

Regulatory position statement 178

The treatment and disposal of invasive non-native plants

If you comply with the requirements below, we will allow you to dispose of invasive non-native plant material, and the substrate in which it is rooted, without the need for a permit.

Background

Invasive non-native plants have been introduced into the environment from a variety of sources, usually from ponds and gardens. They lack the pests and diseases that moderate their growth in their native environment. In their invaded range they have the potential to form dense monocultures that exclude native species, increase flood risk, degrade amenity and cause a variety of other social, environmental and economic impacts.

There are a number of drivers for invasive plant management. The Great Britain Invasive Non-Native Species Strategy 2015 establishes a framework for prioritising invasive species management, based on risk assessment. This requires public bodies to contribute towards controlling invasive species. Legislation, including the Wildlife & Countryside Act 1981, requires landowners to prevent the spread of invasive species, and prevent them from causing nuisance. The EU Invasive Alien Species Regulation 2015 also places additional responsibilities on Member States to prevent the transportation of invasive non-native species of EU concern, which are listed within the Regulation.

Due to increasing restrictions on the use of biocides, particularly in or near water, options for invasive plant management are becoming highly restricted. Demand for mechanical control options for invasive plants is likely to increase and we need an appropriate waste position on the fate of material arising from these operations. The disposal of waste into or on land requires an environmental permit. However, we consider that this would be disproportionate for the safe burial and treatment of invasive plants and substrate.

Our approach

We will not pursue an application for an environmental permit for the treatment and/or burial of any non-native invasive species plant material where:

- You have made and maintain a document, such as a knotweed management plan, which sets out how the material will be excavated, treated or buried so that further growth and/or spread of the invasive species beyond the site is prevented. The document must be available to us on request.
- Burial takes place on land that is of low habitat value, in an area that is likely to be undisturbed, more than 7 metres away from an adjacent landowner's site.
- The material does not contain pollutants likely to pose a threat to groundwater quality.
- Once excavated the material is stored for less than 12 months prior to treatment or burial.
- And where, in addition, **either 1, 2 or 3 below** is followed:

1. Burial of plant material, other than Japanese knotweed

- Burial only takes place because other options which reduce the volume of material, and its reuse for composting and/or soil improvement, have been discounted because they are a less preferred environmental option, for example they pose an unacceptable bio-security risk.
- The majority of the plant material for burial consists of invasive non-native plant species from aquatic, riparian and wetland habitats.
- The total volume of material to be buried does not exceed 1000 tonnes.

2. Burial of soils containing plant propagules, other than Japanese Knotweed

- Burial of soils containing seeds, rhizomes, corms, viable vegetative fragments, etc is carried out to a minimum depth of 2 metres on the site of production.

3. Burial and disposal of Japanese knotweed (including propagules)

- Japanese knotweed, ash from burned knotweed and/or soils containing potential Japanese knotweed are buried on the site where they arise.
- Japanese knotweed material is buried, either:
 - with at least 5 metres of cover, or:
 - encapsulated in a geotextile membrane and buried with at least 2 metres of cover, where that geotextile membrane is:
 - used without damage
 - large enough to minimise the need for seals
 - sealed securely
 - can remain intact for at least 50 years
 - can resist UV damage if exposed to sunlight
- We are notified at least one week prior to the burial.

NB: Where Japanese knotweed cannot be suitably disposed of on-site it must go to an appropriately permitted landfill site or incineration facility. We should be notified of its removal from site and destination.

And in addition to all the above

- You meet the relevant objectives of the Waste Framework Directive;
 - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'

To note: Plant material may be burned at the site of production

- You will need to register a paragraph D7 exemption, which also covers storage of material prior to burning.
- You must take into account local by-laws and not cause a nuisance.
- Ash and remaining material should be disposed of on-site (as described in parts 2 and 3, above) or taken for appropriate disposal to a permitted landfill.

Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement.

This statement is based on our understanding of the relevant legislation. It applies to England only. You can get advice on the approach being taken in Wales from Natural Resources Wales.

This regulatory position will be reviewed by June 2018.

MWRP RPS 178 Version: 2

Issued: June 2016

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