

Invasive Species Protocol



MSP Greenheys
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Tyler
Grange

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15264_R08	25th July 2023	-	Bethany Phythian BSc (Hons) QCIEEM	Dale Mortiboys BSc (Hons) ACIEEM	Dale Mortiboys BSc (Hons) ACIEEM

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Section 1: Introduction and Site Context

Purpose and Objectives

- 1.1. This Invasive Species Protocol has been prepared by Tyler Grange Group Ltd. (TG) on behalf of Bruntwood Limited, in relation to a parcel of land situated to the west of Pencroft Way, Manchester (OS Grid Reference SJ 8496 2628) hereinafter referred to as the 'site'. It provides mitigation and management objectives and prescriptions for invasive species *Cotoneaster horizontalis*.
- 1.2. Tyler Grange have previously undertaken a Preliminary Ecological Appraisal (PEA) (report reference 15264/R04b) for a planning application for the re-development of the site, including the demolition of the existing on-site structures and construction of a new 17,249m², 7 storey new-build, with associated infrastructure and landscaping. The surveys which informed this PEA identified the presence of *Cotoneaster horizontalis* within the site boundary. *Cotoneaster* is listed under Schedule 9 of the Wildlife and Countryside Act 1981. As such, it is an offence to plant or otherwise cause this species to grow in the wild. Without mitigation, site clearance and setting out could result in the disturbance and dispersal of these species on and off site. The location of these species within the site are identified in **Figure 1** within this report.
- 1.3. Draft Planning proposals have been released which have identified the need for a management strategy:

"40) Prior to any earthworks a method statement detailing eradication and/or control for Cotoneaster horizontalis should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA."
- 1.4. Therefore, this document sets out all the necessary procedures, timings and mitigation measures to avoid the spread of invasive species during works on site and avoid any potential breaches of legislation afforded to them.

Legislative Background

- 1.5. Relevant Legislation regarding invasive species, including *Cotoneaster*:

Wildlife & Countryside Act 1981

- 1.6. Section 14(2) of the Wildlife and Countryside Act 1981 (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." Several *Cotoneaster* species are listed in Schedule 9. 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 an unlimited fine on indictment.

The Environmental Protection Act 1990 (EPA, 1990)

- 1.7. The EPA 1990 contains a number of legal provisions concerning "controlled waste", which are set out in Part II. Any soil or plant material contaminated with *Cotoneaster* that you discard, intend to discard or are required to discard is likely to be classified as controlled waste. The most relevant



provisions in the EPA are in section 33 (1) (a) and (1) (b). These create offences to do with the deposit, treating, keeping or disposing of controlled waste without a permit. Section 33 (1) (c) 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. 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.

Control of Pesticides Regulations 1986

- 1.8. The Control of Pesticides Regulations 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.

Hazardous Waste Regulations 2005 (HWR 2005)

- 1.9. The HWR 2005 contain provisions about the handling and movement of hazardous waste. Hazardous wastes are defined by reference to regulation 6 of the HWR 2005. 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. Untreated cotoneaster are not classed as hazardous waste, but material which has been treated with certain herbicides, may be classified as hazardous waste.

Waste (England and Wales) Regulations 2011

- 1.10. Waste must be transferred to an authorised person, in other words a person who is either a registered carrier or exempted from registration by the Waste Regulations. A waste transfer note must be completed and signed giving a written description of the waste as per regulation 35 of the Waste Regulations. This must be sufficient to enable the receiver of the waste to handle it in accordance with their own duty of care. Failure to comply with these provisions is an offence.

Environmental Permitting (England and Wales) Regulations 2010 (EPR 2010)

- 1.11. The EPR 2010 includes reference to the 'Exercise of relevant functions' in Schedule 9, paragraph 4. These objectives are derived from Article 13 of the European Waste Framework Directive. These objectives states that necessary measures shall be taken to ensure 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 water, air, soil, plants or animals; or causing nuisance through noise or odours; or adversely affecting the countryside or places of special interest"



Section 2: Impact Assessment

Background

Cotoneaster

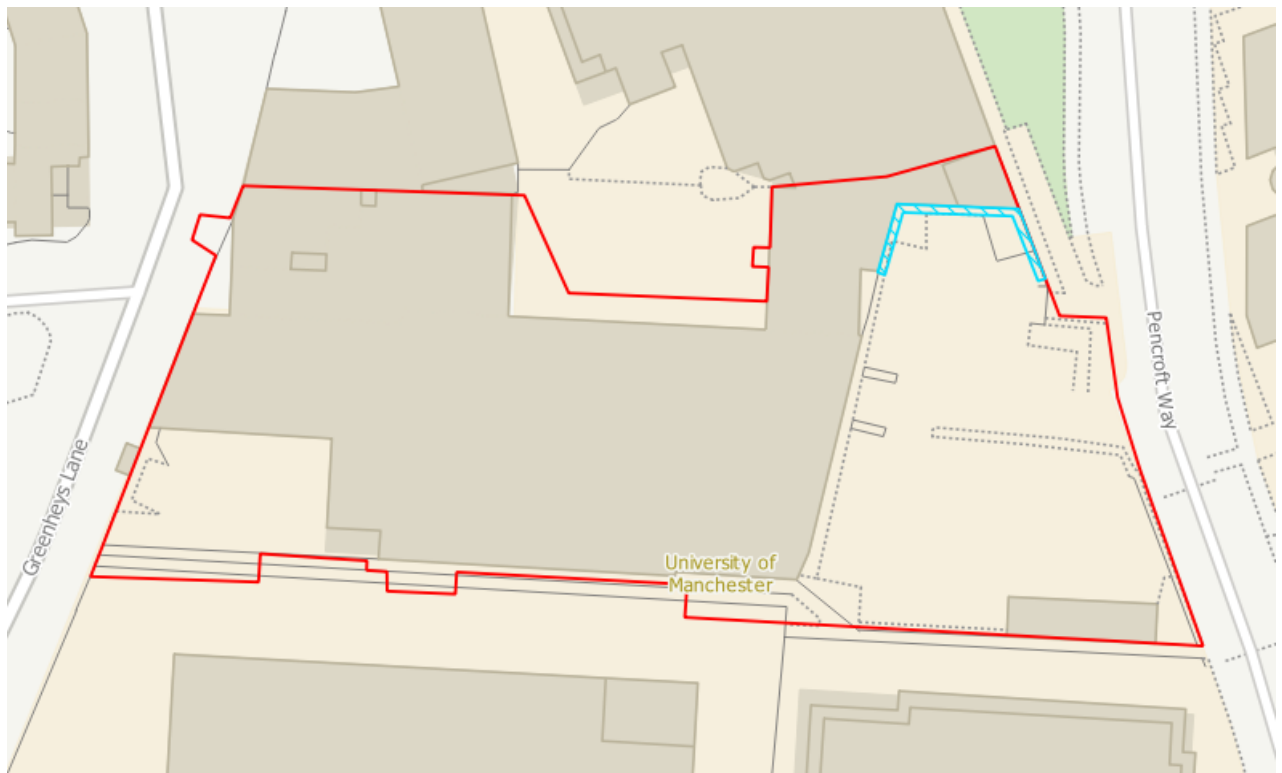
- 2.1. Native to East Asia and introduced in Britain as an ornamental garden plant in 1824, this group of species are now established and widespread across the UK. There are over 100 cotoneaster species known to be present within the UK, however only the six most common and widespread are listed as Schedule 9 species; *Cotoneaster horizontalis*, *Cotoneaster integrifolius*, *Cotoneaster simonsii*, *Cotoneaster bullatus*, *Cotoneaster microphyllus*. The cotoneaster species all have different features but can be hard to identify to species level. All cotoneaster species are thornless and have leaves with a slightly downy underside and a hairless shiny upper surface. All species produce small pink or white flowers in the spring or summer followed by orange or red berries in the winter.
- 2.2. Cotoneaster is spread into the wild through seeds which are contained within the berries. These berries provide an attractive food source and are regularly eaten by birds and spread in their droppings. Birds can easily spread the seeds over large areas which can then remain dormant for many years before germinating.
- 2.3. Cotoneaster out competes native plants as it colonises quickly and can be dispersed over a large area by birds. It produces an extensive roost system which can be difficult to remove. It has very few natural forms of control in Britain.

Extents on site

- 2.4. The introduced shrub to the east of the site is dominated by Cotoneaster, and is highlighted in more detail in **Figure 1** (below).



Figure 1: Area of Cotoneaster (blue hatching) within the red line boundary



Impacts without mitigation

- 2.5. Several species of cotoneaster are listed under Schedule 9 of the Wildlife and Countryside Act 1981. As such, it is an offence to plant or otherwise cause these species to grow in the wild. Without mitigation, site clearance and setting out could result in the disturbance and dispersal of rhododendron and cotoneaster on and off site. This could result in a breach of legislation.



Section 3: Mitigation Measures

- 3.1. The following measures are designed with the primary objective of eradicating invasive species from the development site, prior to any works being carried out. They will ensure that the construction personnel have a high level of understanding about the invasive species and the legislation which requires them to be removed and eradicated from site.
- 3.2. The below mitigation measures are only required if there is the potential that the areas containing the invasive species will be disturbed or impacted by the proposed works. However, it is recommended that these species are eradicated from the site as part of the development as an ecological enhancement and to stop any future spread across the site which could have detrimental ecological and financial impacts.

Preventing Spread

- 3.3. In order to avoid contamination around the site, all site operatives with the potential to work within the vicinity of the invasive species should receive training in cotoneaster identification and best practice procedures for avoidance of spreading any species throughout the site.
- 3.4. Good site hygiene should be maintained:
- All stands of the invasive species should be marked and should be undisturbed until the completion of development works and any treatment and eradication works.
 - Stockpiles of contaminated soil and vegetative material should be clearly marked and isolated.
- 3.5. Avoid any new contamination to the site by minimising the risk of fly-tipping waste onto the development, not importing infested topsoil for use on site, and inspecting new vehicles entering the site, particularly any caterpillar tracks.
- 3.6. Reusing treated soils onsite is possible without the need for a waste management licence. However, to minimise the potential problems there could be if the soil was not treated adequately, you should only use soil again where there is little risk of spreading such as away from watercourses, amenity lawns and gardens, away from boundaries with other properties and in an area what is not disturbed heavily by people or livestock.

Treatment

- 3.7. Works to control invasive species should be undertaken by suitably trained and qualified operatives holding the appropriate certification and licences where applicable. Herbicide application works must be undertaken by an operative certified to use and apply herbicides (i.e. NPTC PA1 and PA6). The invasive species on site are not located within the immediate vicinity of any water courses and hence it is considered that permission from the Environment Agency via submission of form AqHerb01 is not required for the proposed treatment works on site.
- 3.8. If there is the possibility that the invasive species could be disturbed by contractors throughout the construction period, any invasive species should be eradicated / removed prior to start of works in the affected areas. The following procedures should be followed:



1. Identify all existing and emerging stands within the site area and mark all clumps with a single stake (for small clumps), 2 or 3 stakes (for bigger clumps). Each stake shall be driven until firm by hand. All stakes shall be 75mm diameter x 2.5m long peeled, tanalised softwood with the top painted for ease of identification. Stake on the edge of all identified clumps. Mark all areas on a site plan and take a photographic record.
2. A 5-meter exclusion zone around each clump will be marked out on site.
3. Access to all infected areas shall be on foot at all times. No plant or vehicles shall pass within 5m of the identified stands or staked areas.
4. No excavation or tipping of any material shall be allowed within 5m of any identified stands or staked areas.
5. All site staff shall be briefed upon the identification of invasive species and the need to avoid contact or cross contamination within the site, including points 2, 3 and 4 above.

3.9. The following steps then need to be followed:

1. If undertaken over the winter months outside of the active growing season, then plants may be controlled by cutting and then treatment of the cut stump.
2. Plants should be cut using hand tools. If berries and seeds are present, the plant should be bagged and sealed prior to removal to minimise the risk of seeds being spread off or across site during removal. All cut material should be stacked on site.
3. The cut stumps should be treated with a glyphosate-based herbicide. The manufacturer's instructions should be consulted to determine the appropriate dosage of herbicide. Herbicide may be applied directly to the cut stump immediately following cutting, using a paint brush or weed wiper.
4. Cut material proposed to be removed from site must be treated as controlled waste and disposed of accordingly via a licenced handler or at a licenced facility.
5. If controlling over spring and summer months, then herbicide may be applied directly to the leaves of the plants.

3.10. The plants may be treated directly with a glyphosate-based herbicide. The manufacturer's instructions should be consulted to determine the appropriate dosage of herbicide. Herbicide may be applied directly to the leaves using a weed wiper. Future contamination, monitoring and responsibility

3.11. If all plants are controlled prior to disturbance of these areas, then contamination within the site will be prevented. Disposal of all plant material and associated soil via an appropriately licenced waste handler and / or waste facility will ensure that contamination off-site is prevented. It is important that regular monitoring be undertaken to assess any regrowth and prevent the spread of any invasive species. If the site is sold, responsibility for future monitoring and treatment of invasive species will also be passed on to the new site owners or the management company appointed to maintain the site. Any regrowth of invasive species and an appropriate method of treatment carried out will be further assessed.



Section 4: Conclusion

- 4.1. In summary, there is an invasive, non-native plant within the proposed development site boundary. The area of introduced shrub in the eastern area of the site was found to be dominated by cotoneaster (see **Figure 1**).
- 4.2. Cotoneaster are listed under Schedule 9 of the Wildlife and Countryside Act 1981. As such, it is an offence to plant or otherwise cause this species to grow in the wild. Without mitigation, site clearance and setting out could result in the disturbance and dispersal of these species on and off site. This could result in a breach of legislation. Information on preventing spread and treatment options are detailed within **section 3** of this report.





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