

Summary of key legislation and regulations that impact Japanese knotweed and its management in England and Wales

Legislation and regulation	Section	Impact
The Wildlife and Countryside Act 1981 (as amended)	Section 14, Schedule 9 part II	If any person plants or otherwise causes to grow in the wild any plant which is included in Part II Schedule 9, he shall be guilty of an offence.
Control of Pesticides Regulations 1986		All reasonable precautions shall be taken to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water The appropriate pesticides certificate of competence must be possessed for the safe use of herbicide and hand-held herbicide applicators, e.g. NPTC Level 2 award in the safe use of pesticides PA1 and PA6a/aw For application of pesticides in or near water, approval from the Environment Agency or Natural Resources Wales should be sought before use
The Environmental Protection Act 1990 (as amended); (Environmental Permitting (England and Wales) Regulations 2016; Waste (England and Wales) Regulations 2011	Part 2 Waste definition, duty of care, waste management.	The management, storage, treatment and disposal of waste is controlled by these regulations. Excavated/removed INNS, and associated soil, have subsequently been classed as controlled waste and are covered by these regulations
Hazardous Waste Regulations 2005		Untreated invasive plant material is not classed as hazardous waste, but material containing such material which has been treated with certain herbicides, may be classified as hazardous waste. When handling and moving hazardous waste a 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
Anti-social Behaviour, Crime and Policing Act 2014 and Community Protection Notices		Local councils and the police have the power to issue Community Protection Notices against individuals who are acting unreasonably and who persistently or continually act in a way that has a detrimental effect on the quality of life of those in the locality including for invasive non-native species

EU Regulation on invasive alien species 2014		Entered into force on 1 January 2015 to address the problem of invasive alien species in a comprehensive manner to protect native biodiversity and ecosystem services, as well as to minimize and mitigate the human health or economic impacts that these species can have The regulation foresees three types of interventions: • prevention • early warning and rapid response • management A list of invasive alien species of Union concern came into effect (3rd August 2016); drawn up by Member States using risk assessments and scientific evidence
National Infrastructure Act 2015		Introduces powers to control invasive non-native species in England and Wales. The measures provide government agencies in England and Wales with powers to enter into control agreements and, if necessary, control orders with landowners to ensure action can be taken against harmful species on their land
City and County of Swansea Local Plan	Policy NE 8	Full details of a scheme for the eradication and/or control of Japanese Knotweed shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site and the approved scheme shall be implemented prior to the use of the building commencing

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