management & Treatment Service Schedule of charges and Service plan overviews.

List of Background Papers

15. None

Officer Contact

16. Nicola Pearce, Head of Planning and Public Protection.
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Appendix 1

Japanese Knotweed Management & Treatment Service

Three separate standard packages will be available to the owner/occupiers of properties which are as follows:

1. Spray-treatment plans for regular gardens (up to 200m² in area with no more than 25% coverage of Japanese Knotweed) or other areas of land of a similar size
2. Bespoke / Larger sites spray-treatment plan (These may require longer treatment plans if they are heavily infested).
3. Micro sites spray-treatment plan (up to 4 m² in area)

Scope of Service Plans

Following first point of contact with the council, a council operative will visit the site and provide a quotation for the works. This is a free service and there is no obligation to appoint the council to carry out treatment.

Upon appointment, the Council will undertake a site visit and prepare a management plan for the site, identifying the area or areas where treatment is needed; precautions for Health & Safety; the type of treatment required and the recommended duration of the treatment; advice to compliment treatment, and options for subsequent follow up. The charge for such a site visit and management plan is £120 (Includes VAT). This will be deducted from the payment associated with the first spray should the customer wish to proceed with the treatment. If the customer does not want to proceed with the treatment then the cost of the management plan is non-refundable. Payments will be secured up front albeit on a phased basis, i.e. prior to the completion of the management plan, each annual treatment and prior to the monitoring inspections.

If the customer wishes to proceed with the treatment plan, the council operative will arrange a date and time to undertake the first annual spray. Advice will also be provided to the owner/occupier regarding access to this part of the site for health and safety reasons and to prevent further spread. The owner/occupier will also be provided with a recommended phased programme of works to cover future years.

In accordance with the phased programme of works the council operative will return in years two and three to undertake a further spray of the infected area(s).

In year four, subject to the owner/occupier complying with the advice to prevent the re-growth and spread of knotweed from the treated areas, the officer's visit should only be to establish the success of the treatment programme and to provide an update report to the owner/occupier.

In year five, a council operative will visit the site again to monitor the success of the treatment and identify whether any further action is required. (This is predicated on the owner/occupier adhering to the health and safety and prevention of re-infection of treated areas advice, previously provided by the officer). Following completion of that site visit a final report will be provided confirming the success or otherwise of the treatment.

The Management Plan

The management plan will be the starting point for the treatment of the site and will provide comprehensive advice to the owner/occupier covering the following issues:

- Establishment of land ownership details & boundary locations.
- Identification of water courses and any ground water protection zones.
- Assessment of risk to any protected species (animal & plants) within the zone.

- Assessment of extent and location of Japanese Knotweed.
- Assessment of Health & Safety- operative; land users, pets etc.
- Confirm if any Tree Preservation or Hedgerow Orders exist.
- Establishment of previous Japanese Knotweed treatment on site.
- Site photographs & RICS (Royal Institution of Chartered Surveyors) Risk level categorisation.
- Summary of Management Plan recommendations & options.
- Biosecurity & preventative actions and advice.
- Confirmation of actions and herbicides employed.
- Confirmation of timescales associated with the treatment plan

The Treatment

Treatment can be administered in two forms, either through the spraying of appropriate and effective herbicide or through stem injection. Regardless of which method is undertaken, customers will receive a customer focussed service which pays special regard to health and safety, is delivered by trained and suitably qualified operatives who will provide regular updates on the effectiveness of the treatments:

Fees

Regular / Domestic spray-treatment plan:

Year 1	£325.00 for the Management Plan and 1 st treatment. * (The management plan costs £100 in isolation)
Year 2	£225.00 for Subsequent visit / Re-treatment. *
Year 3	£225.00 for Subsequent visit / Re-treatment. *
Year 4	£150.00 Monitoring visit & progress report.
Year 5	£150.00 Monitoring visit & confirmation report.

Total £1075.00, includes VAT @ 20%.

(*Can opt for up to 2 treatment visits per year, to speed up or enhance success but each visit will be charged for at a rate of £225 per visit/treatment.)

Bespoke / Larger sites spray treatment plan:

These will require a bespoke Management plan and as such the quotation will be based on the charges for the Regular / Domestic sites, as outlined above, plus £90/hr (includes VAT) for additional time spent on dealing with the areas over and above the 50m² included within the standard price.

If stem-injection is identified as being the most appropriate form of treatment additional costs will be incurred as it is more labour intensive hence the duration on site will be longer. It is considered to be more potent and therefore potentially more likely to succeed in a shorter period of time. It is also considered to be more suitable near aquatic and sensitive areas.

Micro sites spray treatment plan (up to 4m²):

A service for Micro sites of up to 4m² in area, of mainly fresh growth, non-woody sites is also available.

Given the restricted size of these sites and/or the existence of fresh rather than established growth, a less intensive treatment plan will be required hence the costs will be lower.

Year 1	£225.00 for Management Plan and 1 st treatment. *(The management plan costs £100 in isolation)
Year 2	£125.00 for Subsequent visit / Re-treatment. *
Year 3	£125.00 for Subsequent visit / Re-treatment.*
Year 4	£100.00 Monitoring visit & progress report.

Year 5 £100.00 Monitoring visit & confirmation report.

Total £675.00, includes VAT @ 20%).

(*Can opt for up to 2 treatment visits per year, to speed up or enhance success, but each visit will be charged for at a rate of £125 per visit/treatment.)

Guarantees

Legal advice has confirmed that the council is unable to provide an insurance/industry backed guarantee. However no organisation can guarantee that the Japanese knotweed will be eradicated successfully.