

16th November 2023

Biosecurity Risk Assessment

Llangollen Road, Acrefair

Overview

Kingdom Ecology have produced a Biosecurity Risk Assessment including an appropriate Method Statement/Management Plan for the removal of Virginia Creeper from a proposed development located within an area of former car park located on Llangollen Road, Acrefair, LL14 3HN (National Grid Reference SJ 2812 4324). The study site measures approximately 1.3ha. The car park formed part of the adjacent Air Products factory which closed down approximately 10 years ago.

Development proposals are to redevelop the site for housing with associated landscaping.

Ecological walkover surveys were completed in May and June 2023. The ecology walkover survey identified stands of Virginia creeper located amongst the rubble mounds at the eastern end of the site (see Photographs 1 and 2 in the Appendix).

It should be noted, whilst the walkover surveys could record visible plant species, they could not record the presence of species under the ground/beneath spoil heaps or contamination of spoil where no above ground growth is observed.

The information regarding the presence of invasive species, contained within this method statement, was recorded in early summer 2023. It is possible that stands of invasive species have spread or appeared since the most recent survey was completed.

This Biosecurity Risk Assessment details measures to prevent the spread of invasive non-native plant species into the surrounding environment as a result of the construction works being undertaken. It also provides advice on the process of eradicating non-native invasive plant species in the area of permanent structures.

Although a common garden plant, Virginia Creeper is an invasive non-native species and is listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales therefore, it is an offence to plant or otherwise cause to grow this species in the wild.

Virginia-creeper is a deciduous perennial woody climber that can grow 15 m or more over trees or up walls and structures. It climbs by means of cup-like adhesive shoot tips borne on branched tendrils. This plant can spread quickly through wild habitats, smothering and excluding native plant species.

An appropriate Virginia Creeper method statement/management plan has been produced for the site by Richard Roe (BSc, MSc, MCIEEM, CEnv). Richard has over 20 years' experience as a professional ecologist.

The management plan will aim to eliminate the risk of further spread of this plant to habitats adjacent to the site, within the site and to new sites through transportation of contaminated soils.

Legislation Overview

The Wildlife and Countryside Act 1981 (as amended) provides the primary controls on the release of non-native species into the wild in Great Britain. It is an offence under section 14(2) of the Act to plant or otherwise cause to grow in the wild any plant listed in Schedule 9, Part II. Montbretia is listed under Schedule 9, Part II.

Further relevant legislation includes:

- The Environmental Protection Act 1990;
- Hazardous Waste Regulations 2005;
- Control of Pesticides Regulations 1986;
- Waste Management Licensing Regulations 1994; and
- Environmental Protection (Duty of Care) Regulations 1991.

Further detail is provided in the Appendix.

Virginia Creeper Management Plan

The Virginia creeper control plan should be initiated as far in advance of development works as practicable.

It is recommended that a survey of the site is conducted prior to site clearance to identify the locations of stands of Virginia Creeper plants within the site itself. The survey should be conducted by an appropriately qualified person with experience of identifying Virginia creeper.

The locations of the plants should be demarcated on a plan to allow for their removal.

In advance of any site clearance works, all areas of Schedule 9 invasive species should be fenced off within a suitable buffer zone (to be determined by an appropriately qualified person).

This buffer zone is likely to extend approximately 3-5m from the identified plant. The buffer zone must be maintained until the plant has been successfully removed from the site. No plant vehicles or contractors would be permitted within the buffer zone.

All appropriate works contractors should be made aware of the locations of Schedule 9 invasive species and should be informed of all necessary precautions to prevent its spread.

Control measures for Virginia creeper should aim to kill above ground plants (preventing seed production), kill underground rhizomes and deplete or remove the seed bank.

One method of control would be to apply herbicide treatments to kill the above ground vine and underground rhizomes. The plants would need to be re-sprayed if any regrowth is recorded. It is recommended that the site is resurveyed every six months for two years and any new Virginia creeper growth is re-sprayed.

Virginia creeper is susceptible to a range of herbicides including glyphosate. Glyphosate is a translocated herbicide, which means the plant carries the herbicide down to its rhizome.

Any soils moved off site from around the areas of Virginia creeper infestation could be contaminated with Virginia creeper seed. The Environmental Protection Act (Duty of Care) Regulations 1991 classes Virginia creeper as controlled waste and requires all producers, carriers and disposers of such waste to follow a code of practice and keep records.

Therefore, where any excavated soil needs to be removed from site, this would need to be done by a licensed carrier and disposed of as controlled waste.

Works Programme Summary

- Initial INNS Survey- May-October
- Install demarcation fencing around Virginia Creeper
- 1st Treatment of Virginia Creeper with Glyphosate by appropriately qualified landscaping contractor- July-November
- Check for any re-growth after 1 month, then carry out spot spray
- Ongoing checks of construction site every 6 months during works to check for Virginia creeper regrowth

Biosecurity Risk Avoidance Measures

To limit the risk of spreading contaminated soils and seeds to other sites, it is recommended that the following measures are followed:-

- Contractors should wear footwear and outerwear that can easily be kept clean. With all footwear and outerwear cleaned and kept visually free from soil and organic debris.
- Vehicles and construction machinery should be cleaned of mud and organic debris particularly around tyres, wheels or under wheel arches before leaving the site.
- All tools and equipment used for vegetation clearance and any excavations should be kept clean, serviceable and free from organic debris.
- No soils to be taken off site where practicable. If any soils needs to be removed from site, this would need to be done by a licensed carrier and disposed of as controlled waste.

Further Monitoring of Virginia creeper at Site

It is recommended that the site is inspected annually by an appropriately qualified Ecologist or Invasive Species Specialist to confirm that Virginia Creeper has been successfully removed from the site.

The inspection should be carried out in May-September when any plants will be evident. Any residual areas of Virginia Creeper should be mapped and can then be removed from the site via further herbicide treatment.

Monitoring works should be carried out in Years 1 and 2 following the completion of construction.

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Photograph 1- Stand of Virginia Creeper identified at the site July 2023



Photograph 2- Areas of Virginia Creeper growth 2023



Appendix 1- Legislation

Legislation that has a direct impact on the management of invasive species includes:

- Wildlife & Countryside Act 1981;
- The Environmental Protection Act 1990;
- Hazardous Waste Regulations 2005;
- Control of Pesticides Regulations 1986;
- Waste Management Licensing Regulations 1994; and
- Environmental Protection (Duty of Care) Regulations 1991.

The following information outlines legislation which has a bearing on the management of invasive species as identified within the Environment Agencies Knotweed Code of Practice.

Wildlife & Countryside Act 1981 (WCA1981)

WCA 1981 states that if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence. Montbretia is one of the plants listed in the Schedule. Anyone convicted of an offence under Section 14 of the WCA 1981 may face a fine of £5,000 and/or 6 months imprisonment, or 2 years and/or unlimited fine or indictment.

Control of Pesticides Regulations (CoPR) 1986

CoPR 1986 require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water. For application of pesticides in or near water approval from the Environment Agency should be sought before use.

Environmental Protection Act 1990 (EPA 1990)

EPA 1990 contains a number of legal provisions concerning 'controlled waste', which is set out in Part II. Any Montbretia contaminated soil or plant material that you discard, intend to discard or are required to discard is likely to be classified as controlled waste. The most relevant provisions are in sections 33 & 34.

Section 33 (1a) and (1b) create offences to do with the deposit, treating, keeping or disposing of controlled waste without a license. Exemptions from licensing are available in some circumstances, and are set out in Schedule 3 to the Waste Management Licensing Regulations 1994 as amended which makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. Anyone convicted is subject to a maximum fine £20,000 and/or 6 months imprisonment and if prosecuted under the Crown court, this escalates to an unlimited fine and/or a maximum of two years imprisonment.

Section 34 places duties on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorised person i.e. either a registered carrier or exempted from registration by the Controlled Waste (Registration of Carriers and Seizure of Vehicle Regulations 1991).

A waste transfer note must be completed and signed giving a written description of the waste, which is sufficient to enable the receiver of the waste to handle it in accordance with their own duty of care. The provisions concerning waste transfer notes are set out in the Environmental Protection (Duty of Care) Regulations 1991(as amended). Failure to comply with these provisions is an offence, with a penalty of a fine not exceeding £5000 up to an unlimited fine in Crown court.

Hazardous Waste Regulations 2005 (HWR 2005)

HWR 2005 contains provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Material containing balsam that has been treated with herbicide may be classified as hazardous waste.

Waste Management Licensing Regulations (WMLR 1994)

WMLR state that failure to use a licensed operative could leave you liable to prosecution. The 'waste relevant objectives' are described in paragraph 4 of Schedule 4. These objectives require that waste is recovered or disposed of "without endangering human health and without using processes or methods which could harm the environment and in particular without risk to risk to water, air, soil, plants or animals; or causing nuisance though noise or odours; or diversely affecting the countryside or places of special interest".