Dr J Ives
Chief Executive
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH.

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Please ask for Democratic Services
Phone (01283) 595722/ 595889
Democratic.services@southderbyshire.gov.uk

Date: 10 April 2024

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Thursday, 18 April 2024** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Labour Group**
Councillor S Taylor (Chair), Councillor K Storey (Vice-Chair) and
Councillors A Archer, I Hudson, J Jackson, V Redfern, B Stuart and A Tilley.

Conservative Group
Councillors K Haines, J Lowe and P Watson.

Liberal Democrats
Councillor G Andrew.

Non-Grouped
Councillor A Wheelton.

AGENDA

Open to Public and Press

13	COMMITTEE WORK PROGRAMME	**226 - 231**

Exclusion of the Public and Press:

14 The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

15 To receive the Exempt Minutes of the following Meetings:

29 February 2024

16 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

17 ECONOMIC DEVELOPMENT AND GROWTH SERVICE

ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE

29 February 2024

OPEN

PRESENT:

Labour Group
Councillor S Taylor (Chair) and
Councillors S Harrison (substituting for Councillor J Jackson), I Hudson, V Redfern, D Shepherd (substituting for Councillor A Archer), B Stuart, A Tilley and N Tilley (substituting for Councillor K Storey).

Conservative Group
Councillors K Haines, J Lowe and P Watson.

Liberal Democrats
Councillor G Andrew

Non-Grouped
Councillor A Wheelton

In Attendance

EDS/80 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors K Storey, A Archer and J Jackson (Labour Group).

EDS/81 **MINUTES**

The Committee received the Open Minutes of the meeting held on 25 January 2024 and were signed by the Chair as a true record.

EDS/82 **DECLARATIONS OF INTEREST**

The Committee was informed that no declarations of interest had been received.

EDS/83 **QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER COUNCIL PROCEDURE RULE NO 10**

The Committee was informed that no questions from Members of the Public had been received.

EDS/84 **QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

EDS/85 **CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2023-24 QUARTER 3 – 1 APRIL TO 31 DECEMBER)**

The Strategic Director (Service Delivery) presented the report to the Committee highlighting that 11 of the 17 indicators for this Committee were on track and that Appendix B of the report referred to actions required for the six indicators that were not on track. The Strategic Director (Service Delivery) confirmed to the Committee that there were three updates to the Risk Register.

Members discussed the accuracy and calculations for the statistics provided for waste per household, raised concerns about XL bullies and requested clarity on the planning application figures.

The Strategic Director (Service Delivery) informed the Committee that the Office of National Statistics data had been used to calculate the tonnage of waste per household and that their response to the reduction of population was attributed to deaths due to Covid. The Strategic Director (Service Delivery) confirmed to the Committee that the statistics would improve with an increase in population from new housing or from a decrease in tonnage of waste per household and that measures were being looked and the New Plan would include new targets.

The Head of Environmental Services informed the Committee that issues with XL bullies would be actioned by the Police and that there had been no significant issues with this type of dog.

The Head of Planning provided clarity around the numbers of planning applications that had been determined within the statutory determination period and that a separate spreadsheet would be distributed to Members with the details of applications determined with an extension of time.

RESOLVED:

1.1 The Committee approved progress against performance targets set out in the Corporate Plan 2020 - 2024.

1.2 The Committee reviewed the Risk Register for the Committee's services.

EDS/86 **DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

The Head of Planning and Strategic Housing presented the report to the Committee highlighting that the new statement included changes to National policy and current legal requirements and that a consultation period was due to begin later in the year with responses brought to Committee before the Local Plan was consultation.

Members discussed signage for planning applications, notification of applications to Parish Councils, the list of consultees that would be contacted and if an explanation of the consultation would be provided to Parish Councils.

The Head of Planning and Strategic Housing informed the Committee that Parish Councils are given three weeks notice to respond to planning applications and that additional time can be given for a response if the planning application can still be determined within the eight week period. The Head of Planning and Strategic Housing confirmed that the Local Plan database included Parish Councils and statutory consultees for example Environmental Health.

The Chair requested that planning application notices be displayed appropriately.

Councillor Harrison supported the report and noted that schools would be consulted which would engage young people. Councillor Harrison offered to support the Planning team during the consultation period.

Councillor Hudson commended the report and noted that the Statement of Community Involvement would benefit Parish Councils and should be widely circulated.

Councillor Watson proposed that the consultation period be extended from six to eight weeks. The Committee approved the extension of the consultation period.

Councillor Andrew welcomed that the Head of Planning had provided a target date for the next stage of the Local Plan to be presented in September 2024, as he was keen that we record such targets and hold the organisation accountable to them.

RESOLVED:

1.1 The Committee approved the draft Statement of Community Involvement (SCI) at Appendix 1 of the report for consultation and an eight-week consultation period which would follow.

1.2 The Committee noted that following the consultation a report would be compiled to include: the comments made in response

to the consultation and the Council's response and proposed amendments to the Statement of Community Involvement.

EDS/87 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Service Delivery) presented the updated report to the Committee.

RESOLVED:

1.1 The Committee considered and approved the updated work programme, attached as Annexe A to the report.

EDS/88 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT MINUTES

The Committee noted and approved the Open Minutes of the meetings held on 25 January 2024 that were signed by the Chair as a true record.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

The Committee was informed that no exempt questions from Members of the Council had been received.

The meeting terminated at 18:40hours.

COUNCILLOR S TAYLOR

CHAIR

REPORT TO:	**ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM: 6**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY: RECOMMENDED**
REPORT FROM:	**STRATEGIC DIRECTOR – SERVICE DELIVERY**	**Open**
MEMBERS' CONTACT POINT:	**MATT HOLFORD,** matthew.holford@southderbyshire.gov.uk ,	**DOC:**
SUBJECT:	**AIR QUALITY STRATEGY**	**REF:**
WARD(S) AFFECTED:	**All**	**TERMS OF REFERENCE: EDS01, EDS14**

1. Recommendations

1.1 That the Committee approves an Air Quality Strategy for South Derbyshire.

2. Purpose of Report

2.1 To advise Committee of recent statutory and policy developments relating to air quality.

2.2 To propose the adoption of an Air Quality Strategy for South Derbyshire to synchronise with the Derbyshire County and Derby City Air Quality Strategy 2020-30.

3. Background

3.1 South Derbyshire District Council has had a statutory duty to review and assess air quality since the introduction of the Environment Act in 1995. This duty requires the Council to review and assess air quality across the administrative area of the Council. This assessment must establish if there is any human exposure to any of seven key pollutant gases which exceed Air Quality Limit Values set down in the Air Quality Standards Regulations 2010.

3.2 Where evidence of exceedances of these health-based Limit Values are established, then the Council has a legal duty to declare an Air Quality Management Area (AQMA) and to develop an Air Quality Action Plan (AQAP) to work towards achieving these Limit Values within the fastest possible time.

3.3 It is also a legal duty for the Council to publish an annual Air Quality Status Report to demonstrate to DEFRA that it is meeting the duties laid out in the Environment Act.

3.4 Air quality exceeds the Limit Values in approximately half of Council's across the UK. There are roughly 610 AQMAs in the UK. Most of these have been declared due to the impact of emissions from road traffic.

3.5 All previous annual assessments have determined that air quality in South Derbyshire meets the Air Quality Limit Values, and so no local AQMA has been declared. The latest version of the South Derbyshire Annual Status Report is published on our website at Air quality | South Derbyshire District Council

3.6 More recently there is emerging evidence that exposure to airborne pollution may have greater health impacts than were originally understood when the Environment Act was enacted. The impacts of air quality over the full human lifecycle have been summarised in an influential joint report published in 2016 from the Royal Society of Physicians and Royal Collage of Paediatrics and Child Health "the Lifelong Impact of Air Pollution"

- Based on current estimates, air pollution is the top environmental risk to human health in the UK, and the fourth greatest threat to public health after cancer, heart disease and obesity.

- The Department of Health and Social Care's Advisory Committee on the Medical Effects of Air Pollutants (COMEAP) have recently estimated that long-term exposure to man-made air pollution in the UK has an annual impact on shortening lifespans, equivalent to 28,000 to 36,000 deaths every year.

3.7 This emerging evidence resulted in the government making a commitment in the 2021 Environment Act to establishing a long-term air quality target for air quality. This target was adopted in the Environmental Targets (Fine Particulate Matter) (England) Regulations 2022.

3.8 The government also published further statutory guidance in 2023 when it published an Air Quality Strategy: Framework for Local Authority Delivery.

3.9 Within the Framework for Local Authority Delivery the government set out the following 'Actions for Partners':

- *All local authorities are expected to take proactive action to improve air quality, whether or not they have an Air Quality Management Area. Local authorities without an Air Quality Management Area, should specify proactive measures they will take in their Air Quality Strategy.*

- *Local authorities' Air Quality Strategies should be informed by their monitoring and assessments. Air Quality Strategies should set out an enforcement strategy which prioritises reduction of population exposure, including in areas experiencing disproportionately high levels of pollution.*

3.10 As a result of the increasing evidence of the adverse health impact of air quality, there has been an increased imperative within the public health community to deal with its causes and effects. Cleaner air was identified as one of the top 10 priorities for Public Health England (PHE) in their 2020-25 Strategy.

3.11 In response to the PHE Strategy, the Directors of Public Health for Derbyshire and Derby have identified air quality as being an important factor in ensuring healthy local communities. A Derbyshire County and Derby City Air Quality Strategy 2020-30 was jointly approved by the Derby and Derbyshire Health and Wellbeing Boards in January 2020.

3.12 The Derbyshire County and Derby City Air Quality Strategy contains the core vision that "*Together we will reduce the health impact of poor air quality for the people of*

Derbyshire County and Derby City" along with a set of guiding principles, strategic priorities and quantitative outcomes.

3.13 The Derbyshire County and Derby City Air Quality Strategy was reviewed in 2023. The review focused on updating the key performance indicators in order to make them more representative of the recent changes in law and guidance. The Derbyshire County and Derby City Air Quality Strategy was approved by the Health Protection Board in September 2023.

3.14 In 2023 South Derbyshire District Council declared an 'Ecological Emergency'. Poor air quality can have an adverse effect on ecological abundance and diversity. Historically, air quality assessments and policies have solely focused on the impact of poor air quality on human health. This review of the Air Quality Strategy provides an opportunity to factor in the Councils ecological emergency declaration and to include air quality targets relevant to sensitive ecosystems as well as sensitive human populations.

4. Purpose and Contents of the Proposed Air Quality Strategy

4.1 While the government has set out in the Framework for Local Authority Delivery an 'expectation' that every local authority should produce an Air Quality Strategy, the content and format of any such Strategy has not been specified.

4.2 In order to meet this expectation, it is proposed to adopt an Air Quality Strategy which aligns with the existing Derbyshire County and Derby City Air Quality Strategy.

4.3 The benefits of taking this approach are:

- The proposed Strategy provides South Derbyshire Councillors and residents with a clear and simple set of measures against which to understand current and future air quality in the District.

- The proposed Strategy sets air quality targets which offer a significant improvement over and beyond the statutory targets contained in the Air Quality Standards Regulations 2010 and the Environmental Targets (Fine Particulate Matter) (England) Regulations 2022.

4.4 The proposed Air Quality Strategy is attached as Appendix 1 to this report. It contains a single objective – namely to reduce the health impact of poor air quality for the people of South Derbyshire. It also contains four key priorities, three of which match the Derbyshire County and Derby City Air Quality Strategy, plus a fourth to ensure that any conflicts between air quality and the Council's key aim of reducing climate change are harmonised as much as possible.

4.5 The Strategy contains a number of quantified outcomes. All of the outcomes reflect the same metrics as are contained in the Derbyshire Strategy; are set at meeting targets which exceed the current statutory standards and are set at targets which ensure progressive improvement in air quality. This reflects the aspiration of continuous environmental improvement in accordance with the Council's ISO14001 environmental management standard.

4.6 The Strategy also contains a targets which is aimed at monitoring the impacts of air quality on the most sensitive ecological sites within the District in order to align with the Councils recent declaration of an Ecological Emergency.

5. Financial Implications

5.1 There are no direct financial implications to adopting the proposed Strategy other than it commits the Council to maintaining the existing resource commitment to monitoring and reviewing air quality.

6. Corporate Implications

Employment Implications

6.1 None.

Legal Implications

6.2 The Strategy is not a statutory document and there is no form of challenge to it other than the normal form of judicial review against any Council action by a disgruntled party.

6.3 The adoption of the Strategy may offer additional leverage (for example in a Planning Inquiry) to support the Council in resisting matters which may be contrary to the Councils aspirations, but for which there is no other existing means of objection.

Corporate Plan Implications

6.4 The proposals align with the “Shape Our Environment” priority of the Council Plan.

Risk Impact

6.5 None.

7. Community Implications

Consultation

7.1 The content of the Derbyshire County and Derby City Air Quality Strategy has already been the subject of extensive consultation led by Derbyshire County Council Public Health.

Equality and Diversity Impact

7.2 A screening EDI has been completed and no adverse impacts have been identified.

Social Value Impact

7.3 Beneficial.

Environmental Sustainability

7.4 The Strategy reflects the positive environmental aspirations of the Council and has been identified as an opportunity within the ISO14001 risk and opportunity register.

8. Conclusion

8.1 That the Committee approves the South Derbyshire Air Quality Strategy 2024-28.

9. Background Papers

Appendix 1 – South Derbyshire Air Quality Strategy 2024-28

All other relevant papers have been hyperlinked in the body of the report.

South Derbyshire District Council

South Derbyshire Air Quality Strategy 2024-28

Date: February 2023

Version Control

Version	Reason for review (review date/legislation/process chances)	Effective Date	Review date
1.0	First version	21/04/2021	21/04/2024
2.0	Version 2		01/04/2028

Approvals

Approved by	Date
Senior Leadership Team	TBC
Environment & Development Services Committee	TBC

1.0 Introduction

Air pollution is the biggest environmental health risk in the UK. It is estimated to contribute up to 40,000 premature deaths in the UK per year and contributes to an estimated 530 deaths and 5400 life years lost in Derbyshire County and City[1]. The economic cost to the UK is thought to be around £20 billion a year.

Studies demonstrate long-term exposure to air pollution (over years) can reduce life expectancy, mainly due to cardiovascular and respiratory diseases and lung cancer. Short-term exposure (over hours or days) to high levels of air pollution can also cause a range of health impacts, including exacerbation of asthma, increases in respiratory and cardiovascular hospital admissions and mortality[2].

The impact of air pollution often disproportionately affects the very young; older people; those with underlying health conditions; and the most disadvantaged within our communities.

Reductions in air pollution require both global, national and local action.

1.1 National Strategy

In 2019 the UK Government published a Clean Air Strategy for the UK, which set out a range of actions to improve air quality across the country.

In 2023 the Government published an Air quality strategy: framework for local authority delivery. This set out the government's specific expectations of local authorities' role in the delivery of clean air.

Section 3 of the Framework for local authority delivery includes the following 'actions for local partners',

[1] Public Health England (2014) Estimated local mortality burdens associated with particulate air pollution https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/332854/PHE_CRCE_010.pdf

[2] Public Health England (2019) Health Matter; Air pollution https://www.gov.uk/government/publications/health-matters-air-pollution/health-mattersair-pollution

- All local authorities are expected to take proactive action to improve air quality, whether or not they have an Air Quality Management Area. Local authorities without an Air Quality Management Area, should specify proactive measures they will take in their Air Quality Strategy.
- Local authorities' Air Quality Strategies should be informed by their monitoring and assessments. Air Quality Strategies should set out an enforcement strategy which prioritises reduction of population exposure, including in areas experiencing disproportionately high levels of pollution.

1.2 Regional Strategy

The Directors of Public Health for Derbyshire and Derby have identified air quality as being an important factor in ensuring healthy local communities. A Derbyshire County and Derby City Air Quality Strategy 2020-30 was jointly approved by the Derby and Derbyshire Health and Wellbeing Boards in January 2020.

The Derbyshire County and Derby City Air Quality Strategy contains the core vision that "*Together we will reduce the health impact of poor air quality for the people of Derbyshire County and Derby City*" along with a set of guiding principles, strategic priorities and quantitative outcomes.

In 2023 a revised Action Plan (2023-25) and Air Quality Strategy Indicators were published to support the delivery of the Strategy.

2.0 Purpose

The purpose of this Air Quality Policy for South Derbyshire is to synchronise local policy aims and priorities with those agreed at a regional level and in doing so to support delivery of the Derbyshire Strategy. Air pollution doesn't respect administrative boundaries and therefore joined up policy making offers part of the solution to dealing with poor air quality. The policy also sets out targets to help focus limited local government resources on the most effective means ways to reduce local air pollution, facilitate change, influence others and protect health.

By creating a clear link between Policy commitments by South Derbyshire District Council and the regional Derby and Derbyshire Air Quality Strategy, this Council considers that it has discharged the duty to publish an Air Quality Strategy which is set out in section 3 of the 2023 Air quality strategy: framework for local authority delivery.

This Policy also recognises that on 14 September 2023 South Derbyshire declared an Ecological Emergency.

The declaration includes the following text:

"*This motion will see the council add ecological considerations, together with any implications, alongside those for climate, sustainability, and nature recovery in our new corporate plan as strategic priorities embedded within all areas of council engagement. The Council will continue to collaborate with our communities, businesses and other organisations, existing networks, and partnerships to*

improve ecological literacy, encourage greater biodiversity, increase local sustainable food production in order to protect food security, tree planting and management."

Air quality can also have an adverse effect on ecological sustainability and therefore this policy contains additional air quality targets which seek to support the goals of the Ecological Emergency declaration.

3.0 Objectives

The aim of this Policy **is to reduce the health impact of poor air quality for the people and ecology of South Derbyshire.**

The priorities of the Policy are:

- **To seek to reduce the sources of pollution within and outside South Derbyshire which contribute to poor air quality,**
- **To prioritise and support those interventions which offer additional health benefits,**
- **To mitigate the impacts of poor air quality on health,**
- **To strike a balance between the occasional tensions between climate change interventions and local air quality interventions.**

The diverse and changing nature of the sources, interventions and population groups exposed to poor air quality means that the cumulative effect of a range of interventions has the greatest potential to reduce local air pollution.

The Derbyshire and Derby Health Protection Boards have committed to the development of an annual action plan which will utilise the available evidence and best practice working with partners to achieve the priorities described above. The delivery of the Derbyshire Strategy will be monitored through these Boards.

Delivery of the Derbyshire Strategy is being undertaken through a Derbyshire Air Quality Working group, reporting at least annually to the Health and Wellbeing Board. This includes providing oversight of key population outcomes, performance against the strategic priorities and progress on the annual the action plan.

The delivery of this South Derbyshire Air Quality Policy will be monitored through the Council's Environment and Development Services Committee and through the publication of the Councils Annual Status Report, which is also published on the Council website after it has been approved by DEFRA.

4.0 Outcomes

The Derby and Derbyshire Air Quality Strategy contains a number of measurable outcomes which link to the four priorities.

These outcomes for Derbyshire are summarised in Table 1, along with more local outcomes, where they are available, to provide a more granular set of desired outcomes for South Derbyshire.

Table 1: Policy Outcomes

Outcome	2022 Derbyshire Baseline	South Derbyshire		
		2019	2022	2028 Target
Annual average measured concentration of nitrogen dioxide in the air	23.2µg/m^3	24.1µg/m^3	20.0µg/m^3	18.0µg/m^3
Highest recorded annual concentration of nitrogen dioxide in the air	53.1µg/m^3	32.7µg/m^3	26.9µg/m^3	26.0µg/m^3
Percentage of monitoring sites with a concentration of nitrogen dioxide in the air above 40µ/m^3	3.4%	0%	0%	0%
Annual average concentration of fine particulate matter ($PM_{2.5}$) in the air at monitoring sites	7.6µg/m^3	No data	No data	Note 1
Fraction of mortality attributable to particulate air pollution Note 2	5.3%	5.3%	5.4%	5.2%
Number of publicly available Electric vehicle Charging Points per 100,000 population Note 3	40.8	No data	37	100
Number of vehicles that are Ultra Low Emission Vehicles (ULEV) Note 4	16,424	No data	1,533	10,000
Percentage of homes that have solid fuel (coal or wood) as their main fuel. Note 5	No data	No data	1.18%	0.9%
Percentage of homes with EPC rating C or above Note 5	39%	No data	48.8% (18,794 of 38,540)	56%
Number of homes within Air Quality Management Areas (AQMAs)	180	0	0	0
Annual number of complaints relating to smoke from domestic or commercial/industrial chimneys and bonfires	535 (incomplete data)	95	97	95

Percentage of designated ecological sites which are exposed to an exceedance of the critical level (30µg/m^3) for nitrogen oxide (NOx)[Note 6]	No data	No data	0%	0%

Notes:

Note 1 Currently there is no approved monitoring of PM2.5 in South Derbyshire. There are currently only two monitoring locations in Derbyshire and only five across the East Midlands region. Following the Environmental Targets (Fine Particulate Matter) (England) Regulations 2022 DEFRA have committed to expanding the PM2.5 monitoring network across the UK. Data will be included if / when monitoring stations are established in South Derbyshire.

Note 2 https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/ Indicator D01

Note 3 Markdown_map_LocalAuthority_publication_template.knit (dft.gov.uk)

Note 4 Department of Transport and Driver and Vehicle Licensing Agency, Vehicle Statistics (Table VEH0132) - Vehicle licensing statistics data tables - GOV.UK (www.gov.uk)

Note 5 Energy Performance of Buildings Data England and Wales (opendatacommunities.org)

Note 6. Designated Ecological sites are Sites of Special Scientific Interest (SSSIs), Ramsar sites, National Nature Reserves (NNR), Local Nature Reserves (LNR). Current year NOx exposure is taken from the APIS Site Relevant Critical Loads online map

5.0 Definitions

Air Quality Management Areas - (AQMAs) are areas that are likely to exceed the national air quality objective for a specific pollutant.

Fraction of mortality - expressed as the percentage of annual deaths from all causes in those aged 30+

$\mu g/m^3$ – micrograms per cubic meter of air

PM_{10} - individual particles with an aerodynamic diameter generally less than 10 micrometers. PM_{10} is also known as respirable particulate matter.

$PM_{2.5}$ - individual particles with an aerodynamic diameter generally less than 2.5 micrometers. $PM_{2.5}$ is also known as fine particulate matter.

6.0 Roles and Responsibilities

- **Responsible:** Service area which performs an activity or does the work.
- **Accountable:** Service area which is ultimately accountable for the service being provided
- **Consulted:** Services which need to be engaged and contribute to the Policy
- **Informed:** Services or stakeholders which need to be informed of the Policy

Detailed operational procedures are separate from policy documents.

Procedural information may be appropriately referenced or provided in the policy to meet a statutory requirement or to clarify the process that leads to a decision.

Responsible	Accountable
• ***Head of Environmental Services*** ○ *To support the Derbyshire Air Quality Working Group* ○ *To comply with Environment Act 2005 and other emerging legal requirements* • ***Head of Planning and Strategic Housing*** ○ *To ensure planning policy and development control decisions do not have an unacceptable adverse affect on air quality.* • ***Head of Culture & Community Services*** ○ *To ensure continuity with ecological emergency work*	• ***Strategic Director – Service Delivery*** ○ *Leadership commitment to policy aims*
Consulted	**Informed**
○ ***Corporate Environmental Sustainability Group*** ○ ***Senior Leadership Team***	• ***Councillors*** ○ *To understand the implications of the Policy*

○ ***Head of Planning & Strategic Housing***	• ***Public (published on website)*** ○ *To understand the Policy*

7.0 References

None

8.0 Associated Documentation

Description of Documentation	Document Reference
Derbyshire County and Derby City Air Quality Strategy 2020-30	

9.0 Appendices / Glossary

9.1 Equality Impact Assessment Form

The outcome of the assessment should be included in the supporting Committee Report which is seeking approval for a new or amended Policy.

9.2 Sustainability Impact Assessment

The outcome of the assessment should be included in the supporting Committee Report which is seeking approval for a new or amended Policy. Put a tick in the areas that you feel that this policy supports/ impacts.

Our Environment		Our People		Our Future	
Improve the Environment of the District	Y	Engage with Communities	Y	Develop Skills and careers	N
Tackle Climate Change	N	Supporting and Safeguarding the most vulnerable	Y	Support economic growth and infrastructure	N
Enhance the attractiveness of South Derbyshire	Y	Deliver Excellent Services	N	Transforming the Council	N

End of Policy Document

REPORT TO:	**ENVIRONMENT & DEVELOPMENT SERVICES**	**AGENDA ITEM: 7**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY: RECOMMENDED**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	**OPEN**
MEMBERS' CONTACT POINT:	**MATT HOLFORD (01283 595856)** matthew.holford@southderbyshire.gov.uk ,	**DOC:**
SUBJECT:	**CONTAMINATED LAND STRATEGY 2024-28**	**REF:**
WARD(S) AFFECTED:	**All**	**TERMS OF REFERENCE: EDS14**

1. Recommendations

1.1 That the Committee approves the adoption of an updated Contaminated Land Strategy (Appendix 1).

2. Purpose of Report

2.1 To seek the Committees approval to the adoption of a Contaminated Land Strategy covering the period 2024-28. The document sets out South Derbyshire District Council's proposed approach to managing the risks associated with contaminated land, while balancing legal and precautionary principles with effective regulation and is geared towards not un-necessarily burdening sustainable development.

3. Background

3.1 Part 2A of the Environmental Protection Act 1990 is the primary legislation concerning contaminated land. Part 2A's broad objectives are to:

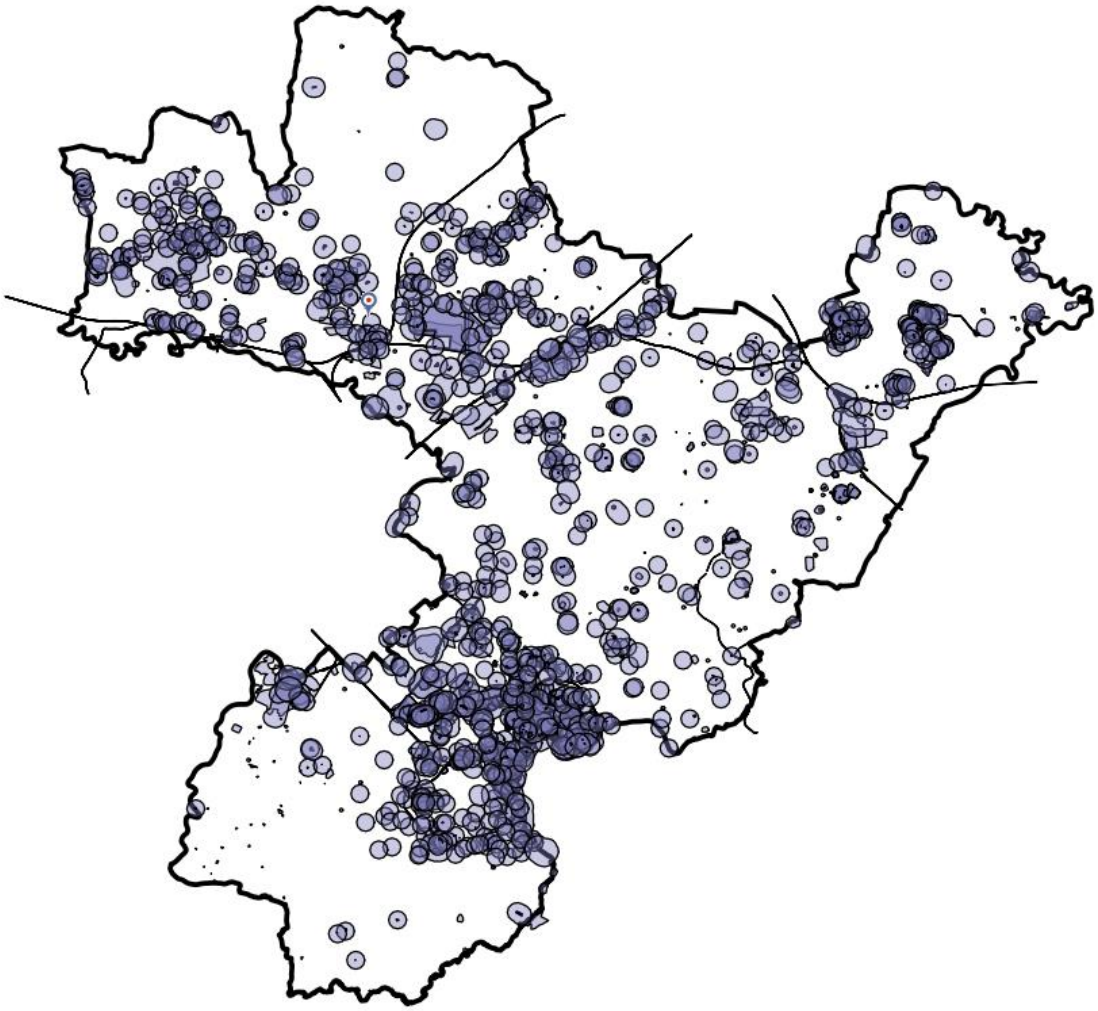
- Reduce risk to human health, ecological systems, the built environment and controlled waters from historical contamination, ensuring sites are made "Suitable for Use" following development or immediately if the risk is significant enough.
- Define a framework for risk assessment, determination and remediation.
- Through strategic inspection, require local authorities to identify, determine land as contaminated, then coordinate remediation.

3.2 Under the statutory requirements of Part 2A of the Environmental Protection Act 1990, South Derbyshire District Council has had a Contaminated Land Strategy in place since July 2001. To date the Strategy has provided a framework to build SDDC's contaminated land records, to risk rate sites and to prioritise Council inspection of "high risk" sites.

3.3 Since 2001, over 2,000 sites in South Derbyshire have been risk rated as illustrated in Figure 1 below. The data processed to comply with the previous Strategies has enabled

the Council to consider the potential land quality implications of approximately 6,300 planning applications and has led to an estimated 500 sites being decontaminated to a standard fit for their future use as a result of the inclusion of a relevant planning condition.

Figure 1 – Risk Rated Sites of Potential Contamination



3.4 The overall aims of the revised Strategy are:

- To ensure compliance with, and enforcement, of Part 2A of the Environmental Protection Act 1990.
- To ensure that where redevelopment of land takes place within South Derbyshire, the planning and building control process deals effectively with any land contamination so that the land is rendered suitable for its intended use.
- To take a proactive approach to determine the status of highest risk sites.
- To further improve management of the Council's corporate land assets.
- To prevent any further contamination of land.
- To encourage voluntary remediation.

4. Proposed Changes

4.1 The draft updated Strategy is shown as Appendix 1. There have been no significant statutory or policy changes since 2012 and therefore the content of the policy remains

largely unchanged other than minor amendments to change dates, references to changes in corporate priorities, etc.

5. Implementation

5.1 Once adopted, the Strategy will be made publicly available on the Council's website and upon request in hard copy from the Environmental Health Team.

6. Financial Implications

6.1 None

7. Corporate Implications

Employment Implications

7.1 None.

Legal Implications

7.2 The Council has a statutory duty under Part IIA of the Environmental Protection Act to "*cause its area to be inspected from time to time for the purpose of identifying contaminated land*" (section 78B (1)). It also has a duty to "*act in accordance with any guidance issued for the purpose by the Secretary of State*" (section 78B (2)).

7.3 The most recent statutory guidance was issued by the Secretary of State in April 2012.

7.4 The statutory guidance in Section 2 states that The local authority "*should take a strategic approach to carrying out its inspection duty under section 78B(1). This approach should be rational, ordered and efficient*". It also states that "*The local authority should set out its approach as a written strategy, which it should formally adopt.*"

7.5 The statutory guidance states that the local authority should keep its written strategy under periodic review to ensure it remains up to date and that this review should occur at least every five years.

Corporate Plan Implications

7.6 The strategy enables land which has been contaminated by historical use to be identified, risk assessed and dealt with in a proportionate way. It also enables land which has been historically contaminated to be brought back into productive use so that it can contribute to local economic growth and used for additional housing.

7.7 In these respects, the Strategy aligns with all of the Council Plan priorities to "Shape our Environment", to "Drive Our Economy" and to "Support Our Communities".

Risk Impact

7.8 The proposals will have a beneficial mitigating action against the corporate risk of "Managing the environmental impact of incidents across the District".

8. Community Implications

Consultation

8.1 The Strategy has been the subject of consultation with the Head of Planning and Strategic Housing. There is no duty in law or guidance to consult more widely on the content of the Strategy.

Equality and Diversity Impact

8.2 The Strategy does not adversely impact on any protected characteristics group.

Social Value Impact

8.3 Beneficial.

Environmental Sustainability

8.4 Beneficial.

9. Conclusion

9.1 The Contaminated Land Inspection Strategy fulfils the Council's legal responsibly in meeting the requirements of Part 2A of the Environmental Protection Act 1990. The Strategy sets out the processes by which the District Council will ensure that all land within the District is 'fit for use' and shows how the Council will continue to use the planning process to ensure that any new development safeguards both existing and new sensitive receptors.

10. Background Papers

10.1 Contaminated Land Strategy 2024-28

South Derbyshire District Council

Contaminated Land Inspection Strategy 2024-2028

Environmental Health

December 2023

Ref: STEMS-15-ST1

Contents

Version Control

Version	Description of version	Effective Date
1	First revision	September 2018
2	Revision following internal EMS audit	8 Jan 2020
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Associated Documentation

Description of Documentation
Contaminated Land Inspection Strategy 2024-28 Appendix

Documentation location

Description of Documentation
S:\Health\Contaminated Land\Strategy Documents\2024 Contaminated Land Strategy
https://www.southderbyshire.gov.uk/our-services/environment/noise/pollution/contaminated-land

1.0 Introduction and Regulatory Context

1.1 Introduction

The last 150 years has seen a massive growth in the UK's industrial sector. This has brought with it huge wealth and economic development, but also detrimental effects, which have manifested in recent years with an increase in land being identified as potentially contaminated. Land despoiled by contaminative uses such as gas works, old unlicensed landfill sites, foundries or tanneries, where high levels of heavy metals, phenols, solvents, acids, or alkalis may be found, is an unfortunate legacy of our industrial heritage.

It is not known how much land in the UK is contaminated; this can only be discovered through wide-ranging and detailed site investigation and risk assessment. The Government has therefore introduced legislation to identify and "clean up" contaminated land. Its objectives are:

- To identify and remove unacceptable risks to human health and the environment.
- To seek to ensure that contaminated land is made suitable for its current use.
- To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.

These objectives underpin the "suitable for use" approach that has been adopted by the Government. This approach focuses on the risks caused by contaminated land, requiring action in cases where the contamination poses actual or potential unacceptable risks to health or the environment; and where there are appropriate and cost effective means available to carry out remedial action, taking into account the actual or intended use of the site. The suitable for use approach, taken together with tough action to prevent new contamination, and wider initiatives to promote the reclamation of previously developed land, will help to bring about progressive improvements in the condition of the land.

The purpose of this document is to outline the Council's updated strategy for implementing the Part 2A regime dealing with contaminated land in line with the current legal requirements.

1.2 Existing Legislation

Part 2A of the Environmental Protection Act 1990 – inserted into that Act by section 57 of the Environment Act 1995 – provides a regulatory scheme for the identification and remediation of contaminated land. The Act is supported with detailed regulations for its administration in the Contaminated Land (England) Regulations 2000 (as amended in 2012). Current guidance on fulfilling the requirements of the Part 2A regime is contained in April 2012's revision of Defra's Contaminated Land Statutory Guidance (the statutory guidance).

1.3 Regulatory Roles of Local Authorities and the Environment Agency

Local authorities (usually district, borough, and unitary councils) have been given the primary regulatory role under the Part 2A regime, mainly because they have historically had responsibility for dealing with statutory nuisances caused by land contamination and other planning issues.

The Environment Agency has a secondary regulatory role in assisting local authorities, providing site-specific guidance, dealing with “special sites” and publishing periodic reports on the state of the land contamination nationally. The EA acts as the enforcing authority for special sites (a description of special sites is provided in Appendix A).

The primary objective of these responsibilities is to ensure that contaminated land can be brought back into beneficial use at reasonable cost with no unacceptable risk to human health or the environment.

Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists. The Part 2A regime is one of several ways in which land contamination can be addressed. For example, land contamination can be addressed when land is developed (or redeveloped) under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2015.

1.4 What is Contaminated Land?

Part 2A of the 1990 Act defines “contaminated land” and provides for the Secretary of State to issue guidance on how local authorities should determine which land is contaminated land and which is not. Relevant sections of the Act and accepted principles of what constitutes contaminated land are provided in Appendix B.

In practice the process of determination is a complex and subjective matter; 2012’s statutory guidance revised the fundamental risk assessment elements of determining land as contaminated. Though the highest risk examples remain those where significant harm to human health are present (see Appendix B), in situations where significant possibility of significant harm to defined receptor types exist; the statutory guidance as introduced a category system for determination.

1.4.1 Receptor types and categories

Receptors are defined as 3 broad types, outlined below; with categories of impact or risk also defined by the statutory guidance (see Appendix C for a full list of receptor types and categories).

- **Human Health (HH)-** Included in the category of factors affecting human health are land used for allotments, residences with gardens, schools and nurseries, recreational parks, playing fields and recreational open spaces.
- **Non-Human Receptors (NHR)- Ecological systems & property-** Within this category fall Sites of Special Scientific Interest (SSSIs), National Nature Reserves, areas of special protection for birds, European Special Areas of Conservation and Special Protection Areas and nature reserves. Within this category are included crops, livestock, homegrown produce, owned or domesticated animals and wild animals subject to shooting or fishing rights. These could be found on agricultural land, allotments and gardens, forestry areas or other open spaces. Within this category are ancient monuments and other important buildings such as heritage sites.
- **Controlled Waters (CW)-** Section 104 of the Water Resources Act 1991 defines controlled waters as being relevant territorial waters, inland fresh waters, coastal water and ground

waters. Within this category are major aquifers, surface waters, Source Protection Zones (SPZs – designated areas around groundwater abstractions from aquifers), groundwater used for private abstractions and drinking water abstractions, as well as agricultural usage.

These 2012 risk assessment elements have been taken into consideration in the Council's determination (and prioritisation) methodology, which is described in Section 3.

2.0 Local authority inspection duties

2.1 Inspection Types

The statutory guidance recognises two board types of “inspection” which the Council is required to undertake:

2.1.1 Strategic Inspection

The Council has been fulfilling this requirement since the adoption of the original version of this strategy in 2001. This contained the original assessment methodology which was subsequently revised in line with the 2012 statutory guidance. As a result of the work to support the commitments in the original strategy the Council has developed a substantial geographic information system (GIS) database. This database has been used to determine the risk of contamination across the whole district and is being used to incorporate the statutory guidance’s category system by receptor type, to aid determination.

2.1.2 Detailed Inspection

From the inception of the 2001 strategy, the Council has encouraged the detailed inspection of potentially contaminated land when it enters the planning process. Further information on the outcomes of this strategy is provided in section 2.2.1.

2.1.2.1 Proactive Inspections

Historically, the Council has been proactive in investigating the potential risk of land contamination. For example, previous iterations of this Strategy had commitments for Council officers to carry out certain numbers of directed, non-intrusive assessments (known as Phase 1 studies) each year.

These Stage 1 studies were aimed at sites which were;

- The highest risk sites not currently subject to redevelopment and remediation;
- Council owned land (to reduce liability to the Council), and;
- Sites which a detailed investigation would aid or encourage redevelopment (in line with the Local Plan).

Of the sites which were subjected to a proactive Phase 1 study by the Council, none were identified as having a level of risk which justified further intrusive investigation.

The Council has therefore satisfied itself with a reasonable level of certainty that none of the sites which have been identified as potentially contaminated, are causing or a likely to cause a significant risk to health or the environment.

The Council does not propose to carry out any further proactive Phase 1 studies unless new information comes to light which leads to concerns that there may be a significant risk to health or the environment.

2.1.2.2 Assessment as part of the planning process

Where redevelopment is undertaken on or in the proximity of brownfield sites, the Planning and Development Control service, following consultation with the Environmental Health service, will determine whether the developer is required to undertake a site investigation to address potential contaminated land issues.

The requirement to consider the potential impact of contaminated land is embedded within the National Planning Policy Framework (NPPF). The current version of the NPPF (December 2023) include the following policy commitments:

Para 189. Planning policies and decisions should ensure that:

a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).*

Para 190. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

More detail on the delivery of these policy objectives are contained in National Planning Policy Framework, Planning Practice Guidance – Land Affected by Contamination and Approved Document C of the Building (Approved Inspectors etc.) Regulations 2010.

The planning and building control process are therefore central to ensuring that any contamination identified is suitably remediated in line with current guidelines prior to an application being determined, constructed or occupied.

In South Derbyshire, the Environmental Health service is notified of the requirement for any site investigations required by the planning consent. The relevant Environmental Health staff member then takes ownership of the case in order to review all supplied technical reports and either steer the developer through the works necessary to discharging the condition or advise planners of a failure to comply with the condition.

Since 2004, 6,200 planning applications have been subject to contaminated land consultation responses from the Environmental Health Department. As a result, an estimated 1,200 site investigations have been undertaken and an estimated 500 sites have been the subject of remediation to make them fit for use.

2.1.2.3 Reactive inspection

Evidence of contamination or environmental incidents are commonly reported to the Environmental Health Department. Examples of such incidents include serious petrol spills, chemical leaks, fires in commercial and industrial premises, hazardous flytips and discoveries of unidentified buried tanks. On average five to ten cases such as these are dealt with each year. As a result of the investigation evidence is gathered, advice / support given and any potential remedial action taken. All relevant information from these incidents will be considered and added to the determination and prioritisation methodology.

2.2.3 Contaminated land search service

The Council has a statutory duty to comply with the requirements of the Environmental Information Regulations 2004 when dealing with requests for disclosure of information. These regulations require local authorities to make any environmental information they hold available on request.

The Council receives a small volume of requests for information each year under EIR relating to the potential presence of contamination on land in the District, although the number of these requests has diminished over the years. These EIR enquiries were almost exclusively from contaminated land consultants acting on behalf of land developers.

There are a number of private sector providers who acquire, store and process data relating to land conditions and who have been established to support the market created by the demand for geo-environmental data from developers. These providers now deliver comprehensive reports about land quality which are better suited to meeting the needs of land developers than the services which the Council can provide.

3.0 Determination and prioritisation methodology

3.1 Background and relevant aspects of the district

A risk assessment process referred to as the Council's determination and prioritisation methodology has been in place since the inception of the strategy. The current version of this methodology takes in to account the relevant aspects of the district and arrives at Council defined risk categories, which considers these relevant aspects and the statutory guidance defined receptor types and categories.

These relevant aspects of the district include:

A predominantly rural area with one main town of Swadlincote, many villages and towns such as Melbourne and Repton are of historic value and have close links to the agricultural heritage of the area. Sites of historic industry, particularly mining and pottery are to be found throughout the district. Covering an area of approximately 34,000 hectares (340 sq. km) and providing home to an estimated 102,400 residents. The district boasts twenty-two conservation areas and six Sites of Special Scientific Interest (SSSI). There are also Local Nature Reserves at Elvaston Castle and Drakelow.

The main watercourse passing through the district is the River Trent, from its confluence with the River Tame east of Alrewas, downstream beyond its confluence with the River Dove at Newton Solney to its confluence with the River Derwent east of Shardlow. Groundwater quality varies across the district according to aquifer type and adjacent land uses. The background quality of groundwater may be poorer in the presence of dissolved natural minerals, as is the case in the coal producing areas.

Carboniferous rocks containing the coal seams that gave rise to the mining industry in South Derbyshire dominate the southern part of the district. Mercia Mudstones typify the northern area and can be identified by the reddish clay soils across the lowland areas of the Trent. The older Triassic sandstones support well-drained sandy soils, outcrops of which occupy parts of the Mease lowlands in the east of the district. Thick surface deposits are also widespread throughout the area, with sand and gravel surface deposits found in the Trent Valley.

The aquifer status (major, minor or non-aquifer) of each of the superficial and solid geological units in the district has been identified and their relative importance as receptors for contaminants determined.

In brief, the district's dominant geological type, Mercia Mudstone, is classified by the Environment Agency as non-aquifer. Non-aquifers are formations with negligible permeability that are not generally regarded as containing significant quantities of groundwater, although small groundwater yields are obtainable where sandier layers (called skerry bands) are encountered.

These aspects have been considered and reflected in the Council's determination and prioritisation methodology.

3.2 Determination and prioritisation

In cases where imminent risk of serious harm or serious pollution of controlled waters has been confirmed, the Council will authorise urgent action. This will involve serving a remediation notice

without necessarily consulting or waiting for the end of the consultation period. If the Council considers that serving a notice in this way would not result in the remediation happening soon enough, it may decide to carry out the remediation itself – known as carrying out works in default – and recover the costs from the appropriate person(s).

It is important to note that contaminated land can only be defined as such if it poses a significant risk of causing significant harm.

In all other cases land on the district is subject to determination and prioritisation using the Council's GIS determination and prioritisation methodology. Sites of known contamination have an "area of concern" score applied to them and all parts of the district have a determination profile applied to them. This details where the site fits in line with statutory guidance receptor types and categories, which in turn is calculated into a simple determination score to define the site risk category.

3.3 Determination methodology calculation

A determination score based on the most recent statutory guidance and the Council's current level of land quality understanding is applied to all land within the district. This score is generated by considering the potential exposure of the 3 receptor types described in the statutory guidance.

The risk assessment score is calculated by the cumulative risk to all receptors. The scores for the level of risk are based on the categories of risk described in Section 4 of Defra "Contaminated Land Statutory Guidance" April 2012.

The risk scores for each of the three receptor groups are as follows:

- Human Health (HH) – Scores between 1 (highest risk) and 4 (lowest risk).
- Non-Human Receptor (NHR)- Scores either -5 (Designated site) or 0 (non—Designated site)
- Controlled Waters (CW)- Scores between 1 (highest risk) and 4 (lowest risk)

HH + NHR + CW = Determination Score

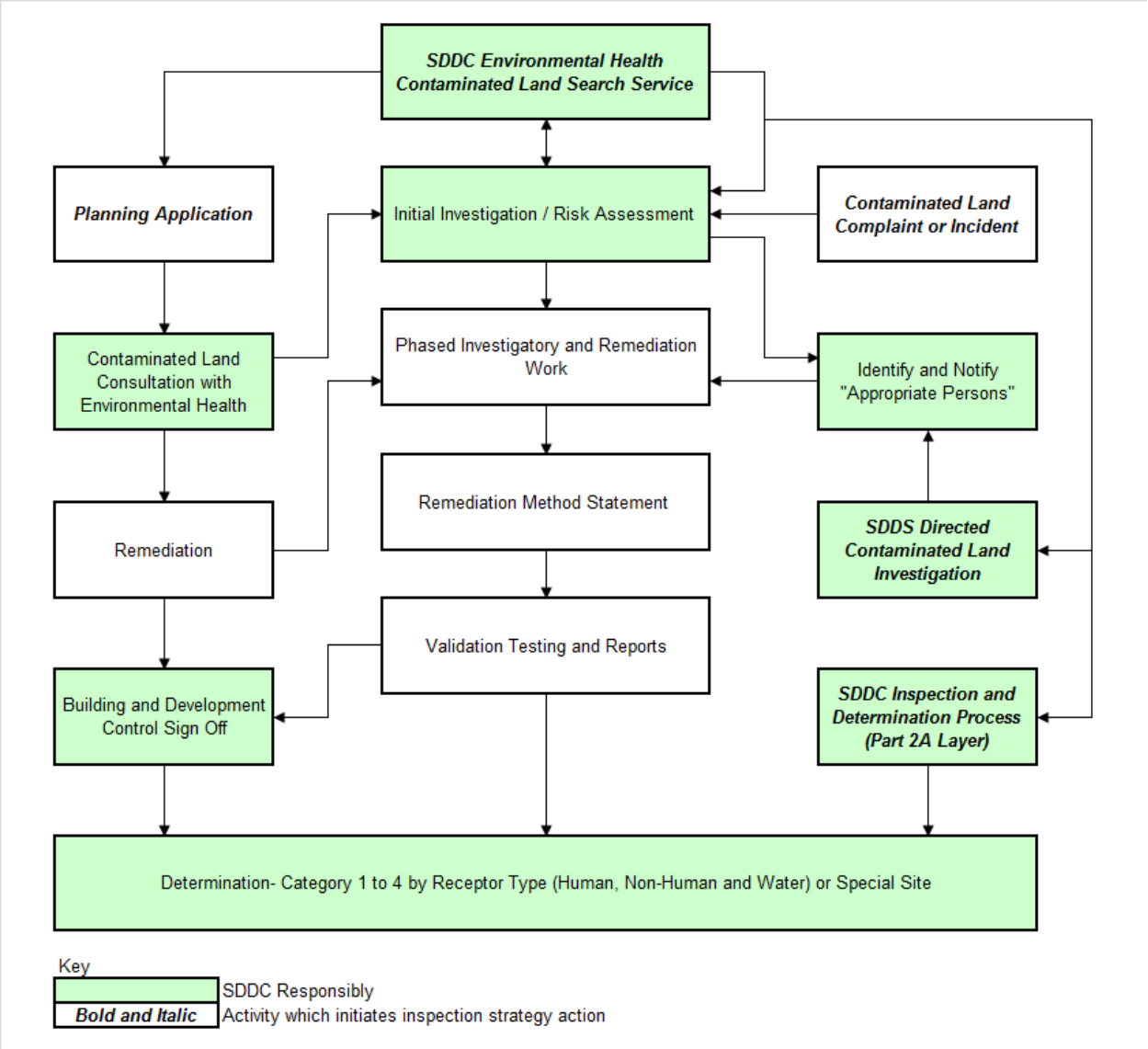
Based on this score, land will be classified simply as either Red, Amber, Yellow or Green, based on its determination score as below:

- Red- High Risk (= -3 to 5) Immediate remediation action required.
- Amber- Medium Risk (= 6) Will require investigatory and remediation work prior to redevelopment.
- Yellow- Medium / Low Risk (= 7) May require investigatory and remediation work prior to redevelopment.
- Green- Low Risk (= 8) No immediate contaminated land concerns.

4.0 Implementation, review, and links to sustainable development

4.1 Inspection and Determination Methodology Process Flow

The following process flow diagram describes the steps taken in responding to and ensuring compliance with the Contaminated Land Inspection Strategy; the core of this being the role of the planning system in investigation and remediating land affected by contamination.



The strategy seeks to recognise the constraints placed on “Building and Development Control sign off” through development sites on the district not using Local Authority Building Control. In cases such as this, the determination process will be finalised as and when the discharge of contaminated land planning conditions is reached and through on-going consultation with involved parties during a site’s remediation.

4.2 Reviewing the Inspection Strategy

The Council is under a duty to periodically review the strategy, guidance suggest at every 5 years. As it is a working document, it will be subject to amendment from time to time. The periodic review of the strategy will incorporate any changes in legislation, risk assessments or information from other external sources such as the Environment Agency.

4.3 Strategy output sharing

Outputs of recent contaminated land development work and revisions to the Council's determination and prioritisation methodology will be shared with key Council departments who can ensure maximum value is created. Data reported can add value in the following forms:

- Directing and informing planning policy and potential developers of the technical and financial implications of development sites.
- Understanding and reducing Council liability in relation to potentially contaminated Council owned sites.

In both of these forms outcomes can be considered mutually beneficial in that strategic contaminated land data will allow positive benefits to the business community and economy while removing risk to the environment, residents and public funds.

Obtaining alternative versions of this document- If you would like this document in another language, or if you require the services of an interpreter, please contact us. This information is also available in large print, Braille or audio format upon request.

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ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ।ਗਿ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہوں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

South Derbyshire District Council

Contaminated Land Inspection Strategy 2024 - 2028 APPENDIX

Environmental Health

December 2023

Contents

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2	Second revision	23 December 2023

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Contaminated Land Inspection Strategy 2024 - 2028

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S:\Health\Contaminated Land\Inspection Info\Strategy Documents\2024 Contaminated Land Strategy
https://www.southderbyshire.gov.uk/our-services/environment/noise/pollution/contaminated-land

Appendix A- Special Site Requirements

Contaminated land of the following descriptions is prescribed as land required to be designated as a special site-

- *Land which is causing the pollution of controlled waters;*
- *Land which is contaminated by waste acid tars;*
- *Land on which certain activities such as oil refining and explosive manufacture have been carried on;*
- *Land on which either an IPC or IPPC process is or has been carried on;*
- *Land within a nuclear site;*
- *Land owned or occupied by or on behalf of a defence organisation;*
- *Land on which the manufacture, production or disposal of chemical, biological or toxic weapons has ever been carried on;*
- *Land under Section 1(1) of the Atomic Weapons Establishment Act.*

If the Council believes that the land is potentially a special site, it will seek to make arrangements for the Environment Agency to carry out the inspection.

Appendix B- Definition and accepted principles of contaminated land

Part 2A of the 1990 Act defines “contaminated land”, and provides for the Secretary of State to issue guidance on how local authorities should determine which land is contaminated land and which is not. Relevant sections of the Act include:

Section 78A(2): “contaminated land” is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that – (a) significant harm is being caused or there is a significant possibility of such harm being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused;

Section 78A(4): “Harm” means harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.

Section 78A(5): The questions – (a) what harm or pollution of controlled waters is to be regarded as “significant”, and (b) whether the possibility of significant harm or of significant pollution of controlled waters being caused is “significant”, shall be determined in accordance with guidance issued for the purpose by the Secretary of State in accordance with section 78YA below.

Section 78A(6): Without prejudice to the guidance that may be issued under sub-section (5) above, guidance under paragraph (a) of that sub-section may make provision for different degrees of importance to be assigned to, or for the disregard of (a) different descriptions of living organisms or ecological systems or of poisonous, noxious or polluting matter or solid waste matter; (b) different descriptions of places or controlled waters, or different degrees of pollution; or (c) different descriptions of harm to health or property, or other interference; and guidance under paragraph (b) of that subsection may make provision for different degrees of possibility to be regarded as “significant” (or as not being “significant”) in relation to different descriptions of significant harm or of significant pollution.

The following accepted principles of what constitutes contaminated land are collated from various sources and guidance documents; a full list of these can be found in the references section of this appendices document.

Significant Harm

Harm is defined in Section 78(4) of Part 2A as:

“harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property”.

Section 4 (4.5, 4.6 & Tables 1 & 2) of the Statutory Guidance defines categories of significant harm to human and non-human receptors.

Significant Possibility of Significant Harm (SPOSH)

SPOSH is defined in Section 4.2 and 4.3 of the Statutory Guidance, as essentially a measure of the probability or frequency of the occurrence of circumstances that would lead to significant harm being caused.

Appropriate Persons

An appropriate person is defined in section 78F(2) of Part 2A as:

"any person, or any of the persons, who caused or knowingly permitted the substances, or any of the substances, by reason of which the contaminated land in question is such land to be in, on or under that land is an appropriate person".

The definition above relates to a "Class A person". Where it is not possible to identify the Class A person responsible, the following definition from section 78F(4) of Part 2A applies:

"*if no person has, after reasonable inquiry, been found who is by virtue of subsection (2) above, an appropriate person to bear responsibility for the things which are to be done by way of remediation, the owner or occupier for the time being of the land in question is an appropriate person".*

This second definition refers to a "Class B person". Further information can be found in Appendix B.

Pollutant Linkages

For a site to meet the definition of contaminated land, a significant pollutant linkage must be established. A linkage consists of three parts:

Pollutant Linkage

A ***contaminant*** (sometimes referred to as a source) is a substance which is in, on or under the land and which has the potential to cause harm.

A ***receptor*** is either:

- A living organism, a group of living organisms, an ecological system or a piece of property, which
- Is listed in Section 4 of the Statutory Guidance and
- Is being, or could be, harmed by a contaminant; or
- Controlled waters which are being, or could be, polluted by a contaminant; or
- Any person who is or who could be subject to lasting exposure to radiation.

A ***pathway*** is one or more routes or means by, or through, which a receptor is, or could, be exposed to or affected by a contaminant.

Figure 2 below shows examples of the three components of a pollutant linkage. However, some pathways (e.g. controlled waters) may also act as receptors and vice versa.

Risk Assessment

In order to determine whether land is contaminated, a risk-based approach will be used. Risk is a combination of:

- The probability or frequency of the occurrence of a defined hazard (such as a receptor being negatively affected); and
- The magnitude (including the seriousness) of the consequences.

Appendix C- Statutory guidance defined receptor types and categories

The following text is taken directly from Section 4 of DEFRA “Contaminated Land Statutory Guidance”, April 2012 and provides the most current statutory guidance on determining the significance of risks to enable decisions to be made on the designation of sites under consideration.

Significant harm to human health

The paragraphs below set out categories of harm that should be considered to be significant harm to human health. In all cases the harm should be directly attributable to the effects of contaminants in, on or under the land on the body(ies) of the person(s) concerned.

Conditions for determining that land is contaminated land on the basis that significant harm is being caused would exist where:

(a) the local authority has carried out an appropriate, scientific and technical assessment of all the relevant and available evidence; and

(b) on the basis of that assessment, the authority is satisfied on the balance of probabilities that significant harm is being caused (i.e. that it is more likely than not that such harm is being caused) by a significant contaminant(s).

The following health effects should always be considered to constitute significant harm to human health: death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions.

Other health effects may be considered by the local authority to constitute significant harm. For example, a wide range of conditions may or may not constitute significant harm (alone or in combination) including: physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. In deciding whether or not a particular form of harm is significant harm, the local authority should consider the seriousness of the harm in question: including the impact on the health, and quality of life, of any person suffering the harm; and the scale of the harm. The authority should only conclude that harm is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime.

If the local authority decides that harm is occurring but it is not significant harm, it should consider whether such harm might be relevant to consideration of whether or not the land poses a significant possibility of significant harm. For example, this might be the case if there is evidence that the harm may be a precursor to, or indicative or symptomatic of, a more serious form of harm, or that repeated episodes of minor harm (e.g. repeated skin ailments) might lead to more serious harm in the longer term.

In cases where the local authority considers that: (i) significant harm may be being caused, or is likely to have been caused in the past; and (ii) there is a significant possibility that it may happen again, the authority may choose to consider whether to determine the land on grounds of significant possibility of significant harm (as an alternative to consideration that significant harm is being caused).

Significant possibility of significant harm to human health

In deciding whether or not a significant possibility of significant harm to human health exists, the local authority should first understand the possibility of significant harm from the relevant contaminant linkage(s) and the levels of uncertainty attached to that understanding; before it goes on to decide whether or not the possibility of significant harm is significant.

Possibility of significant harm to human health

In assessing the possibility of significant harm to human health from the land and associated issues, the local authority should act in accordance with the advice on risk assessment.

The term “possibility of significant harm” as it applies to human health, for the purposes of this guidance, means the risk posed by one or more relevant contaminant linkage(s) relating to the land. It comprises:

(a) The estimated likelihood that significant harm might occur to an identified receptor, taking account of the current use of the land in question.

(b) The estimated impact if the significant harm did occur i.e. the nature of the harm, the seriousness of the harm to any person who might suffer it, and (where relevant) the extent of the harm in terms of how many people might suffer it.

In estimating the likelihood that a specific form of significant harm might occur the local authority should, among other things, consider:

(a) The estimated probability that the significant harm might occur: (i) if the land continues to be used as it is currently being used; and (ii) where relevant, if the land were to be used in a different way (or ways) in the future having regard to the guidance on “current use”.

(b) The strength of evidence underlying the risk estimate. It should also consider the key assumptions on which the estimate of likelihood is based, and the level of uncertainty underlying the estimate.

In some cases the local authority’s assessment of possibility of significant harm may be based, solely or partially, on a possible risk that may exist if circumstances were to change in the future within the bounds of the current use of the land. For example, an assessment may be based on a possible risk if a more sensitive receptor were to move onto the land at some point in the future. In such cases the authority should ensure that the possibility of the future circumstance occurring is taken into account in estimating the overall possibility of significant harm.

The local authority should estimate the timescale over which the significant harm might become manifest, to the extent that this is possible and practicable (and recognising that often it may only be possible and practicable to give a broad indication of the estimated timescale).

Having completed its estimation of the possibility of significant harm, the local authority should produce a risk summary.

Deciding whether a possibility of significant harm is significant (human health)

The decision on whether the possibility of significant harm being caused is significant is a regulatory decision to be taken by the relevant local authority. In deciding whether the possibility of significant harm being caused is significant, the authority is deciding whether the possibility of significant harm posed by contamination in, on or under the land is sufficiently high that regulatory action should be taken to reduce it, with all that would entail. In taking such decisions, the local authority should take account of the broad aims of the regime.

In deciding whether or not land is contaminated land on grounds of significant possibility of significant harm to human health, the local authority should use the categorisations described below. Categories 1 and 2 would encompass land which is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health. Categories 3 and 4 would encompass land which is not capable of being determined on such grounds.

In considering whether a significant possibility of significant harm exists, the local authority should consider the number of people who might be exposed to the risk in question and/or the number of people it estimates would be likely to suffer harm. In some cases, the authority may decide that this is not a particularly relevant consideration: it is quite possible that land could be determined as contaminated land on the basis of a significant possibility of significant harm to an individual or a small number of people. However in other cases the authority may consider that the number of people affected is an important consideration, for example if the number of people at risk substantially alters the authority's view of the likelihood of significant harm or the scale and seriousness of such harm if it did occur.

Category 1: Human Health

The local authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science based evidence that significant harm would occur if no action is taken to stop it. For the purposes of this Guidance, these are referred to as "Category 1: Human Health" cases. Land should be deemed to be a Category 1: Human Health case where:

(a) the authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or

(b) the authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere;

(c) the authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken. Among other things, the authority may decide to determine the land on these grounds if it considers that it is likely that significant harm is being caused, but it considers either: (i) that there is insufficient evidence to be sure of meeting the "balance of probability" test for demonstrating that significant harm is being caused; or (ii) that the time needed to demonstrate

such a level of probability would cause unreasonable delay, cost, or disruption and stress to affected people particularly in cases involving residential properties.

Category 4: Human Health

The local authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. For the purposes of this Guidance, such land is referred to as a “Category 4: Human Health” case. The authority may decide that the land is a Category 4: Human Health case as soon as it considers it has evidence to this effect, and this may happen at any stage during risk assessment including the early stages.

The local authority should consider that the following types of land should be placed into Category 4: Human Health:

(a) Land where no relevant contaminant linkage has been established.

(b) Land where there are only normal levels of contaminants in soil, as explained in Section 3 of this Guidance.

(c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria in accordance with this Guidance, or relevant technical tools or advice that may be developed in accordance with this Guidance.

(d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed in the normal course of their lives).

The local authority may consider that land other than the types described in the paragraph above should be placed into Category 4: Human Health if following a detailed quantitative risk assessment it is satisfied that the level of risk posed is sufficiently low.

Local authorities may decide that particular land apparently matching the descriptions of paragraph 4.21 (b) or (d) immediately above poses sufficient risk to human health to fall into Categories other than Category 4. However, such cases are likely to be very unusual and the authority should take particular care to explain why the decision has been taken, and to ensure that it is supported by robust evidence.

Categories 2 and 3: Human Health

For land that cannot be placed into Categories 1 or 4, the local authority should decide whether the land should be placed into either: (a) Category 2: Human Health, in which case the land would be capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health; or (b) Category 3: Human Health, in which case the land would not be capable of being determined on such grounds.

The local authority should consider this decision in the context of the broad objectives of the regime and of the Government's policy. It should also be mindful of the fact that the decision is a positive legal test, meaning that the starting assumption should be that land does not pose a significant possibility of significant harm unless there is reason to consider otherwise. The authority should then, in accordance with paragraphs below, decide which of the following two categories the land falls into:

(a) Category 2: Human Health. Land should be placed into Category 2 if the authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve and having regard to Section 1. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis.

(b) Category 3: Human Health. Land should be placed into Category 3 if the authority concludes that the strong case described above does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.

In making its decision on whether land falls into Category 2 or Category 3, the local authority should first consider its assessment of the possibility of significant harm to human health, including the estimated likelihood of such harm, the estimated impact if it did occur, the timescale over which it might occur, and the levels of certainty attached to these estimates. If the authority considers, on the basis of this consideration alone, that the strong case described above does or does not exist, the authority should make its decision on whether the land falls into Category 2 or Category 3 on this basis regardless of the other factors discussed in the paragraph below..

If the authority considers that it cannot make a decision in line with paragraph 4.26, it should consider other factors which it considers are relevant to achieving the objectives set out in Section 1. This should include consideration of:

(a) The likely direct and indirect health benefits and impacts of regulatory intervention. This would include benefits of reducing or removing the risk posed by contamination. It would also include any risks from contaminants being mobilised during remediation (which would in any case have to be considered under other relevant legislation); and any indirect impacts such as stress-related health effects that may be experienced by affected people, particularly local residents. If it is not clear to the authority that the health benefits of remediation would outweigh the health impacts, the authority should presume the land falls into Category 3unless there is strong reason to consider otherwise.

(b) The authority's initial estimate of what remediation would involve; how long it would take; what benefit it would be likely to bring; whether the benefits would outweigh the financial and economic costs; and any impacts on local society or the environment from taking action that the authority considers to be relevant.

In making its consideration in regard to the above, the local authority is not required to make a detailed assessment. For example, the consideration should not necessarily involve quantification of the impacts, particularly if the authority considers it is not possible or reasonable to do so, and the authority is not expected to produce a detailed cost-benefit or sustainability analysis. Rather it is expected to make a broad consideration of factors it considers relevant to achieving the aims of the regime.

If, having taken the above factors into account, the local authority still cannot decide whether or not a significant possibility of significant harm exists, it should conclude that the legal test has not been met and the land should be placed in Category 3.

Significant harm and significant possibility of such harm (non-human receptors)

In considering non-human receptors, the local authority should only regard receptors described in Tables 1 and 2 below, as being relevant for the purposes of Part 2A (e.g. harm to an ecological system outside the description in Table 1 should not be considered to be significant harm). Similarly, in considering whether significant harm is being caused or there is a significant possibility of such harm, the authority should only regard the forms of harm described in Tables 1 and 2 as being relevant.

Tables 1 and 2 below give guidance on how the local authority should go about deciding whether or not: (i) significant harm is being caused; or (ii) there is a significant possibility of such harm to non-human receptors. In making such decisions the authority should have close regard to Section 1 and should only consider determining land as contaminated land if it is satisfied it would be in accordance with the broad aims set out in Section 1.

In Tables 1 and 2, references to “relevant information” mean information which is: (a) scientifically-based; (b) authoritative; (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and (d) appropriate to inform the determination of whether any land is contaminated land.

In considering “ecological system effects” described in Table 1, the local authority should consult Natural England and have regard to its comments before deciding whether or not to make a determination.

Table 1- Ecological System Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
Any ecological system, or living organism forming part of such a system, within a location which is:	The following types of harm should be considered to be significant harm:	Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor

• a site of special scientific interest (under section 28 of the Wildlife and Countryside Act 1981) • a national nature reserve (under s.35 of the 1981 Act) • a marine nature reserve (under s.36 of the 1981 Act) • an area of special protection for birds (unders.3 of the 1981 Act) • a "European site" within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 • any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949.	• harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Species Regulations 2010.	where the local authority considers that: • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. Any assessment made for these purposes should take into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.

Table 2- Property Effects

Relevant Types of Receptor	Significant Harm	Significant Possibility of Significant Harm
Property in the form of: • crops, including timber;	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage.	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of

• produce grown domestically, or on allotments, for consumption; • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights.	For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provision of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss. In this Guidance, this description of significant harm is referred to as an "animal or crop effect".	receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.
Property in the form of buildings. For this purpose," building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.	Structural failure, substantial damage or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended. In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.

	of which the monument was scheduled. In this Chapter, this description of significant harm is referred to as a "building effect".	

Significant pollution of controlled waters and significant possibility of such pollution

This sub-section gives Guidance on how the local authority should go about deciding whether significant pollution of controlled waters is being caused, or whether there is a significant possibility of such pollution being caused. This sub-section deals with controlled waters as a receptor in contaminant linkages, and not as a pathway.

In establishing whether significant pollution of controlled waters is being caused, or whether there is a significant possibility of such pollution being caused, the local authority should have regard for any technical guidance issued by the Environment Agency to support this Guidance. If the authority considers it likely that land might be contaminated land on such grounds, it should consult the Agency and have strong regard to the Agency's advice.

Pollution of controlled waters

Under section 78A(9) of Part 2A the term "pollution of controlled waters" means the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter. The term "controlled waters" in relation to England has the same meaning as in Part 3 of the Water Resources Act 1991, except that "ground waters" does not include waters contained in underground strata but above the saturation zone.

Given that the Part 2A regime seeks to identify and deal with significant pollution (rather than lesser levels of pollution), the local authority should seek to focus on pollution which: (i) may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems; (ii) which may result in damage to material property; or (iii) which may impair or interfere with amenities and other legitimate uses of the environment.

Significant pollution of controlled waters

The following types of pollution should be considered to constitute significant pollution of controlled waters:

(a) Pollution equivalent to "environmental damage" to surface water or groundwater as defined by The Environmental Damage (Prevention and Remediation) Regulations 2009, but which cannot be dealt with under those Regulations.

(b) Inputs resulting in deterioration of the quality of water abstracted, or intended to be used in the future, for human consumption such that additional treatment would be required to enable that use.

(c) A breach of a statutory surface water Environment Quality Standard, either directly or via a groundwater pathway.

(d) Input of a substance into groundwater resulting in a significant and sustained upward trend in concentration of contaminants (as defined in Article 2(3) of the Groundwater Daughter Directive (2006/118/EC).

In some circumstances, the local authority may consider that the following types of pollution may constitute significant pollution: (a) significant concentrations of hazardous substances or non-hazardous pollutants in groundwater; or (b) significant concentrations of priority hazardous substances, priority substances or other specific polluting substances in surface water; at an appropriate, risk-based compliance point. The local authority should only conclude that pollution is significant if it considers that treating the land as contaminated land would be in accordance with the broad objectives of the regime. This would normally mean that the authority should conclude that less serious forms of pollution are not significant. In such cases the authority should consult the Environment Agency.

The following types of circumstance should not be considered to be contaminated land on water pollution grounds:

(a) The fact that substances are merely entering water and none of the conditions for considering that significant pollution is being caused set out in the paragraphs above are being met.

(b) The fact that land is causing a discharge that is not discernible at a location immediately downstream or down-gradient of the land (when compared to upstream or up-gradient concentrations).

(c) Substances entering water in compliance with a discharge authorised under the Environmental Permitting Regulations.

Significant pollution of controlled waters is being caused

In deciding whether significant pollution of controlled waters is being caused, the local authority should consider that this test is only met where it is satisfied that the substances in question are continuing to enter controlled waters; or that they have already entered the waters and are likely to do so again in such a manner that past and likely future entry in effect constitutes on-going pollution. For these purposes, the local authority should:

(a) Regard substances as having entered controlled waters where they are dissolved or suspended in those waters, or (if they are immiscible with water) they have direct contact with those waters on or beneath the surface of the water.

(b) Take the term “continuing to enter” to mean any measurable entry of the substance(s) into controlled waters additional to any which has already occurred.

(c) Take the term “likely to do so again” to mean more likely than not to occur again.

Land should not be determined as contaminated land on grounds that significant pollution of controlled waters is being caused where: (a) the relevant substance(s) are already present in

controlled waters; (b) entry into controlled waters of the substance(s) from land has ceased; and (c) it is not likely that further entry will take place.

Significant possibility of significant pollution of controlled waters

In deciding whether or not a significant possibility of significant pollution of controlled waters exists, the local authority should first understand the possibility of significant pollution of controlled waters posed by the land, and the levels of certainty/uncertainty attached to that understanding, before it goes on to decide whether or not that possibility is significant. The term “possibility of significant pollution of controlled waters” means the estimated likelihood that significant pollution of controlled waters might occur. In assessing the possibility of significant pollution of controlled waters from land, the local authority should act in accordance with the advice on risk assessment in this guidance

In deciding whether the possibility of significant pollution of controlled waters is significant the local authority should bear in mind that Part 2A makes the decision a positive legal test. In other words, for particular land to meet the test the authority needs reasonably to believe that there is a significant possibility of such pollution, rather than to demonstrate that there is not.

Before making its decision on whether a given possibility of significant pollution of controlled waters is significant, the local authority should consider:

(a) The estimated likelihood that the potential significant pollution of controlled waters would become manifest; the strength of evidence underlying the estimate; and the level of uncertainty underlying the estimate.

(b) The estimated impact of the potential significant pollution if it did occur. This should include consideration of whether the pollution would be likely to cause a breach of European water legislation, or make a major contribution to such a breach.

(c) The estimated timescale over which the significant pollution might become manifest.

(d) The authority’s initial estimate of whether remediation is feasible, and if so what it would involve and the extent to which it might provide a solution to the problem; how long it would take; what benefit it would be likely to bring; and whether the benefits would outweigh the costs and any impacts on local society or the environment from taking action.

The local authority should consider these factors in the context of the broad objectives of the regime. It should also consider how the factors interrelate (e.g. likelihood relative to impact). The authority should then decide which of the following categories the land falls into. Categories 1 and 2 would comprise cases where the authority considers that a significant possibility of significant pollution of controlled waters exists. Categories 3 and 4 would comprise cases where the authority considers that a significant possibility of such pollution does not exist.

Category 1 (Water): This covers land where the authority considers that there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. In particular this would include cases where there is robust science-based evidence for considering that it is likely that high impact pollution would occur if nothing were done to stop it.

Category 2 (Water): This covers land where: (i) the authority considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nonetheless, on the basis of the available scientific evidence and expert opinion, the authority considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, with all that this might involve (e.g. likely remediation requirements, and the benefits, costs and other impacts of regulatory intervention). Among other things, this category might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.

Category 3 (Water): This covers land where the authority concludes that the risks are such that (whilst the authority and others might prefer they did not exist) the tests set out in Categories 1 and 2 above are not met, and therefore regulatory intervention under Part 2A is not warranted. This category should include land where the authority considers that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.

Category 4 (Water): This covers land where the authority concludes that there is no risk, or that the level of risk posed is low. In particular, the authority should consider that this is the case where: (a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or (b) the possibility only relates to types of pollution described in paragraph 4.40 above (i.e. types of pollution that should not be considered to be significant pollution); or (c) the possibility of water pollution similar to that which might be caused by “background” contamination as explained in Section 3.

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ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ।ਗਿ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہوں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

REPORT TO:	**ENVIROMENT AND DEVELOPMENT COMMITTEE**	**AGENDA ITEM: 8**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY: RECOMMENDED**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	**OPEN**
MEMBERS' CONTACT POINT:	**SEAN MCBURNEY HEAD OF CULTURAL AND COMMUNITY SERVICES** Sean.mcburney@southderbyshire.gov.uk	**DOC:**
SUBJECT:	**GRASS VERGE CONSERVATION MANAGEMENT**	
WARD (S) AFFECTED:	**ALL WARDS**	**TERMS OF REFERENCE: EDS**

1.0 Recommendations

1.1 That the Committee acknowledges the scope of this project and supports the Councils involvement in this scheme/project.

1.2 That the Committee approves the proposed project plan and the areas of road verge to be included in this scheme.

2.0 Purpose of the Report

2.1 To give background and details on this project.

2.2 To present the proposed project plan for approval. Table 1 & 2 – Year 1(2024), Table 3 – Year 2/3(2025 & 2026).

3.0 Executive Summary

3.1 The no mow may campaign which has become well established and has run as a success for many years, SDDC propose to expand the campaign with conservation grazing management on verges across the District. The project will encompass how both South Derbyshire District Council commissions road verge maintenance work so that we can have healthier and more biodiverse grassland verges throughout the District and as part of the County under the Nature Recovery Network (NRN).

3.2 Road verge maintenance is mainly undertaken by District and Borough Councils on behalf of the County Council under the specifications set out in Agency Agreements. It is important every opportunity is taken to make sure maintenance work is done in the

right way, at the right time, for the right money and fulfils the Council's legal duties, including the duty to biodiversity.

3.3 The Environment Act 2021 has extended existing 'biodiversity duties' which apply to local planning authorities. All public authorities must review how their activities can affect or improve biodiversity, and to plan for how they can conserve and enhance biodiversity as they carry out their work.

3.4 The Nature Recovery Network is a major commitment in the government's 25 Year Environment Plan. The NRN will help deal with 3 big challenges: biodiversity loss, climate change and wellbeing.

3.5 We have support for the project from Derbyshire County Council who are looking to test how changing specifications of road verge management impacts on work programmes, efficiencies, and cost.

3.6 Also grass cut later in the growing season, less frequently and removing the cuttings creates greater diversity of species, better structure and provides resources to pollinating insects.

3.7 The list of areas to be advanced in Year 2/3 of the project have been initially identified from the previous scoping works carried out by DCC and SDDC Officers. A consultation period is proposed to receive input from councillors and parish councils to determine the suitability of the verge for conservation management, alongside a prior physical check of the verge before proceeding with any site. We welcome any feedback from appropriate representatives and the list is open to amendment. The focus of conservation management is to create diverse grasslands within shin height grassland as opposed to knee length longer grass.

4 Detail

4.1 The no mow may campaign which has become well established and has run as a success for many years has encouraged SDDC to propose to expand the campaign with conservation management on verges across the District.

4.2 Conservation grassland management plans to expand the concept of no mow may but with a particular focus on developing the diversity of grasslands to becoming more diverse and much more able to cope with climate change. A focus of conservation management is to increase flowering plant diversity in shorter grass to avoid a longer sward becoming dominated by common and course grasses such as False oat-grass *(Arrhenatherum elatius*), cock's-foot (*Dactylis glomerata*) and Yorkshire-fog *(Holcus lanatus*) and overdominance by forbs particularly cow parsley (*Anthricus sylvestris*), hogweed (*Heracleum sphondylium*), creeping thistle (*Cirsium arvense*), broad-leaved dock (*Rumex obtusifolius*) and common nettle (*Urtica dioica*).

4.3 South Derbyshire verges will be managed on an adjustable approach to avoid cutting of plants in flower, comprise fewer cuts per year and at a greater height to allow grasses and forbs to become stronger and more resilient. With a strong focus on monitoring and adaptability to prevailing weather conditions. Part of the focus of the plan is to steer away from the public perception of unsightly and unmanaged long grass dominated a by a few competitive grasses and forbs. The plan aims to create manged grasslands that are rich in diversity and function for wildlife but are also accommodating as green spaces and occupy a pleasant aesthetic.

4.4 A ‘managed’ look will be maintained for pathways and desire lines by mowing a 1-2 metre strip of short grass between any paths and longer grass. ‘South Der-bee-shire’ bee signs provide information to the public about the benefits of biodiversity rich grasslands.

4.5 To keep flowering plants in short grass, cutting up to 8cm can take place up into April, then avoid cutting until after flowering and seeds have set, then cut to 8-10cm. Mowing will take place at a maximum of once every four weeks to allow plants to continue growing in short grass and to flower between cuts. The time of cutting will be decided by the Green Space Biodiversity Officer and Street Scene Supervisor to avoid unnecessary and potentially damaging cutting.

4.6 Verges may only be cut once between mid-July and end of September or have main cut between mid-July and end of September with possible cut(s) later in the year.

4.7 Any cut that produces substantial mowings should have them removed. This will reduce the build-up of organic material, keep nutrient levels low, and provide space for plants to regenerate from seed. It may be necessary to reduce soil fertility by cutting a few times, removing mown grass each time.

4.8 The project in Year 2/3 requires SDDC to put 100km of grass verges (50km of road is verges on both sides) into conservation management in those summers. These are verges SDDC manage on behalf of DCC in the District but would ideally include a range of conditions, for example ‘rural’, suburban, urban, high visibility, low visibility.

4.9 These areas have been identified and have been selected by the Ground Maintenance Supervisor and team with consultation from our outgoing Biodiversity Officer. These areas are ones that have been assessed from and Health & Safety point of view and from an ecological aspect. Where we can create wildlife corridors to link some of these verges with areas that will be involved in No Mow May or wildflower meadows.

4.10 There is a lead project officer from DCC who will be liaising with us throughout the project. They will lead on Public and stakeholder reaction. We will be channelling comments, and correspondence to them so they can respond and collate.

4.11 Communication plans to notify residents within proximity to the selected verges has been implemented under No Mow May, as well new signage will be placed on selected verges to explain the advancement of the project.

4.12 The initial first cut of the season will be planned as normal as an opportunity to litter pick and clear the verges prior to the start of conservation management.

4.13 The list of no mow May sites to be managed under Conservation Management in year 1 (2024).

Table 1

Village/Parish	Verge Number	Street Name
ASTON ON TRENT	1	MAPLE DRIVE,
	2	WILLOW PARK WAY,
CHURCH GRESLEY	3	LAND NORTH OF YORK RD/WEST OF WILMOT RD,
	4	THORPE DOWNS WAY,
	5	GLAMORGAN WAY,
	6	HANDSACRES CLOSE,
	7	BRUNEL WAY, CASTLETON PARK CASTLE ROAD,
	8	SOLENT ROAD, CASTLETON PARK,
ETWALL	9	EGGINGTON ROAD,
HILTON	11	MONTGOMERY CLOSE,
MIDWAY	12	EDGECOTE DRIVE, EDGECOTE ESTATE,
	13	LAND OFF ASTON DRIVE, EDGECOTE ESTATE,
	14	LAND NORTH OF LAWNS DRIVE, EDGECOTE ESTATE,
	15	TENNYSON AVENUE, OPP SANDHOLES,
NEWHALL AND STANTON WARD	16	BRETBY HOLLOW,
	17	NEWHALL PARK,
SEALES WARD	18	ACRESFORD ROAD, OVERSEAL,
	19	BURTON ROAD, OVERSEAL,
	20	FOREST VIEW, OVERSEAL,
	21	HALLCROFT AVENUE, OVERSEAL,
	22	CLOVER COURT,
SHARDLOW	23	BURWICK ROAD,
STENSON	24	HEARTHCOTE ROAD,
SWADLINCOTE	25	HANDSACRE CLOSE,
	26	LAND ADJACENT TO CADLEY HILL ISLAND,
WOODVILLE	27	DOVE CLOSE (FALCON WAY),
	28	FINCH CLOSE (FALCON WAY) WOODVILLE ROAD,

4.1 Below listed in table 2 are verges in current management as rural verges or as gateway sites and those verges that underwent a wildflower seeding programme under Pictorial Meadows, a not-for-profit Green Estate Community Interest Company. These sites are to be managed under Conservation Management in year 1 (2024).

Table 2

Village/Parish	Verge Number	Type of Verge
A514 TICKNALL TO STANTON	1	RURAL VERGE
A50 SHARDLOW TO ELVASTON	2	RURAL VERGE
WALTON ROAD, DRAKELOW	3	RURAL VERGE
CATTON ROAD, WALTON ON TRENT	4	RURAL VERGE
B5008 TOWARDS WILLINGTON	5	GATEWAY SITES
A516 ETWALL TO MICKLEOVER	6	GATEWAY SITES
WILLIAM NADINE WAY, SWADLINCOTE	7	PICTORAL TRIAL
THE MEASE, HILTON	8	PICTORAL TRIAL
TICKNALL ROAD, TICKNALL	9	PICTORAL TRIAL
HARTSHORNE ROAD, HILTON/REPTON	10	PICTORAL TRIAL

4.2 The list of areas to be advanced in Year 2/3 (2025 & 2026) of the project is as follows; These have been preliminary identified with DCC and SDDC officers, a consultation period will be held to receive input from councillors and parish councils to determine the suitability of the verge for conservation management, alongside a prior physical check of the verge before proceeding with any site. We welcome any feedback from appropriate representatives and the list is open to amendment. The focus of conservation management is to create diverse grasslands within shin height grassland as opposed to knee length longer grass.

Table 3

Village/Parish	Verge Number	Street Name
ASTON ON TRENT	1	SHARDLOW ROAD
BARROW ON TRENT	2	CHURCH LANE,
	3	SWARKESTONE ROAD,
	4	TWYFORD ROAD,
CALDWELL	5	MAIN STREET,
	6	SANDY LANE,
CASTLE GRESLEY	7	BURTON ROAD,
	8	CASTLE ROAD,

	9	MOUNT PLEASANT ROAD,
	10	SWADLINCOTE LANE,
CHURCH GRESLEY	11	BRUNEL WAY,
	12	CASTLE ROAD,
	13	GRESLEY WOOD ROAD,
	14	OLD HALL GARDENS,
	15	SWADLINCOTE LANE,
ETWALL	16	ASHVIEW CLOSE,
	17	BELFIELD ROAD,
	18	CHESTNUT GROVE,
	19	CHURCH HILL,
	20	EGGINTON ROAD,
	21	GERARD GROVE,
	21	HILTON ROAD,
	23	LAWN AVENUE,
	24	MAIN STREET,
	25	SANDYPITS LANE,
	26	SPRINGFIELD ROAD,
	27	SUTTON LANE,
	28	THE BANCROFT,
	29	WILLINGTON ROAD,
	30	WINDMILL ROAD,
FINDERN	31	DOLES LANE,
	32	HEATH LANE,
	33	WILLINGTON ROAD,
HARTSHORNE	34	WOODVILLE ROAD,
HATTON	35	DERBY ROAD,
	36	FIELD AVENUE,
HILTON	37	BACK LANE,
	38	DERBY ROAD,
	38	EGGINTON ROAD,
	39	MAIN STREET,
	40	PEACROFT LANE, HILTON
	41	THE MEASE, HILTON
LINTON	42	CALDWELL ROAD,
	43	CEDAR GROVE,
	44	COTON PARK,
	45	HIGH STREET,
	46	PRINCESS AVENUE,
	47	SEAL VIEW,
	48	THE CLOSE,
	49	THE CREST,
	50	WARREN DRIVE,

	51	WINCHESTER DRIVE,
	52	WINDSOR ROAD,
MIDWAY	53	BURTON ROAD,
	54	DUNSMORE WAY,
MILTON	55	MAIN STREET,

5.0 Fire Hazard Control

5.1 This advice seeks to find an evidence-based resolution and retrieve standing evidence for the Fire & Emergency Services to take forward conservation management of verges and identify the risk of ignition and wildfire spread on those verges. It is recognised that the risk of wildfire is greater now because of climate change and that this risk needs to be factored into grounds management procedures.

5.2 When considering wildfire risk, the combustibility of the type of vegetation cover should be considered compared to the alternatives that might already be present. If possible, 'fire resistant' vegetation types should be chosen in place of any that are known to be particularly flammable. Useful information on the relative combustibility of different forms of vegetation comes from a recent study on wildfire occurrence on the borders of Hampshire, Surrey, and Berkshire. Here nearly 1000 actual wildfire records collected over a four-year period by the Fire & Rescue Service were classified according to land-use (Table 1). Table 1 shows the 'Risk of Ignition' according to a five-category system, from Very Low (score 1) to Very High (score 5).

5.3 It shows that based on real data, some forms of vegetation such as heather grassland are comparatively flammable, whilst others such as grass and 'other vegetation' carry a very low risk. Taken as a whole, the Table suggests that wildflower meadow creation using both widely accepted creation methods ((a) let existing grass grow long (don't mow until July or August) and wait for wildflower seed to arrive by natural colonisation, and then germinate and establish. Alternatively, (b) it is possible to remove the grass turf by digging it up and then seed the site with appropriate meadow species) is comparatively safe. However, it might be advisable to make a summer cut in newly establishing meadow areas, with the arisings being carried away from the site. The accepted practice of "cut & collect" in the management of such areas reduces the potential of dry arisings to become fuel for wildfires.

Comparison of relative Risk of Ignition scores for land cover types using method based on Fire and Rescue Service data for all vegetation fires for financial years 2009/10 to 2012/13. Score 1 = Very Low, Score 5 = Very High

Land cover type	Risk of Ignition score
1. Broadleaved	3
2. Coniferous	3
3. Felled	2
4. Ground prepared for new planting	5
5. Mixed – predominantly Broadleaved	5
6. Mixed – predominantly Conifer	4
7. Young trees	4
8. Low density	1
9. Assumed woodland	1
10. Shrub land	1
11. Grass	2
12. Agricultural land	3
13. Other vegetation	1
14. Bare ground/rock	2
15. Urban/building	3
16. Quarry	5
17. Powerline	1
18. Forest road or track	1
19. Heather	2
20. Heather grassland	4

(from McMorrow et al., 2021)

5.4 Using advice from American experience, who have well established practices for dealing with wildfires giving increased and proven risk on 'fire resistant landscaping' is to purposely establish areas of wildflower meadows in areas of housing but leaving a meadow-free zone of five feet (1.5 metres) around properties. Other authoritative American advice for semi-arid areas in Utah states: "Furthermore, wildflower meadows could serve as an important buffer against wildfires at the urban-wildland interface". This implies that the authorities there don't regard wildflower meadow as a risk, but instead see it to prevent wildfire spread.

5.5 American research and experience in managing wildflower meadows in regions prone to wildfire suggest that this can be done without undue risk if wildflower areas are managed regarding fire hazard, i.e. **arisings are removed from site**.

5.6 Following these principles, establishment of wildflower meadow is seen as providing a low risk of ignition and this is borne out by British data from the Home Counties. Indeed, Surrey Heath Borough Council, with considerable heathland vegetation cover close to the study area referred to above, makes it clear to residents that it doesn't regard areas of wildflowers and long grasses as creating a fire hazard, if proper guidance is followed.

5.7 Standing advice from Devon & Somerset Fire & Rescue Service in 2022 is;

Is long, dry grass a fire risk?

5.8 Any length of grass needs an ignition source to catch fire. It cannot spontaneously combust. However, grass fires can start and spread quickly, travelling considerable distances at speed. Because of how fine grass is, it burns very fast. The taller and drier

the grass, the more intensely it will burn. Shorter grass will have a lower flame height and the fire will be easier to control. Grass under 10cm is a lower risk.

5.9 It is important to remember that a fire must start with ignition, so we can all take responsibility for reducing the risk of grass or wildfires:

- Put out and discard cigarettes carefully.
- Don't drop litter.
- Avoid campfires and BBQs.

If Residents have concerns about overgrown grass near property

5.10 If you are particularly concerned about overgrown grass near your home, consider:

- Having a hosepipe or water easily available
- Trimming back your own hedges, plants, and grass to create more space between your home and the problem area

Reporting overgrown grass or vegetation

5.11 If Residents are concerned about an area of land and you don't know who owns it, you could ask your neighbours, or contact your local council. Remember that many councils will be deliberately leaving grass longer as part of their rewilding programme.

5.12 Standing advice from Warwickshire Fire Service/Warwickshire County Council and South Devonshire Fire Service will be used with particular focus on removing arisings off verges. Further confirmation will be obtained from Derbyshire Fire & Rescue Service to confirm national advice/best practice.

6.0 Financial Implications

6.1 There are no direct financial implications assessed yet. However, data will be collated and monitored to identify any savings directly arising from advancing Verge Conservation management. It would also be valuable to incorporate cost analysis within the project. To help generate a per km cost for those larger verges to be incorporated in Year 2/3 (2025/26) to amenity cut a grass verge (current situation) and to conservation cut. Also to help determine the costs (reasonable estimate) of running a dual system where some verges need to remain in amenity cut management and others as conservation managed. Also determining If there are savings to be made through conservation cutting, how could they be reinvested, for example into the rural network or for the purchase of machinery etc.

7.0 Corporate Implications

Employment Implications

7.1 There are no employment implications arising from this report.

Legal Implications

7.2 This project and the Action Plan for Nature (APN) Work Programme provides a measurable opportunity to adhere to its legal 'Biodiversity Duty' under the Environment Act 2021 to 'conserve' and 'enhance' biodiversity.

Corporate Plan Implications

7.3 The project contributes to the Corporate Plan Priorities and Key Aims including:

Our Environment

a. Improve the environment of the district
    i. Enhance biodiversity across the district
b. Tackle Climate Change
    i. Strive to make South Derbyshire District Council carbon neutral by 2030
c. Enhance the attractiveness of South Derbyshire
    i. Improve public spaces to create an environment for people to enjoy.

6.4 The advancement of this programme contributes to the Ecological Emergency Declaration made by South Derbyshire District Councillors in 2023.

7.0 Risk Impact

7.1 The Action Plan for Nature and this project provides a measurable and accountable strategy of The Council's legal 'Biodiversity Duty' under the Environment Act 2021 and therefore reduces the risk of not complying with this legislation.

8.0 Community Impact

8.1 An output of this project will be encouraging local communities to connect with nature through environmental projects and education to appreciate biodiversity.

9.0 Equality and Diversity Impact

9.1 None known.

10.0 Social Value Impact

10.1 The APN and this project promote 'investment in nature' which can create opportunities for nature-based solutions such as climate adaptation and resilience, flood alleviation, the improvement and expansion of green spaces, and connection to nature. Nature-based solutions therefore have the potential for significant positive impacts to society.

11.0 Environmental Sustainability

11.1 This project and Work Programme promotes Environmental Sustainability at its core. Investing in nature is critical to sustaining a healthy environment for generations to come.

Description of Documentation	Document Reference
The compatibility of wildflower meadow areas and wildfire risk in Petersfield parish Andy J Moffat and Melanie Oxley June 2023	https://petersfieldsociety.org.uk/wp-content/uploads/2023/06/Wildflower-meadows-and-wildfires-June-2023.pdf
South Derbyshire Common Ragwort Policy & Advice Note	Attached Separately

Appendix 1 – Ground Maintenance Training
Appendix 2 – Ragwort Policy & Advice
Appendix 3 – DEFRA Ragwort Ragwort code of practice

South Derbyshire District Council

GROUNDS MAINTENANCE BIODIVERSITY TRAINING

- GARETH PRICE
- BIODIVERSITY OFFICER

South Holland's towns and villages will become a "weed-infested wilderness" if Lincolnshire County Council doesn't backtrack on a money-saving decision to stop cutting grass verges.

The council announced last year it was to end routine cutting of verges in built-up areas from this April and with summer growth now in full swing the result is starting to become clear.

Retired Graham Petts (68), of West Elloe Avenue, who regularly litter picks the length of his road to keep it looking nice, said: "Spalding is going to turn into a weed-infested wilderness if they don't cut the grass this year.
"Thousands of dandelions are going to seed and the whole lot will be weeds instead of grass.

"I feel quite aggrieved about it. It's just spoiling the whole look of the town.
"I cut in front of my house and several other people have been doing the same but there are a number of bits not in front of houses or where people won't.

"It's all to do with quality of life. West Elloe, for instance, is one of the main thoroughfares into town and scruffy grass verges just detract from it. The trees take a lot of maintaining too, what will be next? Will they chop them down?"

In rural areas, two summer safety cuts of verges are to continue to a width of one metre either side of the road and footpath. And at junctions and some bends, verges will be cut to the highway boundary to improve visibility. The first cut will be either this month or next.
Reduction in tree maintenance has also been agreed to save £38,000.

A highways spokesperson said: "The council can no longer afford to do everything it's done in the past.
"As a result, we will now only be funding two cuts a year at locations where overgrown grass could cause safety issues. In addition, we'll be carrying out weed control once a year.
"We believe this new approach strikes the right balance – it keeps our roads safe, while ensuring the service remains affordable.

"In some areas, the work will be taken on by the district or parish council, who may also carry out additional cuts at their own expense.
"This will save the council £750,000 annually, helping protect other vital areas like the pothole budget."

It had initially been hoped to save £850,000 a year.

Resident Graham Petts with an overgrown verge in West Elloe Avenue, Spalding

Towns and villages 'spoilt' by council decision to stop cutting verges

Hi, I was so loving the flowers that were appearing daily along Hearthcote Rd. & Handsacre Cl. whilst out walking my dog. There were lots of insects bobbing about too! Today, I see the mower has visited, gone are the flowers, grasses & insects, just sterile mowed grass! Having just grass is a bonus nowadays, but it could have been so much more diverse! Even the sign saying South Derbyshire supports the bees has been chucked aside the mowed part!

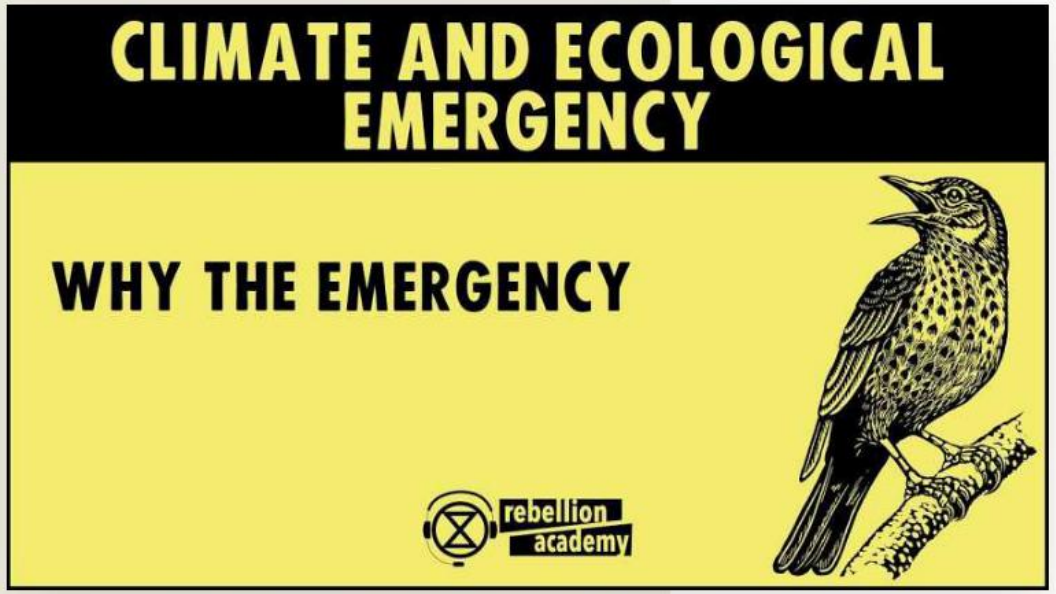
Actually, feel sad, annoyed, disappointed and wondering when we'll let wildlife flourish! You can do better SDDC!!!

I am emailing to express my concern about the state of the green area by Montgomery Close and Pegasus Way in Hilton. A sign has been placed for it to be a pollination area, but I am concerned along with several other residents, at the eye sore of this. Could I check if residents were consulted about this initiative?

Children have been observed struggling to play on the green due to the length of the grass, along with dogs fouling on there. It has the recipe for a disaster. Could I ask is this a cost cutting exercise for the council to place a pollination sign up and then stop cutting the grass to save money?

Could I request that the grass is cut as a matter of urgency?

- This is a message to be passed to the grounds team I believe.
- Please can a request a 1 meter fire break.
- There are lots of weeds and dried grass immediately to the left of my garden fence that is a fire risk. Please can I request that this is cleared and cleared ongoing when the grass is cut, according the 1 metre fire break.



South Derbyshire District Council passes eco-emergency motion

- Half of our 27 bumblebee species are in decline
- Three of these bumblebee species have already gone extinct
- Seven bumblebee species have declined by more than 50% in the last 25 years
- Two-thirds of our moths and 71% of our butterflies are in long term decline.
- Across Europe 38% of bee and hoverfly species are in decline; only 12% are increasing

Unpredictable/extreme weather resulting from our changing climate
Intensive farming, which has fragmented and isolated flower-rich habitats and affected the quality of much that remains.
Pesticide use – intended for the ‘troublesome’ insects but killing the beneficial ones too
Loss of flowery habitat to urban growth and the associated sanitising of the nearby countryside
Inappropriate tree planting on flowery habitats
Loss of and damage to brownfield sites.
Imagine living in a desert with barely any food, water or shelter. That is what much of the modern British countryside is now like for many wild pollinators.

Public pressure over road verge management has ramped up in recent years, largely thanks to Plantlife, which has been campaigning for wilder road verges since 2013. Where tidiness was once seen as a mark of civic pride, plastic lawns and shorn roadsides are now reviled by conservationists and many members of the public

Councils have reported that they had made changes in response to public pressure – both positive and negative. Lambeth is trialling a new management regime on one road at the request of residents

CHANGES

At least 35 councils responded that they had reduced their number of annual cuts; a handful of others had introduced new wildflower projects or had increased the number of conservation areas. Manchester was the sole council to change the height to which they mowed the grass; Birmingham mentioned that it had reduced the number of cuts after buying new equipment that could deal with longer grass. Only one council – Barnsley – reported that it had increased the number of cuts, from two to four times per year

"Complaints had historically been related to us not cutting enough and the verges looking untidy – complaints were now much more geared to overcutting and loss of habitat. The system that we have implemented ensures that the highway is safe to use but also allows the verges to be managed with a keen eye on biodiversity, pollinators and habitat.

Worcestershire has become a "pollinator-friendly county" following a shift in complaints from members of the public.

If you look back at old pictures, people weren't as tidy.

I think bohemian untidiness is what we're aiming for

– you don't want it to look like neglect."

You can't personally help tigers, whales and elephants but you really can do something for the insects, birds and plants that are local to you,"

“The direction of travel is having a less intensive mowing and hedgerow cutting regime”

“cut less, cut later”

Leaving the grass to grow 8-10cm (3-4in) tall means clovers, daisies, self-heal and creeping buttercup can also flower

GETTING THE RIGHT HEIGHT


Short grass doesn’t have to be sterile: ankle-length lawns can support species such as clovers, trefoils, dandelions, selfheal, buttercups and yarrow. To achieve this, Plantlife recommends cutting once every four weeks to a height of around 3-6cm
© Rose Revera

- This unassuming road verge supports at least 31 species, many of them characteristic of calcareous grassland habitat, including fairy flax, rough hawkbit, wild marjoram, sheep's fescue and upright brome. Other parts of the same verge supports common spotted, pyramidal, bee and fly orchids.

sowing seeds that provide a “good visual display”

A flourishing road verge is a thing of beauty: a trove of botanical jewels, a feast of nectar, a burst of colour to brighten tarmac roads

PREVENT DAMAGING BEHAVIOUR

STOP NEEDLESS PRACTICES

ALWAYS WANT YOUR FEEDBACK?

IF YOU SEE FLOWERING PLANTS AND YOU DON'T THINK A CUT IS REQUIRED OR YOU WANT TO AMEND HOW YOU DO THINGS YOU CAN ALWAYS TALK TO BOBBY OR THE GREEN SPACES TEAM

The relationship between plants and their pollinators is an ancient one

Encased in the fragment of amber, approximately 99 million years old and recovered from a mine in northern Myanmar, the tumbling flower beetle, exhibited a suite of evidence suggesting its role as a pollinator.

Pollination is how flowering plants reproduce. Pollen needs to travel from the flower's male part, called the anther, to the flower's female part, called the stigma. Pollen is full of genetic information needed to fertilise a plant. Once fertilised, plants can make their seeds.

Without bees, hoverflies and other insects visiting flowers, there would be no strawberries, apples, avocados, chocolate, cherries, olives, blueberries, carrots, grapes, pumpkins, pears, plums or peanuts…. And very few flowers in our gardens and countryside.

84% of EU crops (valued at £12.6 billion) and 80% of wildflowers rely on insect pollination

The biodiversity of England's road verges will depend on how they are managed – in particular, how often and when the grass is cut

Just as roads allow humans to get from place to place, these adjacent ecosystems provide mammals and insects with safe passage across the country, alongside food and shelter.

Road verges cover 1.2 percent of the land in Great Britain; already, they support almost half of the UK's wildflower species, including 29 species of orchid.

These verges essentially act as mini-meadows, depending on human intervention for their annual displays of colour. Cutting too regularly will prevent wildflowers from setting seed; equally, never cutting will smother species diversity by allowing coarser plants to take hold. Counterintuitively, wildflowers prefer to grow in nutrient-poor soil, which is achieved by cutting and removing the clippings

There are 240 species of dandelion in the UK.

If dandelions were rare, people would be fighting over them. Because they're common, people pull them out and spray them off and all sorts of horrible things. Just let them flower

The dandelion's peak flowering time is from late March to May, when many bees and other pollinators emerge from hibernation. Each flower in fact consists of up to 100 florets, each one packed with nectar and pollen. This early, easily available source of food is a lifesaver for pollinators in spring.

The young leaves are edible and loaded with vitamins and antioxidants, the roots can be ground into a (quite tasty) coffee substitute, and the flowers can be made into wine

Their flowers develop into seeds, creating the dandelion clocks that I used to play with as a child. These seeds are an exact replica of the parent plant and use the wind to disperse.

Dandelion (Taraxacum officinale), was named after the French dent de lion, meaning lion's tooth, which refers to its toothed leaves. Other names for dandelion include wet-the-bed and pissy-beds, which refer to its effectiveness as a diuretic

Hounslow Council says it has been significantly reducing the use of herbicide for the management of weeds throughout the borough

There has been a call for a ban on the weed killer glyphosate. Some local councils have outlawed it

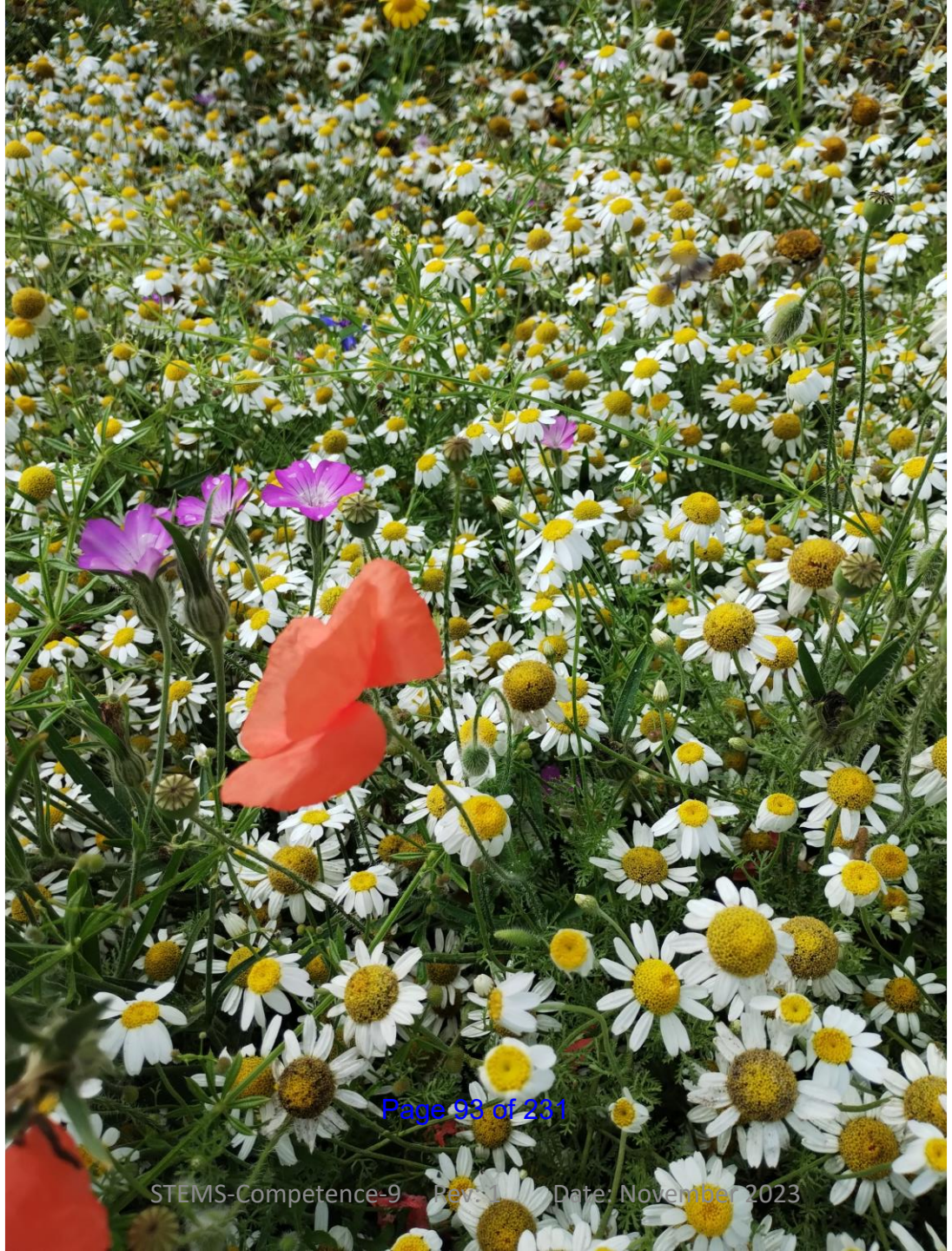
Removing herbicides does present operational challenges, herbicides have always been considered a cost-effective solution due to their less labour-intensive results. Hence, they are requesting residents to remain patient as non-chemical treatments generally take longer to impact weeds, usually an additional two to three weeks.

MANAGING ROAD VERGES FOR SAFETY AND BIODIVERSITY GUIDANCE

The way in which verges are cut will affect their value for wildlife (biodiversity), and positive steps can be taken to enhance this:

Start cutting as late as possible in the season,

Where possible do not cut flowering plants, and plants which have yet to flower.



Many plants are low lying and once biodiversity increases, it is unlikely to interfere with visibility. The commoner or coarser plants tend to be the taller growing

Where the verge is heavily shaded and vegetation growth is sparse avoid cutting or cut light and high.

Outside settlements cut vegetation within one swathe width of the carriageway edge along straight stretches. NB Neatness is not a priority – the verge that is left is a valuable habitat for wildlife and a valuable seed source.

Road Verge Management Principles

- Undertake a full cut in late-Feb/ March prior to the nesting bird season. Increasing the height of cutter bar slightly will also lower the risk to small mammals and amphibians.
- Allow wildflowers to set seed prior to the second annual cut in September/ October.
- Ensure all arisings are collected and removed, either off-site or to a sacrificial area of the verge to
- Create a compost or habitat pile. This prevents nutrient enrichment and increases botanical diversity.
- Where additional cuts are required for safety purposes, cuts should avoid the main flowering period
- (July-Aug) where possible.
- All verges should be monitored for litter and litter picks undertaken where necessary to reduce the risks to wildlife and increase the aesthetical value of the verges. Where it is safe to do so, it might be possible to engage local residents in volunteer litter picks.

VERGES AND ASSOCIATED HABITATS - HEDGEROWS AND DITCHES

In some areas the verge is very narrow or may not exist at all. Here it is general practice to cut the vegetation on the hedgebank to maintain visibility. Cutting of the shrubby growth (the hazel, hawthorn etc.) in the hedge itself may be unavoidable

If this is absolutely necessary, this should be done as lightly as possible outside of the bird breeding season. There should be no need to cut into the woody material of last year's growth.

Some verges abut drainage ditches which, being wet, can support additional plants and animals. Ideally some vegetation alongside these ditches should be left un-cut, perhaps on the far side of the ditch away from the road. Where there are plants in flower, or yet to flower, aim to leave at least a proportion of these un-cut where this does not affect visibility, for example where these are more than one swathe's width from the road.

Leave un-cut some vegetation on the banks of ditches, particularly where this includes flowering plants or plants, which have not yet flowered.

If you feel an area/verge needs to be cut, make this a high light cut, as late in the season as possible. Ideally for nature conservation, such areas should only be cut every 2-3 years.

Avoid cutting mossy banks, this will only damage the vegetation and may result in erosion of the bank and slippage onto the road.

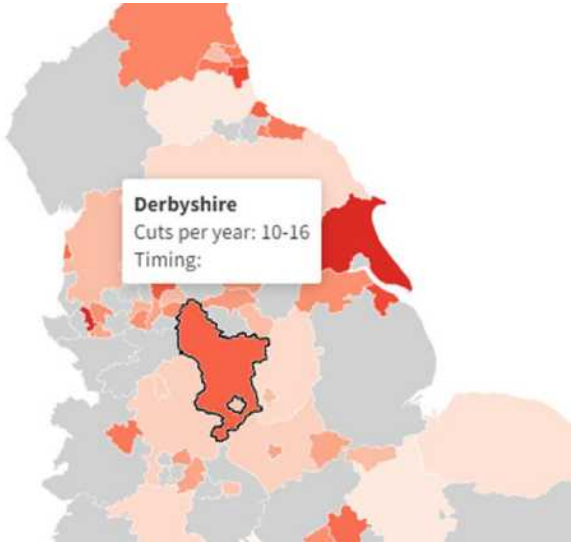
Enhancing the biodiversity of the county's road verges is a task included for performance monitoring by the Council's Environmental Management System, which is accredited to ISO14001 standard.

Habitat Action Plan for verges recognising their importance in the county and setting out how the verges should be conserved. The District Council will be instrumental in implementing this plan, and to be successful on the ground it will rely on the high level of skills provided by the flail operators, and your willingness to implement the above recommendations.

BEST PRACTICE – AVOIDING GREEN DESERTS

WAYS FORWARD/ALTERNATIVES/ USEFUL EXAMPLES

An ideal regime includes a first cut between mid-July and the end of September, with one additional cut before Christmas.



In a recent study by Inkcap out of 81 councils who responded to this question, 53 were cutting their rural verges either once or twice per year; only 10 councils cut their verges more than four times per year.

Only nine councils (Buckingham, Hertfordshire, Middlesbrough, Sheffield, October, Redbridge, Wakefield, Wokingham, West Berkshire and West Sussex) delayed road verge cutting until July or later. Hartlepool, Havering, Hillingdon, Rutland and North Yorkshire also followed Plantlife's guidelines by cutting earlier in the year, before wildflowers have had a chance to set seed

These responses seemed promising; however, most councils began cutting their rural verges too early in the year. From the 68 councils who responded with specific details of their regimes, at least 35 were cutting throughout May – despite a high-profile campaign by Plantlife to prevent this – with many starting to tackle their verges in April.

One objection to tall grass on road verges is safety: motorists need sightlines to be around junctions, corners and roundabouts. But this needn't be an obstacle to broader improvements across the network. Many councils stressed that they mow essential areas when needed, while leaving the rest of their grassy verges to develop throughout the summer months.

Birmingham

“The grass cutting programme changed from 12 cuts to 10 cuts per annum in April 2019 following a large investment in new rotary and flail mowing machinery which can cut longer grass.”

West Sussex

“Urban grass cutting has been reduced from 7 cuts to five, in addition this year we are trialling a new initiative of Community Road Verges. On rural verges we have reduced the number of 1m wide cuts from 2 to 1, so we now only cut visibility areas early in the season.”

Telford & Wrekin

“We have started to review grass cutting in winter each year and where possible changed from 14 cuts to 4, 2 or 1 cut and collect for the next season.”

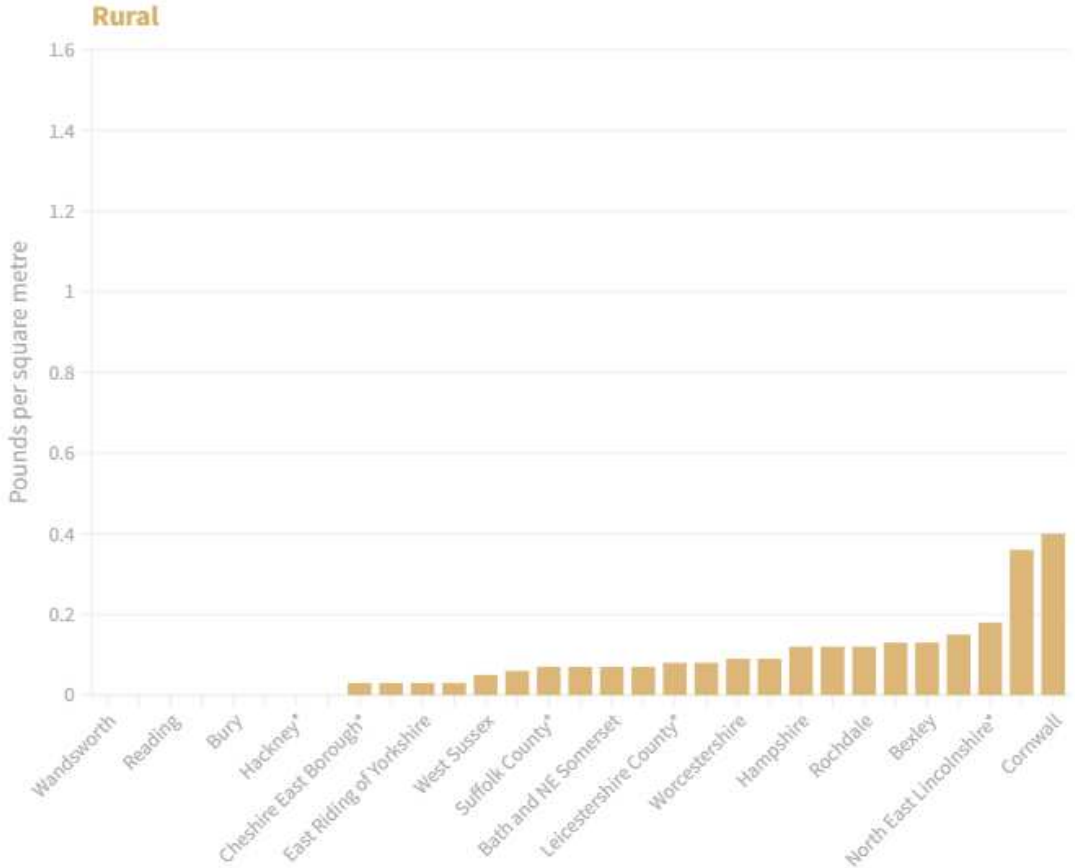
Manchester

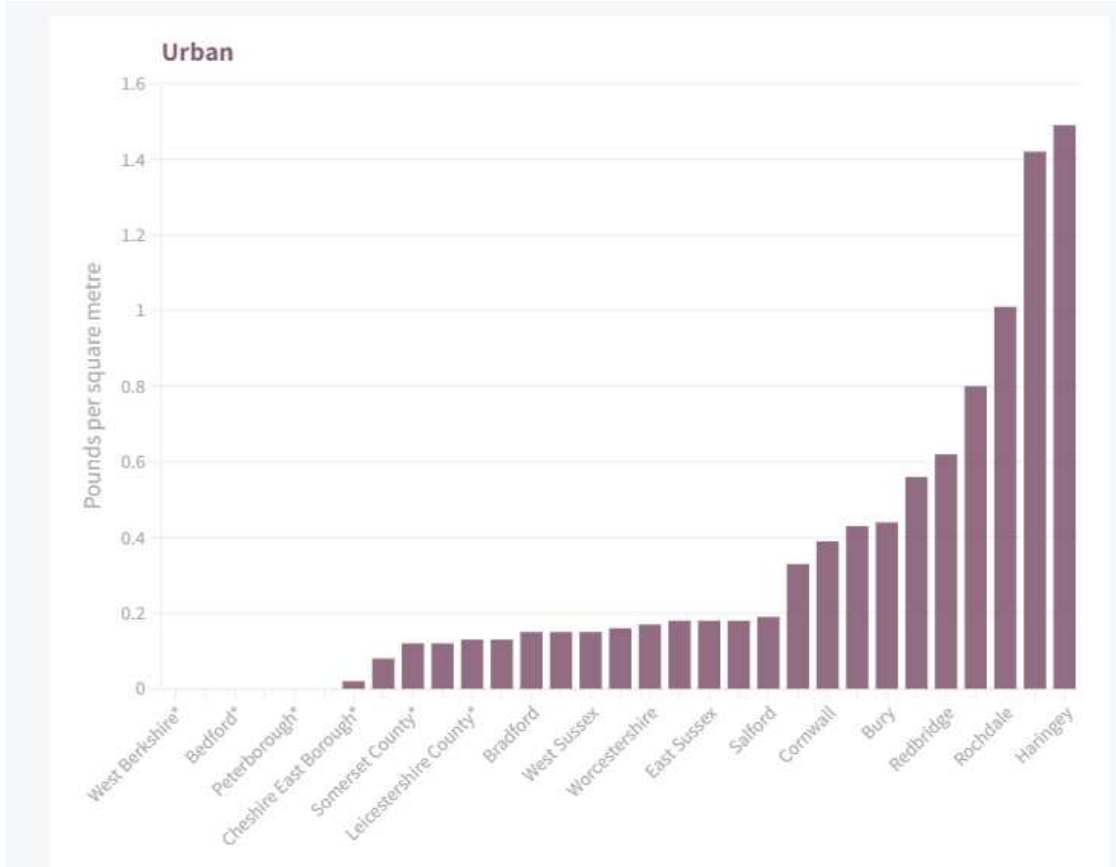
“The cut height has been increased to 2 inches.”

West Berkshire

“The A4 which runs from east to west through the district is managed as a wildlife corridor and cut before March and after August. We also have 8 designated roadside nature reserves, which are managed on the same regime”

how councils might make savings by relaxing their mowing regimes, particularly in urban areas where spending is generally much higher





We excluded Tower Hamlets from this graph because its costs were so high that it rendered all other areas invisible by comparison. The borough spends £10,000 per year to maintain 0.12 miles of grass verge – roughly £52 per square metre – which it mows every 14 days between April and October. Tower Hamlets is also London's poorest borough, which raises the question of whether a fortnightly war on wildflowers is the best use of this money

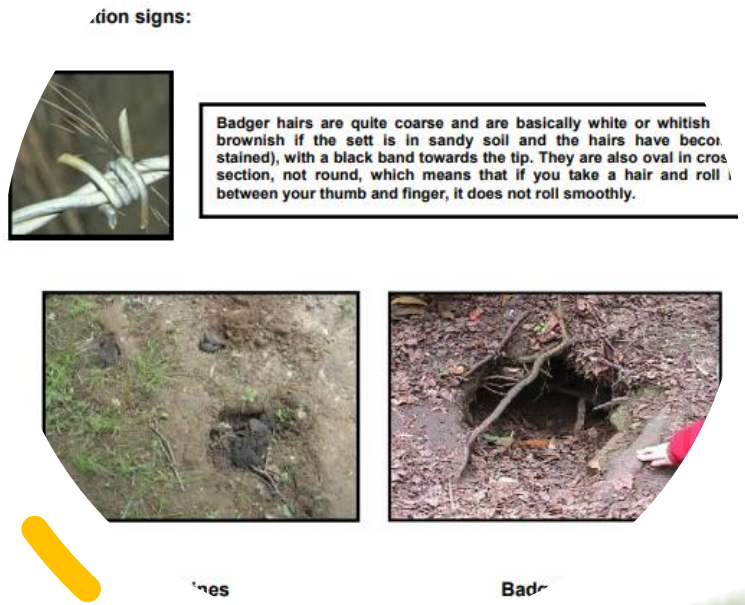
13 councils have reduced their spending on road verges, in some cases by hundreds of thousands of pounds.

Some councils saved money because of choosing to reduce the number of annual cuts; Norfolk, for instance, is saving £100,000 this year by mowing its urban verges four times instead of five

For some councils, the budget reduction came first, forcing reduced mowing schedule. Sheffield said that its changes were prompted by cost savings

Just four councils reported an increase in spending on road verges. In three cases, these were connected to environmental improvements – Rotherham, for instance, has engaged an ecologist to review its cutting regime

Protected Species



BADGER (Meles meles)

- Badgers and their setts are protected by The Protection of Badgers Act, 1992. It is an offence to intentionally or recklessly damage or destroy a badger sett, to obstruct access to any entrance or to disturb a badger when it is occupying a sett.
- It is also illegal to allow or cause a dog to enter a badger sett or for any person to kill, injure or take a badger. It is an offence to cruelly ill-treat a badger, to dig for or to snare a badger.
- This legislation means that badgers are protected, and that any planned activity, which may affect them, requires prior consultation with the appropriate statutory nature conservation organisation and potentially a badger licence.

BIRDS

Wild birds are protected by law under the Wildlife and Countryside Act 1981 (WCA)

Under the WCA it is an offence to:

- Kill or injure any wild bird

Capture or keep (alive or dead) any wild bird

- Destroy or take the egg of any wild bird
- Sell or advertise for sale any wild bird or its eggs
- Destroy, damage, interfere with, take or obstruct the use of the nest of any wild bird while it is in use or being built.

A check for breeding birds must be made if any works have potential to disturb birds on the nest.

All tree felling and removal of branches will be completed outside the main bird breeding season., unless a check for nest sites has been completed by a suitably experienced ornithologist, immediately prior to works commencing.

Should a bird nest be identified unexpectedly during works the following emergency procedure should be followed:

- Stop the activity being undertaken immediately (ensuring any nest is not removed/destroyed)
- Immediately inform a supervisor and initiate a ECoW with myself.
- A ECoW will confirm presence of nest and consult specialists.
- The activity should not resume until written approval, detailing any appropriate mitigation has been given by the ECoW
- Where work is to be carried out during the breeding season the area must be checked for nesting birds by a suitably qualified Ornithologist/Ecologist. If nesting birds are found,
- The area around the nest should be protected from disturbance by the use of an appropriate set-back buffer of at least 3m and work avoided in the area until the young have left the nest

- Here are a few tips to double check whether there are any active bird nests in your hedgerow.

- Watch the hedge for bird activity
- Constant toing and froing from birds is a good indicator of nesting activity.
- Keep watching for more than usual activity from birds entering and leaving the hedgerow.
- Use manual cutters as opposed to electric cutters
- It is much easier to control manual cutters than it is to handle electric cutters. As soon as you notice either bird activity or evidence of an active nest you can react quickly to stop cutting.

OTTER

Otters are a European Protected Species under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). As an EPS it is an offence to:

deliberately or recklessly kill, injure, capture, disturb or harass otters; or deliberately or recklessly damage, destroy or obstruct access to a breeding or resting site or an otter.

Potential hazards such as steep sided holes that could act as pitfall traps would be avoided and trenches or holes left open overnight should have a means of escape, such as a stout branch, provided for any animals that may fall in.

Any pipes and other materials stored on site will be checked for otter before being moved.

Should an otter, holt site, spraint or other signs be identified unexpectedly during any works, the following emergency procedure should be followed:

- Stop the activity being undertaken within 30m of the otter or holt site immediately
- Immediately inform a supervisor and we can start a ECoW.

REPTILES

- Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended). It is an
- offence to:
- Intentionally or recklessly kill or injure a reptile.
- Grassland is a vital refuge for four species of reptile, with common lizard, slow worm, grass snake and adder all under pressure from fragmentation of habitat, it's important that management techniques take their needs into consideration.

- To ensure that no reptiles are killed or injured as part of any works, any reptiles identified during any works should be removed to an area of suitable habitat elsewhere within the site.
- Areas of trees, tall grassland / heather cover are to be progressively cut, strimmed and chipped to remove cover. Cleared areas are to be left for at least 24 hours prior to soil stripping.
- Any area of rocks, brick rubble or other debris that have been present for over six months are to be destructively searched before the start of any works in that area.
- Should a reptile be identified on site during works the following emergency procedure should be followed:

Stop the activity being undertaken immediately if it is within the works disturbance corridor

Immediately inform a supervisor and we can implement an ECoW.

ECoW will confirm the presence of reptiles and will consult specialists if necessary, remove the reptile to an area of suitable habitat outside any works corridor. (An adder should not be approached unless authorised to do so by the ECoW as this has poisonous venom)

The activity should not resume until written approval has been given by the ECoW.

When cutting rough or long grass it is important to take the possible presence of reptiles into account, to ensure they are not harmed. Reptiles are usually active between late March and the end of October, and the rest of the year they hibernate below ground, in banks or habitat piles.

Prior to mowing walking through areas of long grass should disturb any creatures and encourage them to temporarily move away elsewhere. It is important not to flatten grass at it makes it difficult to cut.

Working slowly with machinery allows time for animals to escape. Slow worms and grass snakes are particularly sensitive to vibration and should move away quickly. However, as these reptiles need to bask to become active they can be more sluggish when they first emerge (spring) , prior to hibernation in early autumn and early in the morning and evening.

Work in a way that offers an escape route ie from middle outwards – so that animals do not become trapped by the mowing, as shown in the diagram.

Avoid cutting too low, as slow-worms will often move about in the basal zone of grasses and could be injured. If possible, cut on a warm day when reptiles will be active and therefore readily able to move out of the way. Allow temperatures to rise and reptiles to become active.

Once cut, the resulting vegetation can be used to create habitat piles that will potential hibernation sites for creatures such as hedgehogs and grass snake

BATS

Where are bats found?

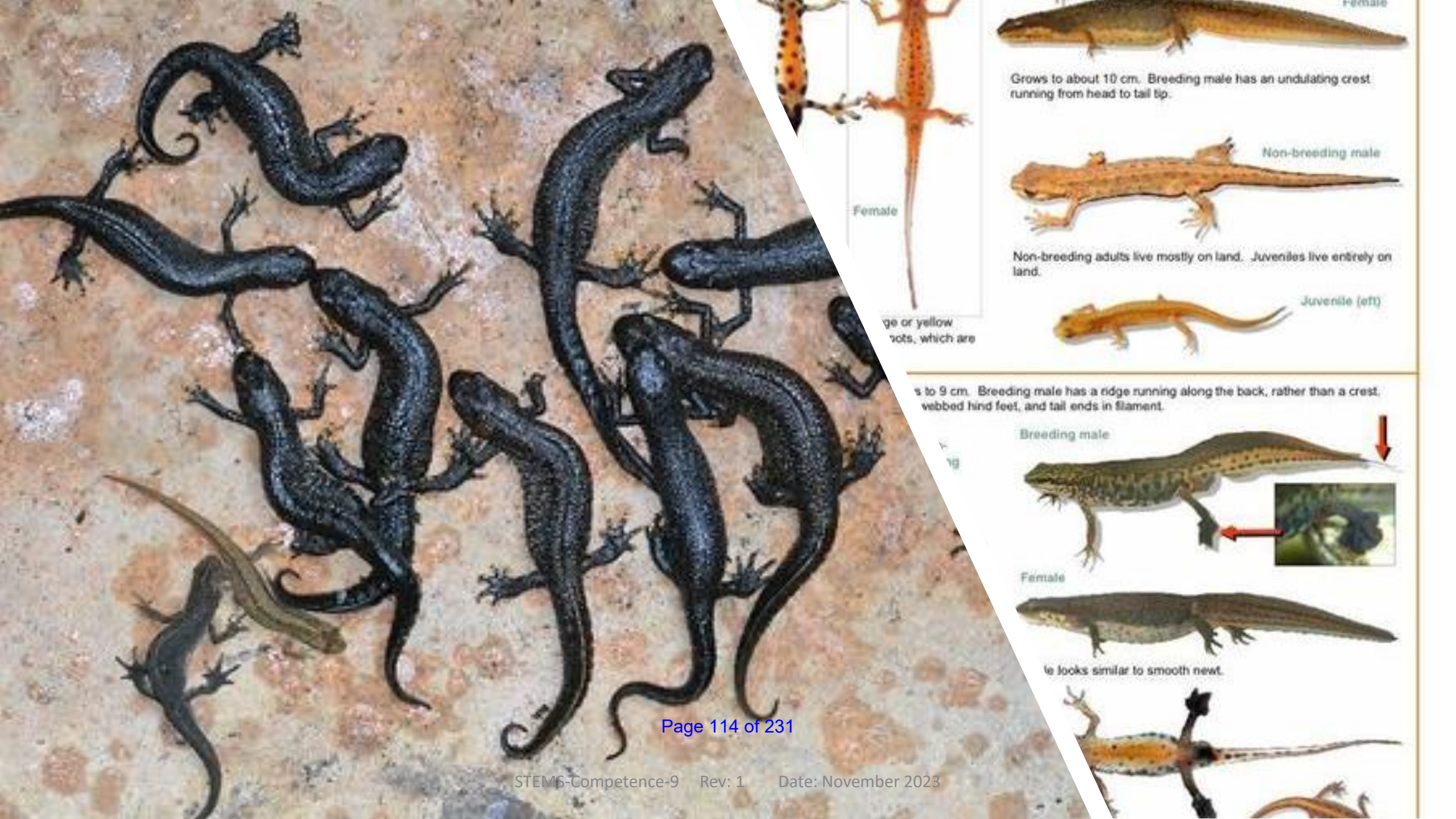
- Both rural and urban areas including woodland, farmland, parks and gardens
- Feed over marshes, lakes, ponds, canals or rivers
- Use different roosts for resting, breeding and hibernating i.e. holes and cracks in trees, in roofs, walls of buildings, under bridges, caves, railway tunnels
- Every building and mature tree is a potential bat roost

Control measures to be implemented:

- Suitable protection zones around bat roost using blue rope ~30m buffer zone
- Any works likely to encroach within 30m of the bat roost are to cease and advice sought from the Environmental Representatives

It is illegal to kill, injure, capture or disturb a bat, or to damage trees, buildings or other places used for roosting (even if bats are not currently present). If a bat or roost is discovered after works have started, cease works and seek advice

- Strimming near water bodies can pose a risk of pollution if grass clippings end up in the water. Always use a cordless strimmer with a collection bag or consider raking up the clippings afterward


Female
Grows to about 10 cm. Breeding male has an undulating crest running from head to tail tip.
Non-breeding male
Non-breeding adults live mostly on land. Juveniles live entirely on land.
Juvenile (eft)
Breeding male
Female

Newt/ Pond Management

- Leave piles of stones or logs for cover and hibernation sites.
- Try to ensure a margin of rough grass is maintained around the pond as feeding habitat.
- Consider buffering ponds and watercourses with extended a margin of uncut vegetation up to five metres or so in width around some of the pond margins and alongside hedges, streams or other boundaries to ensure the presence of some dense cover throughout the year.
- Aim to cut ditch sides on rotation – with only one side being cut in any single year.
- Try to link ponds together with hedges and grass margins so that newts can move between ponds with ease.

INVASIVE SPECIES

- Japanese Knotweed, Giant Hogweed and Himalayan Balsam are types of invasive plant commonly found on site.

Any Questions?

- Visit to Specific Sites
- Matters that you'd like help with?
- Can we do anything more?

South Derbyshire District Council

Thank you

South Derbyshire Common Ragwort Policy & Advice Note

Date: March 2024

Version Control

Version	Reason for review (review date/legislation/process chances)	Effective Date	Review date
1.0	First Version	02/04/2024	

Approvals

Approved by	Date
Senior Leadership Team	TBC
Environment & Development Services Committee	TBC

1.0 Introduction

This Ragwort Policy portrays out how South Derbyshire District Council (SDDC) assesses and where appropriate controls ragwort on council managed highway verges and public open spaces. Ragwort provides important benefits for biodiversity; however, it can be harmful for grazing animals if it is in fodder.

This Ragwort Policy explains how the council assesses, manages, and monitors ragwort on the land it is responsible for. It aims to raise awareness and provide information about ragwort so that the benefits and the risks are understood, and a clear process of assessment and action by the council is set out.

Common Ragwort (Senecio jacobaea), hereafter referred to as 'ragwort', is a native British flowering plant. Ragwort is important for biodiversity and has a long flowering season making it an important nectar source for pollinators. It supports a high number of insect species, 29 of which depend entirely on ragwort for their existence including cinnabar moths, a bee species, hoverflies and a nationally scarce leaf beetle. Pollinating insects are key to life on earth and are fundamental to addressing the ecological emergency. The council seeks to protect and enhance the amount and quality of pollinator habitat and manage its greenspace to provide greater benefits for pollinators.

Ragwort has been classified under the Weeds Act 1959 as an 'injurious weed'. This is because it contains pyrrolizidine alkaloids which in high doses can have debilitating or fatal consequences if ingested by horses or other grazing animals. In view of this, ragwort must be controlled where it poses a threat to the health and welfare of grazing animals and the production of feed or forage for animals. It is important to note that ragwort is unpalatable to animals as a live plant and usually avoided by livestock unless there is no other food source.

It does become more palatable when cut and dried when it loses its bitterness, but the toxins remain. Ingesting small amounts of ragwort will not generally cause illness.

This policy sets out the legislation relating to ragwort and outlines the benefits of ragwort for biodiversity. It details a flow chart to assess and evaluate the risk of ragwort spreading and evaluating control methods to use where required.

1.1 Legislation & Duties

Key legislation relevant to this policy includes:

• Ragwort Control Act, 2003 which has led to Defra's Code of Practice on How to Prevent the Spread of Common Ragwort

• NERC Act, 2006: Section 40 - all public bodies must have regard for the purpose of conserving biodiversity in the discharge of their normal functions.

• Weeds Act, 1959 The Weeds Act 1959 and Ragwort Control Act 2003, Under these Acts, landowners are expected to manage ragwort so that it does not spread to adjacent sites.

Common ragwort is one of five species listed under the Weeds Act 1959 as being an injurious weed. An 'injurious weed' is a native species, seen to pose harm to agricultural pasture. Common ragwort contains toxins which can have debilitating or fatal consequences if ingested by horses or other grazing animals.

Under the Weeds Act 1959 the Secretary of State for the Environment, Food and Rural Affairs can, if satisfied that injurious weeds are growing upon any land, serve a notice requiring the occupier to take action to prevent the spread of those weeds. An unreasonable failure to comply with a notice is an offence. The Weeds Act 1959 has been amended by the Ragwort Control Act 2003. It gives the Code of Practice on How to Prevent the Spread of Common Ragwort evidential status in any proceedings taken under the Weeds Act 1959. This means that a failure to follow this Code is not an offence, but non-compliance may be used as evidence in any legal action. The Code states that "common ragwort and other ragwort species are native to the British Isles and are therefore an inherent part of our flora and fauna, along with invertebrate and other wildlife they support. The Code does not propose the eradication of common ragwort but promotes a strategic approach to control the spread of common ragwort where it poses a threat to the health and welfare of grazing animals and the production of feed or forage." The Code of Practice provides guidelines on assessing the risk posed to grazing animals or forage production to determine whether action should be taken to prevent the spread of ragwort to neighbouring land. This policy will follow Defra's Code of Practice. It does not seek to eradicate common ragwort. However, it is necessary for the occupier of the land to prevent its spread where this presents a high risk of poisoning horses and livestock or spreading to fields used to produce forage.

2.0 Responsibilities

In line with the above, South Derbyshire District Council has duties and powers for assessing and controlling the spread of ragwort. Typically, this will be confined to high-risk areas where ragwort is growing within 50m of land used for grazing by horses or land used for forage production. Whilst South Derbyshire uses Glyphosate as a weedkiller for specific, selected, and controlled purposes, any changes in national policy will be adopted by the council where required and the council will continue to consider latest advice and best practice. In the meantime, the council is reducing usage wherever practicable. By reducing the reliance on herbicides and other pesticides, South Derbyshire District Council is taking important action to reduce the impacts of pesticides and to be ready for any future changes in law.

3.0 Benefits of Ragwort

The 2007 UK Countryside Survey shows a significant decline in ragwort. South Derbyshire District Council declared an Ecological Emergency in 2023, reflecting the importance of acting in response to the dramatic changes we are experiencing in climate and nature. At a time when biodiversity indicators are showing continued stress on habitats, it is time to re-evaluate the role of this plant and ensure that ragwort is not eradicated unnecessarily, and further damage of our already fragile biodiversity is avoided. As a native plant with long flowering season, ragwort is very important for wildlife in the UK. It supports a wide variety of invertebrates, and its long flowering period makes it a major nectar source for many pollinating insects which also pollinate our orchards and crops. Ragwort is a natural component of many types of unimproved grassland and is used by some invertebrate species that have conservation needs. At least 29 insect species and 14 fungi species are entirely reliant on ragwort and about a third of these insects are scarce or rare. For example, the distinctive orange and black caterpillar of the cinnabar moth is a common sight on ragwort. Common ragwort is one of the most frequently visited flowers by butterflies in the UK and more than 200 species of invertebrate have been recorded on it.

4.0 Current Practice

At the time of writing South Derbyshire District Council currently monitors locations on land it is responsible for where ragwort is known to be growing and aims to treat the ragwort using appropriate methods. In line with best practice the council is reducing its herbicide usage where practicable. Reviewing current practice and setting out a clear assessment and management decision flow chart regarding ragwort is needed to ensure that management aligns with the councils' corporate policies.

Ragwort growth on highway verges and public open spaces managed or owned by South Derbyshire Council is included within the scope of this policy. Land owned or managed by third parties is not included in this policy. Further information for ragwort management on third party land is available via the toolkit available from the British Horse Society which includes advice on contacting landowners.

Ragwort is a valuable plant for biodiversity and removal of ragwort must only be done when necessary. Risks of ragwort spreading to adjacent sites must be carefully assessed to decide whether removal is required and what is the most appropriate method.

5.0 Assessment of risk

As an owner and occupier of land, the council must inspect land for common ragwort and assess the risks of it affecting adjoining land. The council follows these steps from Defra's Code of Practice on How to Prevent the Spread of Ragwort:

1. Identify ragwort. Carefully look at the plants to identify if it is common ragwort.

2. Map the location and extent of ragwort.

3. If ragwort is on a designated site such as a Local Nature Reserve or Site of Special Scientific Interest (SSSI), inform the relevant designation body. This is so that if removal is required the most appropriate method for control can be used and the correct permissions are granted. For example, Natural England may have to give permission for removal if on a SSSI.

4. Review the level of risk. These distances are only guidelines when assessing the risk, as prevailing winds and topography can affect the likelihood of ragwort spreading to neighbouring land.

a. High risk

Common ragwort is present and flowering/seeding within 50m of land used for grazing by horses or other animals or land used for forage production. Take immediate action to

control the spread of ragwort using an appropriate control technique, taking account of the status of the land.

b. Medium risk

Common ragwort is present within 50 - 100m of land used for grazing by horses or other animals or land used for forage production. Establish a control policy to ensure that change from a medium to a high risk of spread can be anticipated, identified, and dealt with in a timely and effective manner using appropriate control techniques (see appendix two) taking account of the status of the land (see section 5.2, flow chart).

c. Low risk

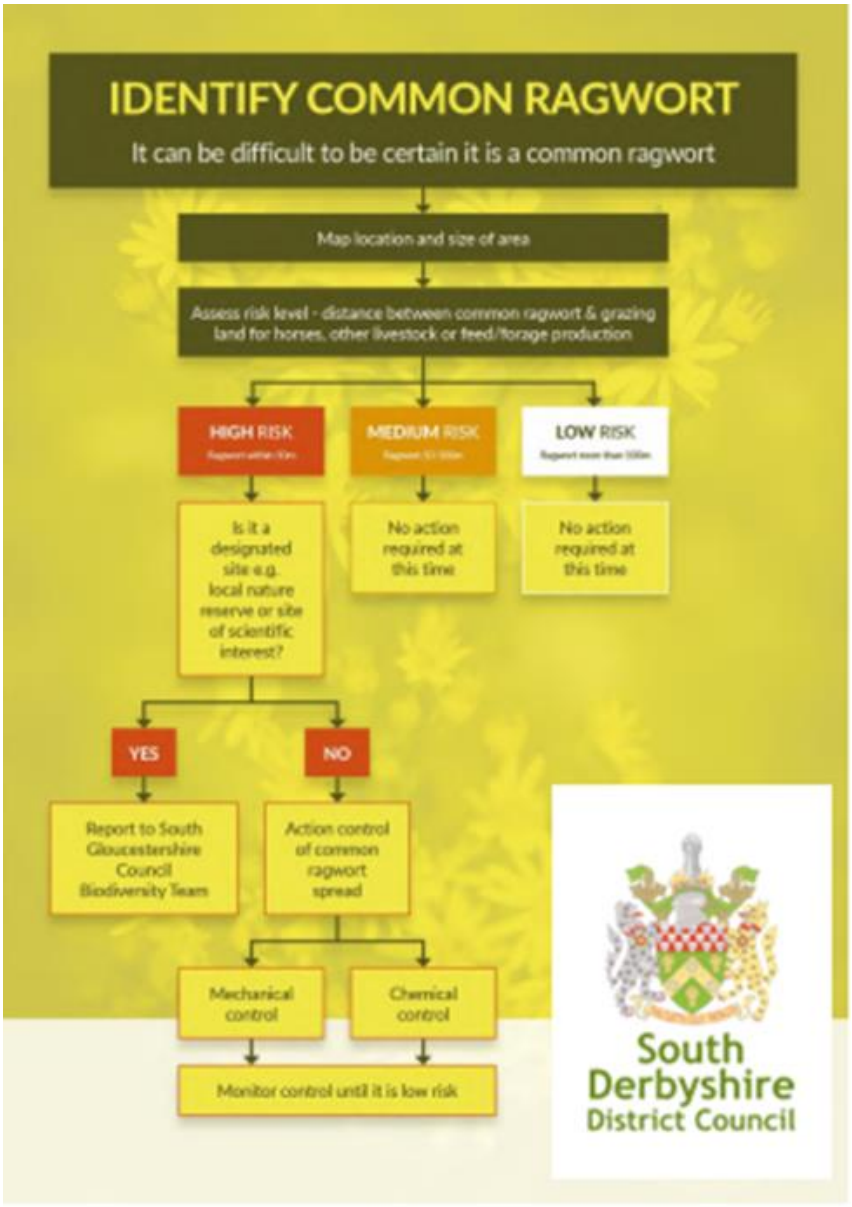
Common ragwort is more than 100m from land used for grazing or forage production. No immediate action is required.

The distances given above are guidelines only and when assessing risk, account should also be taken of local circumstances and other relevant factors such as prevailing winds, topography, shelter belts, natural barriers, soil type and vegetation cover of receiving land. Whether or not the density of ragwort is high or low, the risk factor will be determined by the likelihood of it spreading to land used for grazing and/or feed/forage production.

Dispose of ragwort plants in an approved manner. Follow safety guidelines (see Defra's Code of Practice on How to Prevent the Spread of Ragwort).

5. Record control methods used at each location.

6. Monitor the impact of clearance action to ensure its effectiveness for up to six months or to the end of the growing season.



6.0 Control Methods

The council will use the flow chart summarised above to assess the risk and if control is required. Control will only be taken where common ragwort is of high risk. Common ragwort is a highly successful plant, and a variety of methods may be required to control it.

Pulling and Digging

This is the preferred method particularly for small sites of high priority. Pulling by hand or levering out works well for small amounts. A long-handled hand tool, such as the ‘lazy dog’ or ‘ragwort fork’, can be used to remove the tap root without it breaking. If root remains, it can develop into new

plants. Ideal timing is when the ground is damp and before plants have started to seed. Risk assessment for this work is required as for all practical works. Gloves should be worn when handling common ragwort as ragwort can cause skin irritation. Pulled or dug ragwort must be removed from site because when dry, ragwort is palatable but still toxic to animals.

Herbicide

Second choice is using herbicide. Record use as required by COSHH (Control of Substances Hazardous to Health). Citronella based herbicides have been shown to be effective to reduce ragwort.

Cutting

This is a last resort and stimulates growth, so should only be used to prevent immediate seeding where no other control method can be used. If cut, the plants can re-flower later in the season or change from a perennial to a biannual, flowering the following year. Any cut plants are toxic and more palatable to livestock and should be removed from the field.

Land Management

Common ragwort is a pioneer plant, growing on bare ground. Ensuring that there is other ground cover may help reduce ragwort growth. Common ragwort readily grows on disturbed soil so avoiding disturbance of the soil can help to prevent growth.

Disposal

Pulled, dug or cut ragwort must be put into a sealed bag or container to prevent spread of seed. Ragwort must be removed from site and burnt or composted for at least 12 months.

References

None

7.0 Associated Documentation

Description of Documentation	Document Reference
Defra's Code of Practice on How to Prevent the Spread of Ragwort	Enclosed Separately

9.0 Appendices / Glossary

Defra's Code of Practice on How to Prevent the Spread of Ragwort

End of Policy Document

Code of Practice on How to Prevent the Spread of Ragwort

defra
Department for Environment
Food and Rural Affairs

Common Ragwort look-alike plants

Marsh Ragwort *Senecio aquaticus*
Photo: Dr Chris Gibson/
Natural England

Hoary Ragwort *Senecio erucifolius*
Photo: Dr Chris Gibson/
Natural England

Oxford Ragwort *Senecio squalidus*
Photo: Dr Chris Gibson/
Natural England

Fen Ragwort *Senecio paludosus*
Photo: Dr Chris Gibson/
Natural England

Field Fleawort *Tephroseris integrifolia* Photo: Ron Porley/
Natural England

Tansy *Tanacetum vulgare*
Photo: Dr Chris Gibson/
Natural England

Common Fleabane *Pulicaria dysenterica* Photo:
Dr Jonathan Cox/Natural England

Common Fleabane *Pulicaria dysenterica* Photo: Dr Chris Gibson/
Natural England (Close-up of flowers)

Square-stalked St.John's Wort *Hypericum tetrapterum* Photo:
Dr Chris Gibson/Natural England

Perforate St.John's Wort *Hypericum perforatum*
(Close-up of flowers)
Photo: Dr Chris Gibson/Natural England

Yellow Loosestrife *Lysimachia vulgaris* Photo: Dr Chris Gibson/
Natural England

Goldenrod *Solidago virgaurea*
Photo: Dr Chris Gibson/Natural England

Code of Practice on How to Prevent the Spread of Ragwort

Department for Environment
Food and Rural Affairs

Introduction

As Minister for the Horse, I am delighted to endorse this "Code of Practice on How to Prevent the Spread of Ragwort". Ragwort poisoning can have a devastating effect on horses in particular, as well as being damaging to cattle and other animals. Ingestion of Common Ragwort *Senecio jacobaea* either in its green or dried state, can cause serious liver damage, which can have tragic consequences for both animals and owners. Ragwort is the only one of the five weeds covered by the Weeds Act 1959, which is harmful to equines and other animals. However, in the right place, and where there is no risk to animal welfare, ragwort contributes to the biodiversity of the flora and fauna in our countryside.

At the end of 2002, The British Horse Society supported John Greenway MP in initiating a Private Member's Bill, with my full support and that of the Government, to amend the Weeds Act 1959. This resulted in The Ragwort Control Act 2003. The Act provides for a code of practice to be prepared to give guidance on how to prevent the spread of ragwort. Last July, I launched a draft code of practice at the Royal International Horse Show at Hickstead. Many landowners and occupiers used this as a guide for their ragwort control activity last summer. As required by the Ragwort Control Act, a formal consultation on the code was carried out earlier this year amongst stakeholders representing a wide variety of interests. I now welcome the publication of the final code.

By promoting good practice and good neighbourliness, the Code aims to reduce significantly the risk that horses and other livestock might be poisoned. It is intended for use by all landowners and occupiers. It will be particularly relevant for large scale organisations managing significant land areas, including local authorities and public bodies.

The Code provides comprehensive guidance on how to develop a strategic and more cost-effective approach to weed control. It gives advice on:

- Identification of Common Ragwort
- Risk assessment and priorities for ragwort control
- Control methods – their suitability and efficacy
- Environmental considerations
- Health and safety issues

The Code does not seek to eradicate ragwort, but only seeks to control it where there is a threat to the health and welfare of animals. We place a particular emphasis on protecting horses whose digestive system makes them particularly vulnerable. The Code provides comprehensive guidance on when, where and how to control ragwort, but pays specific attention to the needs of the environment and the countryside as part of the process. The Code should benefit the environment by ensuring there is less damage to non-target species, by setting out clear parameters on when it is necessary to control ragwort and by recommending the use of non-chemical options for control where feasible.

Publication will make it easier to prosecute those who disregard the need to control ragwort since the Code will be admissible in evidence in enforcement proceedings under the Weeds Act 1959. The Act empowers the Secretary of State for Environment, Food and Rural Affairs to serve notice requiring an occupier of land on which Common Ragwort (or four other injurious weeds) is growing to take action to prevent it from spreading. The Code should provide a yardstick against which compliance with an enforcement notice served under the Act can be measured. This will ensure that all parties know in advance what is considered reasonable action to comply with an enforcement notice.

The Code is very much a combined effort, reflecting upon the importance of balancing the variety of interests involved. It has been drawn up in consultation with a Steering Group comprising The British Horse Society, Network Rail, English Nature, Wildlife and Countryside Link, the British Beekeepers Association, ADAS and representatives of Local Government. I should like to thank the Group for its efforts. It has not been an easy task to reconcile the different interests and I am grateful for the co-operative spirit shown by the members of the Group. The result is a balanced, but effective and useable Code of Practice, which is a major step forward in protecting horses and animal welfare against the threat of Ragwort poisoning. I urge all landowners and land managers to work with horse and animal owners to adopt the recommendations of the code.

Rt Hon Alun Michael MP
Minister of State for Rural Affairs and Local Environment Quality
and Minister for the Horse
July 2004

Contents

Scope

1 This code apples to Common Ragwort *(Senecio jacobaea)* and all subsequent references to "ragwort" in this code refer to "Common Ragwort". This code applies to England only (although a separate code applies in Wales).

Aim

2 The Code aims to define the situations in which there is a likelihood of ragwort spreading to neighbouring land where it will then present an identifiable risk of ingestions by vulnerable animals, and to provide guidance on the most appropriate means of control, taking into account both animal welfare and environmental considerations.

Introduction

3 Ragwort is a native species of the British Isles. It is a specified weed under the Weeds Act 1959. It contains toxins which can have debilitating or fatal consequences, if eaten by horses and other grazing animals. Ragwort is less likely to be rejected by stock if dried and contamination of forage (hay, haylage and silage) is a particular problem. Humans may be at risk from ragwort poisoning through direct contact (e.g. hand pulling) or the consumption of contaminated food. Research undertaken for the Government in the 1990s suggested that the risk to human health in the UK through the contamination of staple foods i.e. grain, milk, eggs and honey is likely to be insignificant.

4 This code does not seek to eradicate ragwort. Ragwort, as a native plant, is very important for wildlife in the UK. It supports a wide variety of invertebrates and is a major nectar source for many insects. In many situations ragwort poses no threat to horses and other livestock. It is a natural component of many types of unimproved grassland and is used by some invertebrate species that have conservation needs. However it is necessary to prevent its spread where this presents a high risk of poisoning horses and livestock or spreading to fields used for the production of forage. A control policy should be put in place where a high and medium risk is identified.

5 Ragwort is a highly successful species and in certain situations it can be difficult to control particularly where it has not been effectively managed for a number of years. As a result it might be necessary to use a variety of control methods over an extended period to reduce populations if, on the basis of the risk assessment, they have been found to be problematic.

Legal framework

6 Under the Weeds Act 1959 the Secretary of State for the Environment, Food and Rural Affairs can, if satisfied that injurious weeds are growing upon any land, serve a notice requiring the occupier to take action to prevent the spread of those weeds. An unreasonable failure to comply with a notice is an offence. The Weeds Act applies to:[1]

- Common Ragwort *(Senecio jacobaea)*
- Spear Thistle *(Cirsium vulgare)*
- Creeping or Field Thistle *(Cirisium arvense)*
- Curled Dock *(Rumex crispus)*
- Broad-Leaved Dock *(Rumex obtusifolius)*

The Natural Environment and Rural Communities Act 2006 delegates the functions available to the Secretary of State under the Weeds Act to Natural England, a Defra agency. This delegation of functions enables Natural England to investigate complaints where there is a risk that injurious weeds might spread to neighbouring land. Natural England gives priority to investigating complaints where there is a risk of weeds spreading to land used for grazing horses or livestock, land used for forage production and other agricultural activities.

7 The Ragwort Control Act 2003 gives this Code evidential status in any proceedings taken under the Weeds Act 1959. This means that a failure to follow this Code is not an offence but non-compliance may be used as evidence in any legal action. Equally, owners/occupiers should be able to establish a defence if they can demonstrate that they have adopted control measures that comply with this Code's guidance.

8 The provisions of the Weeds Act only apply to Common Ragwort and do not apply to other ragwort species. Other species of ragwort may be equally toxic to horses or other livestock, but are less common or relatively rare. In some situations they may need to be controlled. Some species, such as Fen Ragwort (see picture on inside front cover), are protected. It is important to make correct identification of Common Ragwort before considering any control measures. Obligations and restrictions under SSSI designations or other land management agreements must also be considered and discussed with the appropriate authorities (see Appendix 4) before control action is initiated.

Responsibilities to Control the Spread of Ragwort

9 Responsibility for control rests with the occupier of the land on which ragwort is growing. This responsibility applies to ragwort and the other weeds specified under the Weeds Act. When seeking to prevent the spread of ragwort it is expected that all landowners, occupiers and managers will co-operate and, where necessary, take a collective responsibility for ensuring that effective control of the spread of ragwort is achieved.

1 The Secretary of State is empowered to add to this list if necessary.

10 The most effective way to prevent the spread of ragwort is to preclude its establishment through strategic management rather than last minute control. In managed grasslands, good agricultural management will minimise the chance of Common Ragwort establishing itself. In amenity areas, highway verges, railway land and woodland, any activities which cause disturbance to the soil and the loss of ground cover may increase the risk of ragwort becoming established.

11 Occupiers of all land, including uncultivated land, derelict and waste areas, should be vigilant for the presence of ragwort. Action to prevent its spread should be taken where ragwort poses a high risk to land used for grazing, or forage production. Detection at an early stage will enable any potential problems to be more easily, safely and economically dealt with. The implementation of a control strategy will ensure that persistent problems are dealt with in a timely manner.

Assessing the Risk Posed by Ragwort

12 Where land is affected by ragwort the owner/occupier should make an assessment to determine whether action should be taken to prevent the spread of ragwort to neighbouring land by establishing the risk posed to grazing animals or forage production.

13 The following three risk categories are provided as *guidelines* for assessing risk:

High Risk:

- Ragwort is present and flowering/seeding within 50m of land used for grazing by horses and other animals or land used for feed/forage production

Medium Risk:

- Ragwort is present within 50m to 100m of land used for grazing by horses and other animals or land used for feed/forage production

Low Risk:

- Ragwort or the land on which it is present is more than 100m from land used for grazing by horses and other animals or land used for feed/forage production.

The distances given above are guidelines *only* and when assessing risk, account should also be taken of particular local circumstances and other relevant factors such as prevailing winds, topography, shelter belts, natural barriers, soil type and vegetation cover of receiving land. Whether or not the density of ragwort is high or low, the risk factor will be determined by the likelihood of it spreading to land used for grazing and/or feed/forage production.

Action to be taken by Owners of Livestock

14 Livestock owners are responsible for the welfare of their animals and they should satisfy themselves that their stock is not exposed to the risk of ragwort poisoning. In particular they should:

- ensure pastures are maintained in good condition and are not under or overgrazed (see Appendix 1)
- inspect grazing land regularly for ragwort (see Appendix 2) when animals are present
- move stock to ragwort free land where practicable taking into account the experience of stockmen on the likelihood that particular animals will ingest ragwort (see paragraph 6, Appendix 4)
- remove ragwort plants where necessary using an appropriate control technique (see Appendix 3) taking account of the status of the land (see Appendix 4)
- dispose of ragwort plants in an approved manner (see Appendix 5)
- follow safety guidelines (see Appendix 6)

Action to be taken by Producers of Conserved Forage

15 Producers of conserved forage should:

- ensure managed grassland is maintained in good condition (see Appendix 1)
- inspect land regularly for ragwort (see Appendix 2) in the growing season
- remove ragwort plants using an appropriate control technique (see Appendix 3) taking account of the status of the land (see Appendix 4)
- dispose of ragwort plants in an approved manner (see Appendix 5)
- follow safety guidelines (see Appendix 6)

Action to be taken by other Owners/Occupiers of Land

16 Owners/Occupiers should:

- identify land on which ragwort (see Appendix 2) is present
- review the risk of spread to land used for grazing or conserved forage production (see paragraph 11) on a six-monthly basis
- ensure managed grassland is maintained in a good condition (see Appendix 1)
- where appropriate and safe to do so avoid removing ground cover in amenity areas, roadside verges and on railway land unless provisions are made for the appearance of ragwort
- pay particular attention to areas of bare/disturbed land

- where a **high risk** is identified
  - take **immediate** action to control the spread of ragwort using an appropriate control technique (see Appendix 3) taking account of the status of the land (see Appendix 4)
- where a **medium risk** is identified
  - establish a control policy to ensure that where a change from a medium to a high risk of spread can be anticipated, it is identified and dealt with in a timely and effective manner using appropriate control techniques (see Appendix 3) taking account of the status of the land (see Appendix 4)
- where a **low risk** is identified
  - no immediate action is required (see paragraph 21)
- dispose of ragwort plants in an approved manner (see Appendix 5)
- follow safety guidelines (see Appendix 6)
- monitor the impact of clearance action to ensure its effectiveness for up to six months or to the end of the growing season if sooner

Control Methods

17 A summary of possible control methods are shown at Table 1 (overleaf). In many cases a single control method or single application will not be completely effective and consideration should therefore be given to combining more than one control/management technique. Effective control might not be achieved in one season, particularly where it is a dense infestation, which has been inappropriately managed in the past. The cost categories shown in the table do not provide a reliable guide to costs where linear land such as roads and highways is concerned. Control techniques are considered in more detail at Appendix 3.

Table 1. Summary of control methods

Method	Labour requirement	Cost	Prevention of flowering	Success of control – long term	Grazing removal period (days)	Number of treatments required per year	Repeat time scale (years)	Optimum time of treatment	Suitable for large areas	Suitable for dense ragwort colonisations	Remarks
Cutting	*	*	**	*	0(1)	1/2	1	F	***	***	Emergency treatment to prevent seeding. It is essential to cut before seed heads are mature and must be followed with a control technique
Levering out	***	*	***	**	0(1)	1/2	1	F	*	*	Tools available for digging up plants. Best results when soil is wet. Very dependent on spotting plants, some may be missed requiring further treatment.
Herbicide citronella oil derived product (3)	***	***	***	***	7(2)	1-2	1	R and F	*	*	Very dependent on spotting plants, resulting in some being missed. Large plants may need respraying two weeks later. Will control broad-leaved plants.
Herbicide selective spraying (3)	*	**	***	***	21(2)	1-2	1	R	***	***	Most products will kill other broad-leaved plants sprayed.
Herbicide spot treatment (3)	***	**	***	***	21(2)	1-2	1	R or F	***	*	Very dependent on spotting plants, some may be missed requiring further treatment.
Herbicide weed wipes (3)	*	**	**	**	21(2)	1-2	1	F	***	***	Only tall ragwort plants will be affected.
Pulling by hand	***	*	***	**	0(1)	1/2	1	F	**	*	Gloves must be worn. Best results when soil is wet. Very dependent on spotting plants, some may be missed requiring further treatment.
Pulling by machine	*	**	***	**	0(1)	1	1	F	***	***	Selects plants for pulling on height difference and leaves shorter plants.
Biological	*	***	*	?	N.B. Not suitable as a method of control on grazing land	1	1	R or F	***	***	Biological control using the cinnabar moth is at the early stages of development in the UK.

Key: * Low ** Medium *** High: R – When rosettes start growing; F – early summer before flower heads mature;

(1) – Provided ragwort cuttings are removed; (2) These timings are only a guide – follow the manufacturer's guidelines; (3) Always follow the manufacturer's guidelines.

For further advice on grazing removal periods, refer to paragraphs 23 and 24 of Appendix 3.

For a list of suitably qualified spray contractors, contact the National Association of Agricultural Contractors (NAAC). See Appendix 9 for details.

Control Policies

18 Where a medium or high risk has been identified, owners/occupiers and managers of land, including private and public land, highways, waterways, railways, conservation and amenity areas and land awaiting development, should put in place and implement a ragwort control policy. Such policies should take account of the need for vegetation management, including weed control and identify ragwort as a specific weed that should be controlled. The nature conservation status and biodiversity attributes of the land, and the contribution to them made by the ragwort, must also be considered when determining a policy.

19 When considering what is practical owners/occupiers/managers should balance the risk against the time and cost of taking the action, and consider whether the cost of control is proportionate to that risk. For some categories of land e.g. railway land and trunk roads this might make regular inspections of all land holdings impractical. In such situations complaints should be used to accumulate information on ragwort "hotspots". Where ragwort is present in areas that will cause a high risk (see paragraph 13 above) during the flowering/seeding season, or a medium risk anticipated to become a high risk, there should be a presumption that action to manage the spread of ragwort will be necessary, even where the cost of control is potentially high.

20 A control policy should encourage collaboration and co-operation with neighbours to achieve effective control of the spread of ragwort. Wherever practicable control action should be taken at early stages of growth in order to reduce the risk of seed dispersal and thereby achieve more effective long-term control.

21 Where a low risk is identified (see paragraph 13 above), but the presence of ragwort is likely to present a risk in the future, contingency plans should be prepared for its control. Where there is no immediate risk the presence of ragwort should be recorded and the situation should be monitored six monthly to ensure that the risk is reassessed should circumstances change.

Local Control Strategies

22 At local levels, it may be useful for those responsible for the management of the land or adjacent land and those with a statutory or advisory remit for nature conservation and animal welfare to get together to form a Local Ragwort Strategy Group. These groups may be particularly effective in areas where there is a conservation and wildlife interest and where ragwort management is a difficult issue. As well as considering the wider biodiversity interests being sustained by the ragwort, attention will need to be given to maintaining populations of the plant's natural predators to assist in the control process. Such groups could agree a way forward on ragwort control which would be endorsed by all parties.

Advice

23 Defra and Natural England produce a range of guidance on the Weeds Act, which is listed at Appendix 8. Technical advice and advice on ragwort control is also available from the organisations listed at Appendix 9.

24 Advice may also be available from organisations which are responsible for the management of land in their ownership and/or control i.e. Highways Agency, Local Highway Authority, Network Rail, British Waterways, Natural England, Forest Enterprise, Ministry of Defence and Local Authorities (Appendix 7).

Enforcement

25 Natural England will take enforcement action under the Weeds Act where ragwort poses a high risk to horses, other livestock, the production of conserved forage or other agricultural activities. Where a potential problem is identified contact should first be made with the owner/occupier or relevant body responsible for the land on which the ragwort is growing to attempt to resolve the matter informally, before contacting Natural England. Organisations that control or own land are listed in Table 2.

Table 2 – Organisations that own and/or control land

Location	Owner/Occupier
Private and commercial property and land and private roads	Owner/Occupier
Agricultural land and land used for livestock other than animals kept for non-agricultural business or recreational purposes	Owner/Occupier
Motorways and trunk roads	Highways Agency
All other public roads	Local Highway Authority
Railway Land	Network Rail
Canals and Towpaths	British Waterways
Site of Special Scientific Interest (SSSI)	Owner/Occupier
National Nature Reserves	Natural England/Owner/Occupier
Local Nature Reserves	Owner/Occupier
Common Areas/Common Land	Local Authority/Owner
Ministry of Defence Land	MoD
Development Land	Owner/Occupier
Parish/Town/Community Council Land	Parish/Town/Community Council
Private Woodland/Forestry	Owner/Occupier
Forestry (Forest Enterprise)	Forest Enterprise

26 Where, having been requested to do so, the owner/occupier/relevant body fails to take any action to prevent the spread of ragwort or fails to demonstrate compliance with this Code, Natural England should be notified (Appendix 7).

Pastures

1 Pasture management plays a crucial role in preventing the establishment and spread of ragwort. It is not possible in a Code of this nature to provide comprehensive guidance on pasture management. Best practice varies according to specific circumstances and a different approach would be appropriate in different circumstances e.g. in relation to managed grassland or unimproved semi natural grassland. Comprehensive guidance is available from a variety of sources and key references are provided at the end of this appendix.

2 Horses are very selective grazers and will eat down some areas until they are almost bare. Coarser grasses can dominate, particularly in those areas where horses dung or urinate, and the grass is left to seed creating a very uneven sward. Bare patches can develop resulting in ideal conditions for the establishment of ragwort. Horse pastures in particular must be very carefully managed to prevent this. Leaving horses out in wet winter conditions can exacerbate the situation causing the ground to become poached (i.e. churning up of land by animals) damaging the grass sward and providing an opportunity for ragwort to establish in the bare ground.

3 To maintain horse pasture in good condition:

- stocking densities should be appropriate to the size of grazing area and available herbage
- dung should be collected and removed or spread regularly
- plants poisonous to livestock should not be allowed to proliferate
- prevent poaching by keeping horses off fields in wet conditions, wherever practicable and maintain drainage
- remove any stale, dry fodder such as hay

4 Agriculturally improved grassland should be managed to achieve a dense ground cover of grasses.

- Nutrient and pH levels should be maintained through the appropriate application of fertilisers and lime (application rates should be determined by a soil analysis)
- Appropriate stocking levels should be maintained to avoid under and overgrazing
- Where pastures deteriorate to such an extent that other methods do little to improve the sward cover renovation through reseeding may be necessary
- Poaching should be minimised to prevent sward damage

5 Where grassland is being managed for its ecological value, but is also being used for grazing, different constraints will apply. Here it will be necessary to keep the population of weeds designated under the Weeds Act to a minimum level consistent with the ecological requirements of the site, the species of conservation significance living there, and the welfare of the grazing animals.

Uncultivated or semi-natural areas

6 Wherever possible uncultivated land with low levels of ragwort should remain undisturbed. Where an open sward is maintained and ragwort can be expected to be a natural component of grassland, other control methods might be necessary to prevent ragwort becoming a problem.

7 Anyone planning to change uncultivated or semi-natural areas to intensive agricultural use should find out whether they need to make an application under the *Environmental Impact Assessment (uncultivated land and semi-natural areas) Regulations 2006*. Land types covered includes unimproved grassland, heathland, moorland, scrubland and wetlands. Agricultural intensification may include cultivation, soil spreading, drainage, reclamation, increased application of fertilisers or pesticides, and increased grazing by livestock. Anyone planning such work should contact the EIA helpline (0800 028 2140) and read the guidance on the Defra website at www.defra.gov.uk/farm/environment/land-use/eia.

Where to go for more information?

- ADAS
- The British Horse Society
- Buglife – Management of Priority Habitats for Invertebrates 2003
- English Nature – Ragwort Information Note 2003
- English Nature – The Herbicide Handbook – guidance on the use of herbicides on nature conservation sites, 2003
- English Nature – The Lowland Grassland Management Handbook 1999
- English Nature – The Upland Management Handbook 2001
- Farming and Wildlife Advisory Group
- National Association of Agricultural Contractors
- Royal Society for Protection of Birds – A practical guide to the restoration and management of lowland heathland 2003
- Surrey Horse Pasture Management Project

Introduction

1 Common Ragwort *(Senecio jacobaea)* is an erect plant usually 30-90cm high, but may exceed 100cm. The stems are tough and often tinged red near the base, but brighter green and branched above the middle. A basal rosette of leaves usually dies before flowering but the stem leaves persist. They are deeply dissected, with irregular, jagged-edged lobes. All the leaves are dark green and rather tough and may be sparsely hairy on the lower side. The inflorescence is a conspicuous, large, flat-topped head of densely packed yellow flowers with ray florets and disc florets, all of which are bright yellow. The seeds are borne singly and have a downy appendage making them readily dispersible.

Biology

2 Common Ragwort is normally a biennial (rosette 1st year and flowering 2nd year). During its first year of growth it establishes a rosette of basal leaves and over winters in this way. During the second year the rosette sends up one or more leafy stem, up to one metre in height, which is unbranched and produces numerous flower heads at the top. The flower heads are carried in a large flat-topped cluster. Flowering usually occurs from June until late October after which the plant dies.

3 Common Ragwort can also behave as perennial (flowering every year) after damage to the crown such as cutting, grazing, hoof damage, damage by machinery and following incomplete/ineffective hand pulling in dry weather. It can also remain in the rosette stage for several years under intensive cutting regimes such as may be practised on amenity grassland.

Distribution

4 Common Ragwort is widespread throughout the UK and can be found on wasteland, development land, roadside verges, railway land, amenity land, conservation areas, set-aside, woodland and grazing land. Common Ragwort may also be found on land used for grazing horses and other stock. Poor quality and poorly managed horse pastures are particularly susceptible to high densities of ragwort and every effort should be made to control ragwort and improve pasture management in these situations.

Habitat

5 Common Ragwort can be found over a large range of soil types and climatic conditions and can be characteristic of badly managed grasslands, where trampling breaks the sward, where patches of turf have died in drought or where there is over or under grazing. However, well-managed acid/calcareous grasslands may naturally contain ragwort. Disturbance to grass verges, embankments and woodland areas which leads to open soil are also favourable conditions for seedling establishment.

Other species of Ragwort

6 Marsh Ragwort *(Senecio aquaticus)* is locally abundant in wet areas of fields, ditch banks and marshes. Hoary Ragwort *(Senecio erucifolius)* occurs mainly on roadsides, semi-natural meadows and field boundaries. Oxford Ragwort *(Senecio squalidus)* grows widely on roadsides, railway land, old walls and unmanaged land. Fen Ragwort *(Senecio paludosus)* grows on fens and stream sides, and the native site is currently (June 2004) restricted to one ditch and six further (ungrazed) sites.

Identification

Species which may be confused with Common Ragwort *(Senecio jacobaea)*

Other widespread Ragwort species

Marsh Ragwort *Senecio aquaticus*

Hoary Ragwort *Senecio erucifolius*

Oxford ragwort *Senecio squalidus*

Rare Ragwort Species

Fen Ragwort *Senecio paludosus*

Welsh Groundsel *Senecio cambrensis*

York Groundsel *Senecio eboracensis*

Other similar species

Field fleawort *Tephroseris integrifolia*

Tansy *Tananetum vulgare*

Fleabane *Pulicaria vulgaris*

St. John's worts *Hypericum spp.*

Yellow Loosestrife *Lysimachis vulgaris*

Goldenrod *Solidago virgaurea*

Agrimonies *Agrimonia spp.*

Mulleins *Verbascum spp.*

Other tall yellow composites

Heath Groundsel *Sencio sylvaticus*

Hawkweeds *Hieracium spp.*

Hawk's beards *Crepis spp.*

Hawkbits *Leontodon spp.*

Cat's ears *Hypochaeris spp.*

Sow Thistles *Sonchus spp.*

Elecampane *Inula helenium*

Ox's tongues *Picris spp.*

Goatsbeard *Tragopogon pratensis*

Goldilocks aster *Aster linosyris*

Photographs of the above listed species can be found on the inside of the back and front covers of the Code.

Appendix 3 – Control techniques

Introduction

1 Where the risk that ragwort will spread is such that control action is required or where ragwort is present on grazing land/land used for the preparation of conserved forage, three primary control methods are available:

- cultural
- chemical
- biological

Each method can be employed in a number of ways depending on the location, the population density and the extent of control required. In many cases effective control will only be possible if a combination of methods is employed. Repeat treatment over several seasons might also be required to deal with long established populations of ragwort.

2 The decision tree in Figure 1 will assist with selecting the most appropriate method of control.

3 On managed grassland or other pasture land management techniques have an important role to play in controlling the spread of ragwort by preventing its establishment (see Appendix 1).

Grazing

4 All grazing animals are susceptible to the toxic effects of ragwort and therefore the deliberate control of ragwort by grazing horses, sheep, goats or other livestock should *not* be undertaken on animal welfare grounds.

Cultural

5 Several cultural methods can be used to prevent the spread of ragwort. These include pulling and avoidance of bare ground areas. Figure 2 will assist with selecting the most appropriate method of cultural control.

Avoiding bare ground

6 Bare ground areas resulting from heavy poaching and/or overstocking are to be avoided where at all possible. This can be achieved by removing animals from ground to prevent poaching (i.e. churning up of land by animals) of land in wet weather conditions, particularly December to March, and by avoiding over grazing of land at other times. Control of rabbit populations may also be necessary to maintain ground cover.

Figure 1. Decision Tree to Assist Selecting the Most Appropriate Control Method

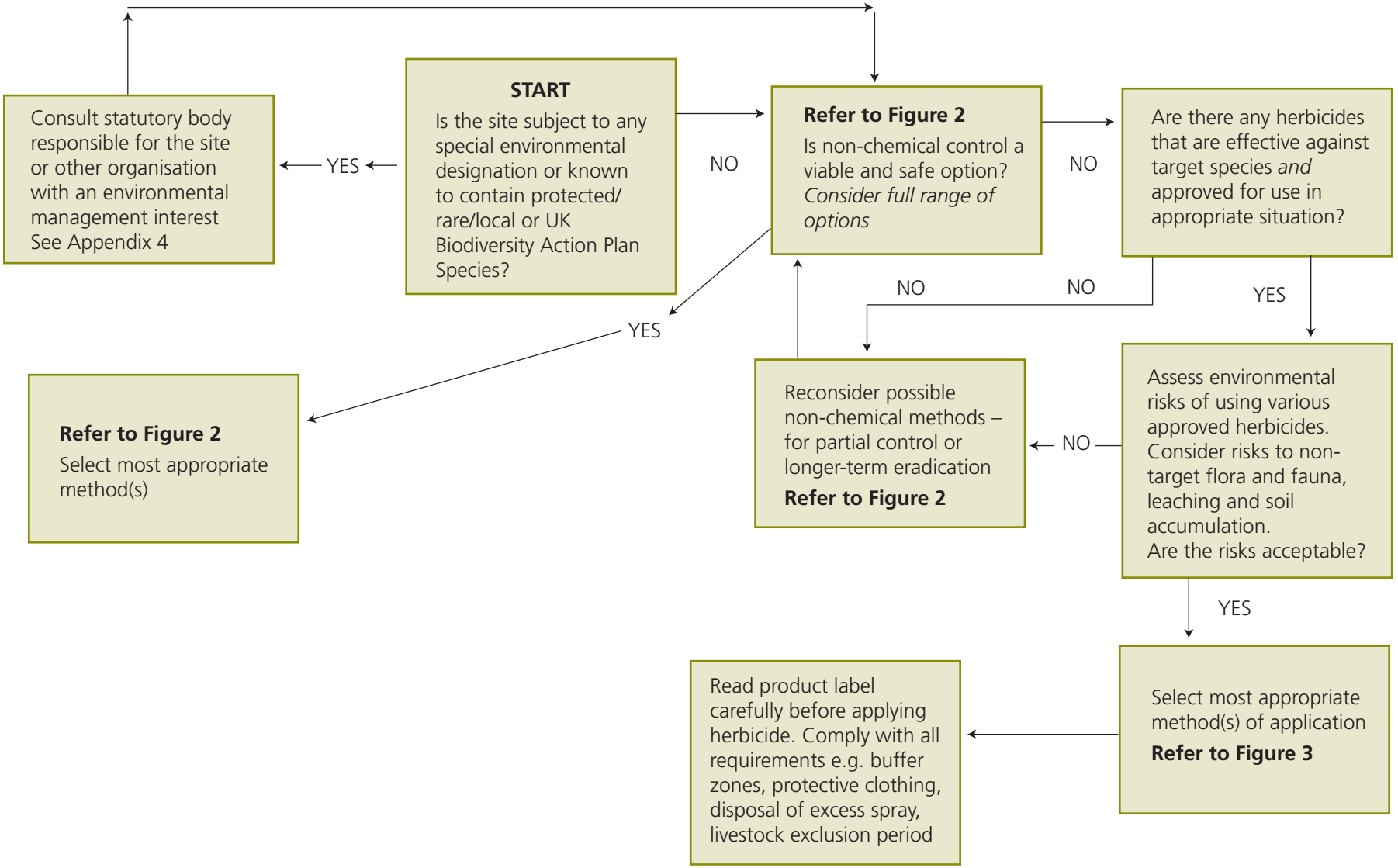
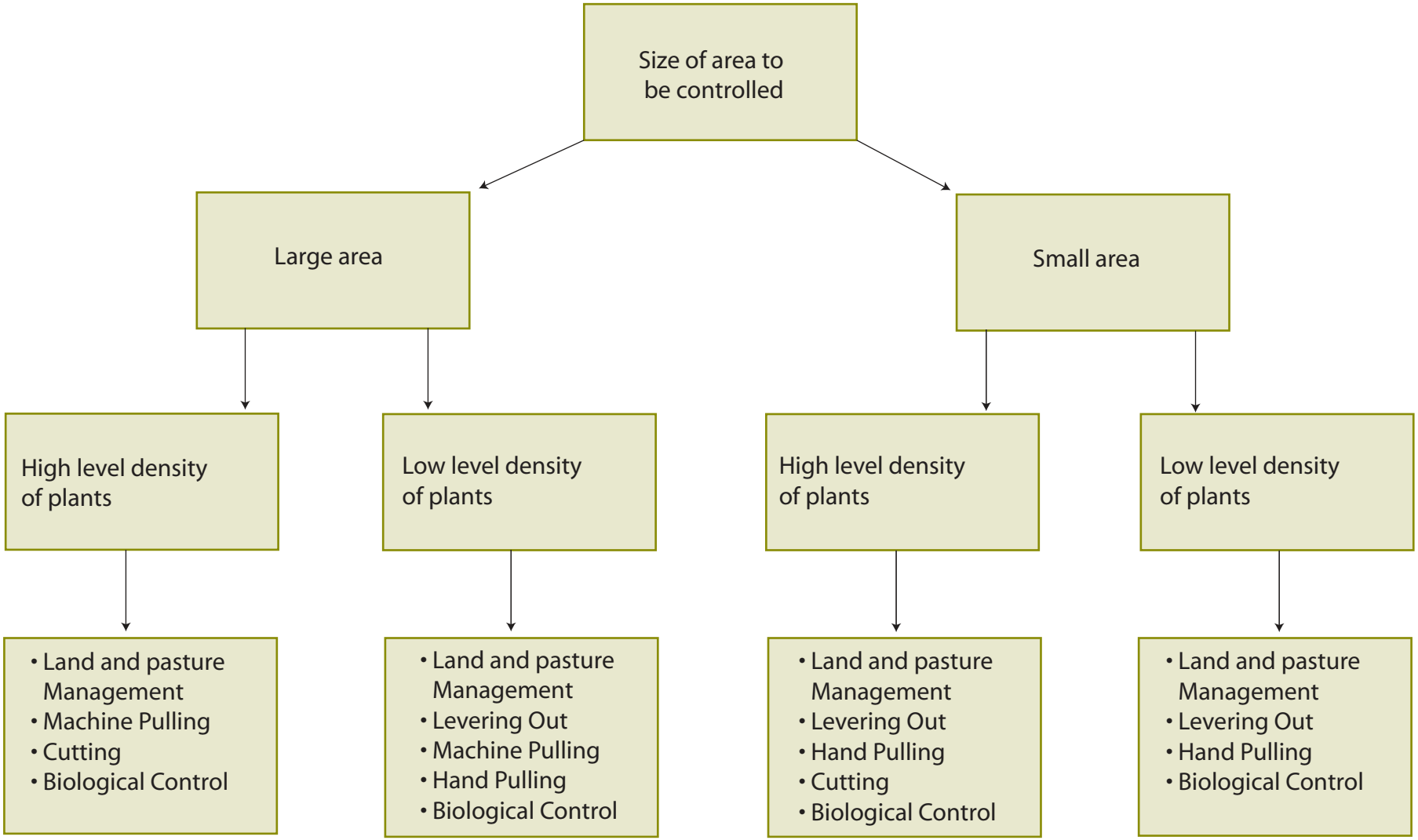


Figure 2. Selecting the Most Appropriate Cultural and Biological Control According to Size of Area and Level of Density of Plants



Pulling and levering

7 Pulling or levering up plants can prevent seed spread and can give long-term control although any root fragments not removed can produce weak growth. Hand pulling is appropriate for smaller areas but for larger areas the use of machine pulling should be considered. Machine pulling requires a height difference between the ragwort and other plants and is only suitable on certain soil types and topographies. Various hand tools are available for levering. Best results are achieved when the soil is damp and before ragwort has seeded.

8 A combination of manual/mechanical pulling or levering and reducing disturbance to soil can be effective against ragwort, if repeated over a number of years, without having to resort to herbicide use. Ragwort which has been either manually or mechanically pulled or levered should be disposed of safely (see Appendix 5) to prevent re-seeding.

Cutting

9 Cutting is a control method of last resort and should only be used to reduce seed production and dispersal where other more effective control methods cannot be used. Cutting stimulates growth and plants subsequently re-flower later in the season. Cutting and stem removal at the early flowering stage reduces seed production but does not destroy the plant, turning it from a biennial into a perennial habit and therefore repeat treatments will be required to prevent the ragwort from seeding.

10 Cut plants left lying in the field are a serious risk to grazing animals, as they remain toxic, are more likely to be eaten and may still set seed. Plants must be removed and safely disposed of (see Appendix 5) before returning grazing animals to the field.

Burners

11 Spot burners (hand held flame guns) can be used at rosette stage. Success can be variable ranging from 93% kill of ragwort seeding plants to rapid re-growth occurring. Consideration will need to be given to the potential damage that might be done to surrounding vegetation and the risks of fire. Operator safety will also need to be considered carefully. In most circumstances the use of spot burners is unlikely to be suitable except on hard surfaces and paved areas.

12 Where the use of spot burners is a preferred method of control a suitable and sufficient risk assessment must be undertaken prior to use.

Chemical

Use of Herbicides

13 Herbicides must only be used after a risk assessment has been completed. This must include consideration of any potential effects on the environment and on human and animal health. Risk assessments should also consider the likely ecological impacts of taking no action, which can sometimes outweigh any negative effects of a herbicide treatment.

14 Herbicides can be a time efficient and effective method of preventing the spread of ragwort. Total control cannot be guaranteed with one application. However, an annual chemical control programme will generally prevent the spread of ragwort.

15 Only herbicides and uses approved under the Control of Pesticides Regulations 1986 (as amended) or the Plant Protection Products Regulation can legally be sold, supplied, stored, advertised and used. Current lists of approved products can be found on the Pesticide Safety Directorate (PSD) website at www.pesticides.gov.uk. All herbicides must have an appropriate standard or 'off-label' approval for use in a relevant situation.

16 Always read the product label before using a herbicide and comply with all statutory conditions. Where a herbicide is to be applied under the terms of an off-label approval, users must obtain and read the relevant Notice of Approval (published by the Pesticides Safety Directorate). Users should be aware that pesticides used under an off label approval are done so at the user's own risk and may not be as effective.

17 Because herbicides are not equally effective at all stages of plant growth, repeated treatments at different times of year are recommended for optimum control. However, the time of year that a herbicide is applied might be constrained by legal requirements stipulated on the product label. Decisions should take into account the efficacy of the herbicide against the target species (e.g. many herbicides are more effective when applied to actively growing weeds) and any probable impacts of different timings on other non-target species at that site.

18 In deciding which chemical to use, it will be helpful to refer to the Environmental Information sheets that are being produced for all pesticide products under the Voluntary Initiative, a programme of measures agreed by the pesticide industry with Government to minimise the environmental impact of pesticides. Further details can be found on the Voluntary Initiative website: www.voluntaryinitiative.org.uk

Legal Restrictions

19 The advertisement, sale supply and use of agrochemicals are regulated by Part III of the Food and Environment Protection Act 1985, Control of Pesticides Regulations 1986 as amended by the Plant Protection Products (Basic Conditions) Regulations 1997, and the Health and Safety at Work Act 1974. These are supplemented by two statutory codes: the Code of Practice for the Safe Use

of Pesticides on Farms and Holdings (The Green Code) and the Code of Practice for Suppliers of Pesticides to Agriculture, Horticulture and Forestry (The Yellow Code). Following public consultation, in 2004, the Green Code was revised and issued as the Code of practice for using plant protection products (PB 11090) in 2006. Further details are available on the Pesticides Safety Directorate website at: www.pesticides.gov.uk

20 The Control of Substances Hazardous to Health (COSHH) Regulations 2002 require that pesticides (including herbicides) should only be used where necessary, and where the benefits significantly outweigh the risks to human health and the environment. Non-chemical control options must, therefore, be considered and herbicides should only be used in situations where alternatives do not exist, or are impractical or likely to be inadequate.

Training and Certification of Spray Operators

21 Spraying should only be carried out by a competent person who is suitably trained and qualified and in accordance with the pesticides and health and safety legislation. No person who was born later than 31 December 1964 can use a pesticide approved for agricultural use unless that person has obtained a recognised Certificate of Competence. Irrespective of their age, all persons who use pesticides as part of a commercial service (i.e. as a contractor on land not in the ownership or occupation of the contractor) must hold a Certificate of Competence, or work under the direct personal supervision of a person who holds such a certificate. Surplus chemicals must be disposed of according to the Code of Practice for the Safe Use of Pesticides on Farms and Holdings.

Restrictions on Use of Pesticides in or Near Water

22 Regulations made under the Food and Environment Protection Act 1985 control the use of herbicides/pesticides where pollution of water might occur.

Grazing Restrictions

23 The application of herbicides to grazing land will result in grazing restrictions. Each product has a specified grazing interval i.e. the period between treatment and grazing. The grazing interval provides sufficient time for the applied product to work on the growing plants and does **not** indicate that it is safe to graze.

24 It is only safe to graze fields once any ragwort and other toxic weeds present have disintegrated and are **not** accessible to grazing animals. The same principle also applies to grassland treated which is intended to be conserved for hay and haylage.

Environmental Restrictions

25 The use of herbicides to control ragwort will affect other plant species within the treated area. Areas protected by legislation, e.g. SSSIs and agri-environment schemes, also restrict the use of certain chemicals and the relevant authority should be consulted prior to operations (see Appendix 4).

Methods of Application

26 Efficacy and environmental safety are directly affected by the method of application, which must comply with statutory requirements and the specific conditions of approval set for the pesticide concerned. Effective targeting of herbicides is important, particularly when non-selective herbicides are used. Non-selective, translocated herbicides present the highest risk to non-target plants. The method used to apply a herbicide will be influenced by:

- the extent and distribution of the target species
- height and structure of the target species
- height, structure and sensitivity of surrounding/adjacent non-target species
- approval and label requirements

27 Weed-wipers provide a method for the targeted treatment of weeds that are taller (at least 10 cm taller) than the associated non-target vegetation. Weed-wipers are available for different scales of operation – from small hand held wipers to large tractor-mounted equipment.

28 The most widely used type of hand-held sprayer is the knapsack sprayer, which is suitable for spot-treatment of ragwort on small areas and on very rough or steep terrain. Sprayers mounted on tractors or ATVs are more suitable for larger areas of relatively even ground.

Environmental Safety

29 An evaluation of environmental risks is essential wherever herbicides/pesticides are used and should always consider both short and long-term, local and remote effects, impacts on animals as well as plants and possible indirect effects (e.g. through destruction of nesting sites, deoxygenation of ponds caused by organisms decomposing dead vegetation etc.)

30 To minimise the effects of herbicides on non-target species:

- use a weed wiper or spot treatment wherever practicable
- spot treat, if possible, and use a guard on the sprayer lance to more effectively target sprays and reduce drift
- use a selective herbicide that is less damaging to non-target species
- leave an unsprayed buffer zone between treated and vulnerable species/habitats

- avoid fine sprays – use medium-coarse droplet nozzles
- keep spray nozzles as close as possible to target plants
- consider use of low drift nozzles
- avoid spraying in unsuitable weather e.g. when wind speed is greater than Beaufort Force 2 or on very calm, warm days

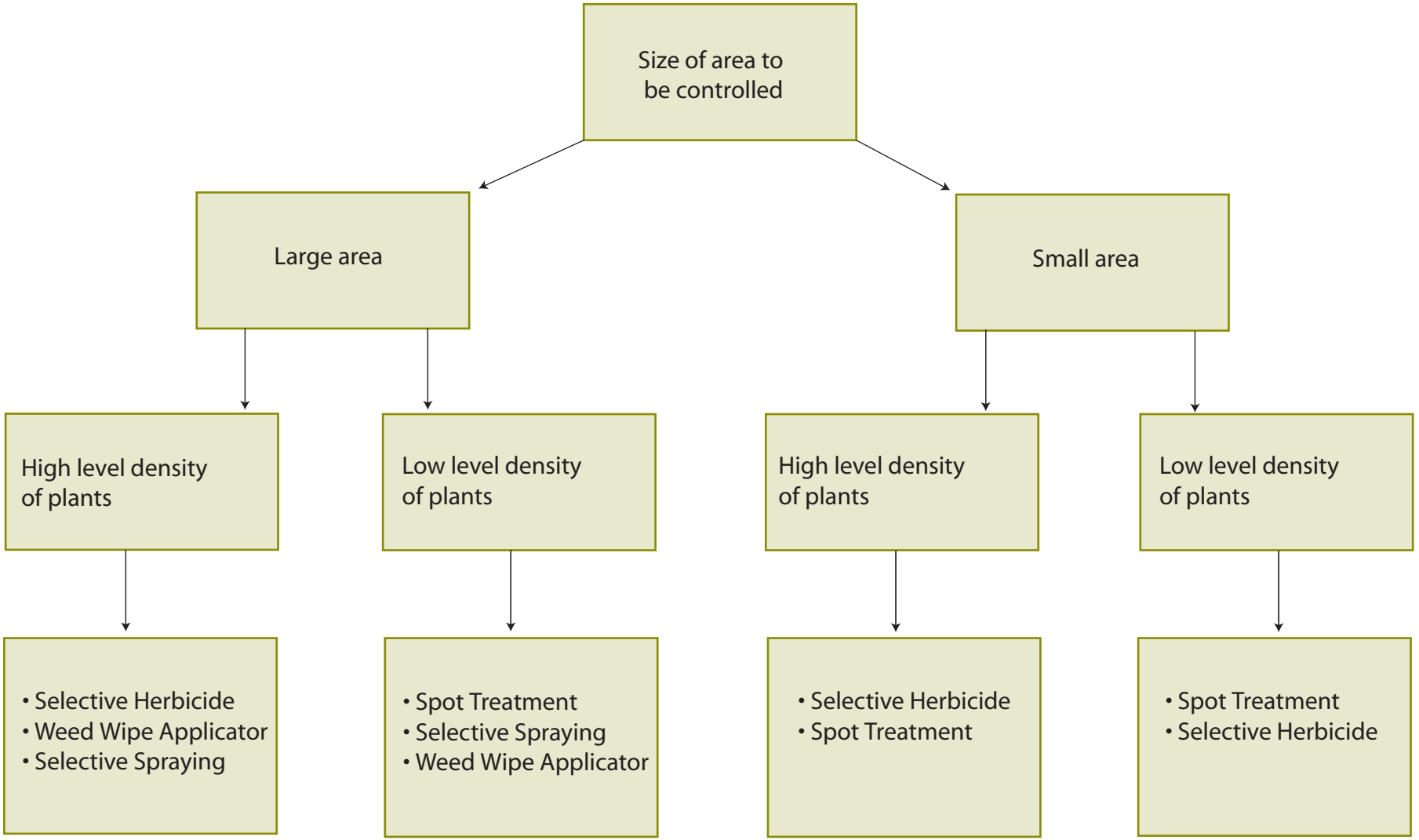
31 Figure 3 (overleaf) will assist with selecting the most appropriate method of chemical control.

Biological

32 Biological control is aimed at controlling ragwort by using the plant's natural enemies to lower its density, thereby suppressing ragwort populations and allowing other plants to re-establish. High densities or "plague levels" of cinnabar moths can destroy complete ragwort populations. Many species feed on ragwort including; cinnabar moth *(Tyria jacobaea)*, ragwort flea beetle *(Longitarsus jacobaea)* and ragwort seedfly *(Pegohylemia seneciella)*. However their natural spread might not always be as wide-ranging as that of ragwort. Other potential biological control agents include several fungal pathogens (rust diseases). None of these significantly reduce ragwort populations.

33 The introduction of a biological control agent has a potential advantage in areas where chemical/mechanical control is unachievable or undesirable. However, it can be difficult to maintain sufficient predator populations to provide adequate control and may only result in a reduction rather than a control of spread. Biological control is therefore best used as part of a long-term strategy. **Biological control by cinnabar moths is not suitable for the control of ragwort on grazing land or land used for forage production.** Approval is required from the local Natural England Area Team before this technique is used on SSSIs.

Figure 3. Decision Tree to Assist Selecting the Most Appropriate Herbicide Treatment According to Size of Area and Level of Density of Plants



Introduction

1 Where land has a special designation, attracts support payments which place conditions on the way the land is managed or has a specific biodiversity/wildlife interest no action to prevent the spread of ragwort should be taken without the approval of the competent authority. In the case where an area of land falls within more than one category, all the relevant considerations need to be taken into account.

Set-aside

2 Land set-aside from agricultural production is a potential source of ragwort and is subject to the provisions of the Weeds Act in the same way as other land. Action may be taken to control ragwort at any time by means of pulling, cutting, spot burning or herbicide. Full details of the rules for weed control on set aside land are included in the Single Payment Scheme Handbook and Guidance for England: 2006 Edition (SP 5) and Cross Compliance Handbook for England: 2006 Edition (PB 11035) available from Defra.

Organic farming

3 Where land is farmed organically there will be limitations on the control options that can be used. If in any doubt about the standards covering this area farmers should contact their Certification Body. Further advice on practical measures should be obtained from suitably experienced organic consultants.

Agri-Environment Schemes

4 Agri-environment schemes cover Environmentally Sensitive Areas (ESAs) and land subject to Countryside Stewardship and from 2005 Environmental Stewardship Entry Level and Higher Level Schemes. The control of weeds, including Common Ragwort on land covered by an ESA or other agreement is included in the terms of individual agreements. Where ragwort is present on land within an ESA or other agreement and poses a high risk to the health and welfare of grazing animals and/or the production of feed or forage it should be adequately controlled. Although individual agreements may limit the options for control, it should not rule out control. Guidance is available from Natural England (Appendix 7).

National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and other statutorily designated wildlife sites (including sites that support Red Data Book Listed, Nationally Scarce or Biodiversity Action Plan Priority species)

5 Several species of ragwort and closely related species occur as native plants on many statutorily designated wildlife sites such as NNRs and SSSIs. Some species of ragwort are rare. Management of plant life is crucial to the ecology of NNRs and

SSSIs and in such situations weed control, including the control of Common Ragwort, may be potentially damaging to the nature conservation interests of the site. With regard to NNRs and other SSSIs, the local Natural England Area Team must be consulted in advance of action and consent sought as to the most appropriate control method (Appendix 7).

6 On sites where grazing management is required and there is a wildlife interest associated with the ragwort then a risk assessment should be undertaken. If ragwort poisoning becomes a risk then grazing animals should be excluded from the areas for the period of risk, or the ragwort removed. However, the risk assessment may take into account the susceptibility of the particular grazing animals (species, breed, age, experience, foraging behaviour), the presence of abundant alternative palatable herbage and prevailing weather conditions.

7 Where sites do not require grassland management for grazing, ragwort may be acceptable providing the presence of such ragwort is not a threat to horses and stock grazing land neighbouring the site, or adjoining land used for feed/forage production. The key factor will be the level of ragwort present relative to the risk of seeds spreading to land used for grazing and/or forage production.

8 Emphasis should be placed on 'preventing' the establishment of ragwort by management, rather than 'controlling' populations of ragwort once they have occurred. Where control of the ragwort population is necessary, cultural control methods are the preferred option.

Non-statutorily designated wildlife sites/sites with nature conservation interests (including sites that support Red Data Book Listed, Nationally Scarce or Biodiversity Action Plan Priority species)

9 It is recommended that the approach adopted in paragraphs 5 to 8 above should generally apply to non-statutorily designated wildlife sites.

Scheduled Monuments

10 Control on or removal from land which is protected as a Scheduled Monument under the Ancient Monuments and Archaeological Areas Act 1979 may also require Scheduled Monument Consent (SMC). English Heritage must be consulted and advice sought as to the most appropriate method of control (Appendix 7).

Common Land

11 Common land can sometimes be populated by a number of species including Common Ragwort. Where ragwort is identified as putting at risk animals grazing on the common, or to neighbouring land used for grazing and/or feed/forage production, it must be controlled. Responsibility for control lies with the registered owner of the land and/or the person entitled to the occupation of the land

(normally the landowner but not exclusively so), the common right holders are not normally deemed to be the owners or occupiers. As common land may often be designated SSSIs, it may be helpful to refer to paragraphs 5 to 8 above.

Other Land used for Grazing

12 On land used for grazing horses and other animals control of ragwort is the responsibility of the occupier (owner or tenant) of the land. The presence of ragwort within a grazing area can pose a high risk to grazing stock, particularly horses, which are highly susceptible to the toxic effects of ingested ragwort

13 Particular attention must be given to the presence of ragwort seedlings which are less visible than the rosette stage and more likely to be eaten. Where ragwort is identified as posing a high risk to animals, suitable control measures should be taken or animals removed from the source of risk.

Forage Production

14 Grassland conserved for forage production including: hay, haylage, silage and crops grown for dried grass can contain ragwort. Ragwort cannot easily or readily be detected once dried. It remains highly toxic and cannot be easily discarded. In its dried form it is more likely to be eaten and poses a higher risk of poisoning to the animal than in the grazing situation. Where ragwort is identified in fields used for feed/forage production suitable control measures must be taken.

15 Any feed or forage that contains ragwort is unsafe to feed to horses and other animals and must be declared 'unfit' as animal feed and be disposed of safely. The Agriculture Act 1970 and the Feeding Stuffs Regulations 2000 govern the sale of animal feed and forage. Regulation 14 makes it an offence to sell any material for use as a feeding stuff which is found, or discovered as a result of analysis, to be unwholesome for or dangerous to any farmed animal, pet animal or human being. Trading Standards should be notified if feedstuffs are found to contain ragwort as an offence may have been committed.

Amenity Grassland

16 Amenity grassland which includes sports grounds, playing fields, village greens and grassed areas around buildings and gardens, are usually intensively managed and would normally pose a low risk of ragwort spreading to grazing land and land used for feed/forage production. However, where land is less intensively managed it can pose a risk if ragwort is allowed to proliferate in areas not frequently cut and/or on the perimeter of the amenity area. In such situations where ragwort poses a high risk of contaminating neighbouring land used for grazing and/or feed/forage production then effective control measures must be taken to prevent the spread of ragwort. Control methods should take into account public access and safety and a suitably sufficient risk assessment must be undertaken prior to control.

Highways

17 Ragwort is frequently found growing by the side of highways including motorways and other trunk roads, other public roads and private roads. It can pose a serious risk of spreading to grazing land and land used for feed/forage production within the locality. Where ragwort is present on roadside verges and the spread of ragwort poses a high risk to grazing animals and/or feed/forage production it must be controlled. The vast extent of the road network and the land surrounding it means that ragwort will be likely to spread on to highway verges.

18 The control of roadside vegetation including Common Ragwort is the responsibility of the Highways Agency in the case of motorways and other trunk roads, and the Local Highway Authority in respect of all other public roads. Private roads are the responsibility of whoever owns them. Control of ragwort on highway land should only be undertaken by appropriately trained and qualified persons who have had access to the relevant safety and environmental information to ensure that their specialist work does not compromise the safety of road users or contravene environmental legislation.

19 Particular problems arise where road improvements or other disturbances of the highway verge have occurred. If turf is removed, properly stored and replaced when the works have been completed, there should be much less bare ground for ragwort to colonise. Post works special measures should be avoided or minimised. Seeding measures should be followed up by several mowings during the first year which would promote growth of grass/clover etc, and reduce growth of ragwort.

Railways

20 Ragwort can be found growing by the side of railway lines and, due to the size of the railway network, can pose a risk of contaminating grazing land and land used for feed/forage production within the locality. Similarly, the number of neighbours surrounding the 30,000 hectare network means that ragwort will undoubtedly spread on to railway property.

21 The control of vegetation on railway land, including the control of ragwort, is the responsibility of Network Rail and is undertaken to ensure the risks posed to trains, railway personnel and the travelling public are reduced to as low as is reasonably practicable. Ragwort is controlled on a reactive basis, dealing with incidents on a site-specific basis. Weed control on private railway land is the responsibility of whoever owns the land.

22 Where ragwort is present on railway land and the spread of ragwort poses a high risk to grazing animals and/or feed/forage production it must be controlled. Control of ragwort on surfaces belonging to statutory undertakers operating railways may require the carrying out of special safety procedures, including temporary track closures. The work may fall to be co-ordinated with other activities in order to avoid excessive costs and inconvenience to passengers. Personnel involved have access to safety and environmental information

to ensure that the control activities do not compromise the safe running of the railway or contravene environmental legislation. Accordingly, where someone is concerned about ragwort on railway land it would be helpful to discuss with statutory undertakers what would be a reasonable period of time for clearance work to be carried out, before making a complaint to Natural England at Bristol.

Aquatic Areas

23 Land immediately adjacent to water (this includes rivers, streams, brooks, canals, side ponds/side canals, ponds and reservoirs) can be a source of ragwort, in particular the rarer species, such as Fen Ragwort, which flourishes in damp conditions. Where Common Ragwort is present on land adjacent to waterways and the spread of Common Ragwort poses a high risk to grazing animals and/or feed/forage production it must be controlled. However care must be taken to distinguish Common Ragwort from Fen Ragwort, which is proteced and should not be controlled. The Food and Environment Protection Act 1985 places a special obligation on all pesticide users to prevent pollution of water. The Environment Agency must be notified prior to use of herbicides/pesticides in or near water. Downstream and opposite riparian owners should also be consulted when pesticides are applied near water.

Woodland and Forestry

24 Ragwort in woodland and forestry generally represents a low risk to grazing animals and to feed and forage production. Where ragwort is present and the spread of ragwort poses a high risk to grazing animals and/or feed/forage production then it must be controlled.

Development, Waste, Derelict Land, Land Used for Mineral Extraction

25 This category includes brown field sites awaiting development, abandoned land, and land not utilised or managed surrounding development areas. Land within the urban environment generally represents a low risk to grazing animals and to feed and forage production. Where ragwort is present on development, waste and neglected land and the spread of ragwort poses a high risk to grazing animals and/or feed/forage production, then it must be controlled. It is expected that owners, occupiers and managers of such land will have in place policies for the identification, monitoring and control of ragwort on land for which they are responsible. In some circumstances, this type of land can have benefits for biodiversity and this should be borne in mind when developing a control policy.

Defence Land

26 The Defence Estates (an Executive Agency of the Ministry of Defence) administer the defence estate and are responsible for ensuring that the appropriate standards of weed control are maintained on defence land under its jurisdiction. Where

ragwort is present on defence land and there is a high risk that it may spread to neighbouring land used for grazing and/or feed/forage production the Ministry of Defence will take measures to control the ragwort and reduce the risk of it spreading. Some Ministry of Defence land has conservation status and requires grazing. In these circumstances, where a low risk has been assessed to animal welfare (see paragraph 6 of this Appendix), animals may graze defence land where ragwort is present. The Ministry of Defence will take action to reduce this risk if it becomes medium or high risk. The Ministry of Defence will not control ragwort where there is unexploded ordnance present.

Bridleways

27 Ragwort should be controlled on bridleways where the bridleway runs across grazing land or land used for forage production and where grazing animals may be at risk. Where there is no risk, it should not be necessary to control ragwort simply because horses will be ridden along the bridleway. It is the rider's responsibility to ensure that a horse when ridden or led on a bridleway does not ingest ragwort.

Appendix 5 – Disposal

1 **Safe disposal is an important part of ragwort control.** Options for disposal will depend on the amount of ragwort to be disposed of and the local resources available for disposal.

2 Cut and pulled flowering ragwort plants may still set seed and all parts of the ragwort plant remain toxic when treated or wilted. Cut and pulled plants will therefore continue to pose a risk to horses and other grazing stock and should be removed from areas where they could be ingested by vulnerable animals.

3 Options for disposal of ragwort plants include, sealing in plastic bags for incineration or landfill, or by disposing in an environmentally acceptable way, whereby it will not be a risk to grazing animals and the seed will not be spread. When plants are incinerated this must be undertaken in accordance with the Code of Practice for the Protection of Air (Appendix 8) and Local Byelaws. Landfill sites must be an approved Local Authority facility. The Environmental Services Department of your Local Authority will be able to identify the nearest waste reception centre. When transporting pulled ragwort, care should be taken to ensure that it is either in a sealed container or well-covered to prevent the spread of seed.

4 Composting in the open is not recommended. If the composting process does not kill the seeds, there will be a risk of spread of ragwort. Composting should therefore not be used for disposal of ragwort, unless the temperatures reached are sufficient to destroy viable seed.

5 *Since the Code was published in 2004 Defra has published a more detailed publication on this subject entitled Guidance on the disposal options for common ragwort (PB 11050) available from Defra Publications.*

Handling Ragwort Plants

1 Ragwort is a toxic plant and suitable precautions must be taken when handling live and dead plants. Hands must be protected by wearing sturdy waterproof gardening type gloves. Arms and legs should also be covered. A facemask should be used to avoid the inhalation of ragwort pollen.

2 If skin comes into contact with ragwort the area should be thoroughly washed in warm soapy water, rinsed and dried.

Operator safety

3 Care must also be taken to ensure operator safety when undertaking ragwort clearance. This is particularly important when clearance takes place on road verges and other public areas accessed by motor vehicles.

4 If assistance is provided by volunteers they must be competent to undertake the task and have adequate training (including road safety). They should be supervised to ensure that they are not a danger to themselves or to others. This is particularly important when clearing ragwort from roadside verges on the public highway. Volunteers are not permitted to operate on land owned by Network Rail or other railway undertakers.

5 Before clearance commences a sufficient and suitable risk assessment should be undertaken which:

- identifies the hazards
- decides who may be harmed by them
- evaluates the risk and decides whether the existing precautions are adequate or whether more should be done
- records the findings
- reviews the assessment and revises it if necessary

Further guidance on undertaking risk assessments is available from the Health & Safety Executive (see Appendix 7).

6 When digging or pulling ragwort adjacent to a public highway i.e. roadside verge, public footpath, bridleway or byway open to all traffic, it is essential that operators can be seen by other road/highway users. All operators should wear high visibility clothing and generally work facing the traffic. Basic road safety training should be provided to raise the awareness of road safety hazards. No attempt should be made to dig or pull ragwort in poor visibility or during the hours of darkness on roads.

7 Any vehicles used to transport operators to the location where ragwort is being controlled must be parked safely and must not be parked in such a way as to obstruct the public highway.

8 Standard road works signing should be set up in accordance with standard practice governing the type of road. On trunk roads including motorways different rules apply and traffic signing needs to be approved by the Trunk Road Agent and Police prior to being erected or works beginning.

9 On high-speed dual carriageways where the speed limit exceeds 50 mph, special traffic management requirements are called for under the terms of the Highways Agency document "Guidance for Safer Temporary Traffic Management", published by the Transport Research Laboratory Ltd (Appendix 8).

Prior Authority for Access to Land

10 It is essential that prior authority be obtained before clearance of ragwort is undertaken. Access to land without prior authority would amount to trespass and could lead to a charge of criminal damage. Authority should be obtained as follows:

- Private land – authority must be obtained from the owner/occupier of the land
- Public land – prior authority should be obtained from the relevant public body responsible for the management of that land, i.e. parish council, town council, local authority or other public body
- The public highway, i.e. road side verges – clearance should only be undertaken with the prior notification and authority of the relevant local highway authority, i.e. normally the Highways Department of the County Council
- Trunk roads including motorways – these are the responsibility of the Highways Agency
- Railway land – this is the responsibility of the railway undertaker concerned. Unauthorised persons must not under any circumstances enter nor purport to authorise entry by any other person. Only the railway undertaker concerned is in a position to authorise entry by persons in possession of appropriate railway safety certification meeting the requirements of undertakers' Railway Safety Cases approved by the Railways (Safety Case) Regulation 2000 (as amended). A failure to comply with this instruction is likely to place the persons concerned in breach of duties under the Health and Safety at Work etc Act 1974. The person(s) authorising entry may in such circumstances also render themselves liable to prosecution in their personal capacity.

Use of herbicides

11 All herbicides are potentially hazardous if not used in accordance with their approval, and where appropriate, environmental risk and COSHH assessments. (See Appendix 3). Such products should only be used where absolutely necessary. Unnecessary use is uneconomic, can lead to pesticide resistance and, in some cases may also damage the non-target vegetation. A risk assessment must be carried out before application. The risk assessment should determine the risks to operators and other people (including members of the public) and should specify the measures required to adequately control those risks. Any measures e.g. substitution of the product (by a less hazardous one), engineering controls etc deemed appropriate and necessary by risk assessment should be implemented, and protective equipment required by and stipulated on the product label should be worn. Information relating to first aid and medical treatment in the event of accidental exposure to the chemical is also given on the product label.

British Waterways
Willow Grange, Church Road, Watford, WD17 4QA Tel: 01923 201120
Website: http://www.britishwaterways.co.uk

Department for Environment, Food & Rural Affairs (Defra)
Nobel House, 17 Smith Square, London SW1P 3JR
Defra Helpline (Public Enquiries) Tel: 08459 335577
Website: http://www.defra.gov.uk

English Heritage (EH)
1 Waterhouse Square, 138 – 142 Holborn, London, EC1 2ST Tel: 020 7973 3000
Website: http://www.english-heritage.org.uk

Environment Agency (EA)
Rio House, Waterside Drive, Aztec West, Almondsbury, Bristol BS32 4UD
Tel: 08708 506506 Website: http://www.environment-agency.gov.uk

Forestry Commission (FC)
231 Corstorphine Road, Edinburgh EH12 7AT Tel: 0131 334 0303
Website: http://www.forestry.gov.uk

Health & Safety Executive (HSE)
HSE Information Services, Caerphilly Business Park, Caerphilly, CF83 3GG
HSE InfoLine Tel: 0845 345 0055 Website: http://www.hse.gov.uk

Highways Agency (HA)
123 Buckingham Palace Road, London, SW1W 9HA Tel: 08457 50 40 30
Website: http://www.highways.gov.uk

Natural England – Bristol – Injurious Weeds and Wildlife Licensing Unit
Natural England, Burghill Road, Westbury-on-Trym, Bristol BS10 6NJ
Tel: 0117 959 8622 E-mail enquiries: wildlife@naturalengland.org.uk

Natural England – Public Enquiries
Natural England, Northminster House, Northminster Road, Peterborough PE1 1UA
Tel: 0845 600 3078 E-mail enquiries: enquiries@naturalengland.org.uk

Natural England – Head Office
Natural England, 1 East Parade, Sheffield, S1 2ET Tel: 0114 241 8920
Website: http://www.naturalengland.org.uk

Network Rail
40 Melton Street, London NW1 2EE Tel: 08457 11 41 41
Website: http://www.networkrail.co.uk

Pesticide Safety Directorate (PSD)
Mallard House, Kings Pool, 3 Peasholme Green, York Y01 7PX Tel: 01904 455775
Website: http://www.pesticides.gov.uk

Scottish Executive Environment and Rural Affairs (SEERAD)
Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY Tel: 0131 556 8400
Website: http://www.scotland.gov.uk

Welsh Assembly Government Department for Environment, Planning & Countryside
National Assembly for Wales, Cardiff Bay, Cardiff CF99 1NA Tel: 0845 010 5500
Website: http://www.wales.gov.uk

Defra Publications

- The Weeds Act 1959 Preventing the spread of harmful weeds (2002)*
- The Weeds Act 1959 Guidance on the methods that can be used to control harmful weeds (PB 7190) (2002)
- Weed Identification (PB 4192) *Provides guidance on weed identification including ragwort species* (1999)
- Guidance on the disposal options for common ragwort (PB 11050) (2005)
- Code of practice for using plant protection products (PB 11090) *Updated code providing guidance on the safe use of pesticides on farms and holdings (2006)*
- Code of Good Agricultural Practice for the Protection of Air (MAFF, 1998 PB 0618) *Provides guidance on avoiding air pollution from odours, ammonia and smoke*
- Code of Good Agricultural Practice for the Protection of Water (MAFF, 1998 PB 0587) *Provides guidance on pesticide storage, use and disposal*
- Single Payment Scheme Handbook and Guidance for England: 2006 Edition (SP 5) *Guidance on weed control on set-aside land*
- Cross Compliance Handbook for England: 2006 Edition (PB 11035) *Guidance on weed control on set-aside land*

Copies of all numbered Defra publications can be obtained from:

Defra Publications
Admail 6000
London SW1A 2XX
Tel: 08459 556 000

And are also available on the Defra website (www.defra.gov.uk)

*Only available on the Defra website.

Other Publications

- The Safe Use of Pesticides for Non-agricultural Purposes (HSE 1995) (ISBN 0-71760-5426) *An approved code of practice giving practical guidance on the use of non-agricultural pesticides in accordance with the requirements of the COSHH Regulations 1994*
- The UK Pesticide Guide (CAB Publishing) (ISBN 1-84593-2293) *Annual publication of available pesticides and adjuvants in the UK for use in agriculture, horticulture, forestry and amenity situations*
- The Orange Code – Code of Practice for the Use of Approved Pesticides in Amenity and Industrial Areas (National Association of Agricultural Contractors with British Agrochemicals Association) (ISBN 1-871140-12-9) *Voluntary Code of Practice*

Appendix 8 – Useful publications

- English Nature – The Herbicide Handbook: Guidance on the use of herbicides on nature conservation sites, 2003. ISBN 1 85716 746 5. Available on www.english-nature.org.uk
- English Nature Information Note – Towards a Ragwort management strategy 2003 *Information note on the control of common ragwort*
- "A Guide to Animal Welfare in Nature Conservation Grazing" (Grazing Animal Project 2001). Available from GAP Office, The Kiln, Mather Road, Newark, Nottinghamshire NG24 1WT. Tel: 01636 670095. E mail: enquiries@grazinganimalprojects.info *Provides guidance on the management of stock on nature conservation sites.*
- "Guidance for Safer Temporary Traffic Management", published by the Transport Research Laboratory Ltd ISBN 0 9521860 98 (www.trl.co.uk).

ADAS
Provide chargeable consultancy advice
ADAS, Woodthorne, Wergs Road, Wolverhampton WV6 8TQ
Tel: 0845 766 0085
http://www.adas.co.uk

AGRICULTURAL INDUSTRIES CONFEDERATION
Member companies supply and distribute agrochemicals
Confederation House, East of England Showground, Peterborough, PE2 6XE
Tel: 01733 385230
http://www.agrindustries.org.uk

AICC (Association of Independent Crop Consultants)
Provide chargeable consultancy advice
AICC, Agriculture Place, Heath Farm, Heath Road East, Petersfield, Hampshire, GU31 4HT
Tel: 01730 710095
http://www.aicc.org.uk

ALVAN BLANCH
Supplier of the 'Eco-Puller' a mechanical tall weed pulling machine (including ragwort)
Chelworth, Malmesbury, Wiltshire SN16 9SG
Tel: 01666 577333
http://www.alvanblanch.co.uk

BARRIER ANIMAL HEALTHCARE
Supplier of Citronella Oil derived product
36 Haverscroft Industrial Estate, New Road, Attleborough, Norfolk NR17 1YE
Tel: 01953 456363
http://www.barrier-biotech.com

BASIS Registration Ltd
Runs the accreditation scheme for advisors of pesticide use
BASIS, 34 St John Street, Ashbourne, Derbyshire DE6 1GH
Tel: 01335 343945
http://www.basis-reg.com

THE BRITISH HORSE SOCIETY
National organisation for horse owners and riders
Stoneleigh Deer Park, Kenilworth, Warwickshire CV8 2XZ
Tel: 08701 202244 Fax: 01926 707800
http://www.bhs.org.uk

BRITISH INSTITUTE OF AGRICULTURAL CONSULTANTS (BIAC)
Provide chargeable consultancy advice
BIAC, The Estate Office, Torry Hill, Milstead, Sittingbourne, Kent ME9 0SP
Tel: 01795 830100
http://www.biac.co.uk

Appendix 9 – Sources if technical advice on ragwort control

CENTRE FOR ECOLOGY AND HYDROLOGY (CEH)
Control of injurious weeds in or near water
The Centre for Ecology and Hydrology, CEH Wallingford, Maclean Building, Benson Lane, Crowmarsh Gifford, Wallingford OX10 8BB
Tel: 01491 838800 Fax: 01491 692424
http://www.ceh.ac.uk

CROP PROTECTION ASSOCIATION
Member companies can supply technical literature
Crop Protection Association, 20 Culley Court, Orton Southgate, Peterborough PE2 6WA
Tel: 01733 367213
http://www.cropprotection.org.uk

FARMING AND WILDLIFE ADVISORY GROUP (FWAG)
Advice on farming and conservation
Farming and Wildlife Advisory Group, Stoneleigh Park, Kenilworth, Warwickshire CV8 2RX
Tel: 024 7669 6699
http://www.fwag.org.uk

GARDEN ORGANIC
Organic gardening, including weed control
Garden Organic, Ryton Organic Gardens, Coventry, Warwickshire CV8 3LG
Tel: 024 7630 3517
http://www.gardenorganic.org.uk

LAZY DOG TOOL LTD
Supplier of ragwort lifting tools and weeding brigades
Hill Top Farm, Spaunton, Appleton-le-Moors North Yorkshire YO62 6TR
Tel: 01751 417351
http://www.lazydogtoolco.co.uk

MACHINERY RINGS ASSOCIATION OF ENGLAND AND WALES (MRA)
Co-operative supply of machinery and labour
Association Secretary: Mr Angus Campbell, RAMSAK Ltd, Weald Granary, Seven Mile Lane, Mereworth, Maidstone, Kent ME18 5PZ
Tel: 01622 815356
http://www.machineryrings.org.uk

NATIONAL ASSOCIATION OF AGRICULTURAL CONTRACTORS
Member companies can provide contracting services in agriculture amenity and industrial land based areas
National Association of Agricultural Contractors, Samuelson House, Paxton Road, Orton Centre, Peterborough PE2 5LT
Tel: 01733 362920
http://www.naac.co.uk

NATURAL ENGLAND
Advice on Wildlife Sites
Natural England, Northminster House, Northminster Road, Peterborough PE1 1UA
Tel: 0845 600 3078
http://www.naturalengland.org.uk

THE ORGANIC RESEARCH CENTRE
Organic farming including horticulture and weed control
The Organic Research Centre, Elm Farm, Hamstead Marshall, Newbury, Berkshire RG20 0HR
Tel: 01488 658298
http://www.efrc.com

RAG-FORK
Suppliers of ragwort lifting tools
Rag-Fork, 110 Sunderland Street, Tickhill, Doncaster DN11 9ER
Tel: 01302 746077
http://www.rag-fork.co.uk

RAGWORT-UK LTD
Cinnabar biological control agents
Ragwort-UK Ltd, 74 Roman Bank, Long Sutton, Lincolnshire PE12 9LB
Tel: 01406 365180
http://www.ragwort-uk.com

SURREY HORSE PASTURE MANAGEMENT PROJECT
Council supported advice on pasture management within Surrey
Horse Pasture Management Project, Surrey County Council South West Area office, 3rd Floor Grosvenor House, London Square, Cross Lanes, Guildford, Surrey GU1 1FA
Tel: 08456 009 009 and ask for Nicky West
Fax: 01483 517553
E-mail: nicky.west@surreycc.gov.uk
http://www.surreycc.gov.uk/horsepastureproject

The list is not exhaustive and the presence of any organisation on this list does not imply that the Code endorses the advice, guidance, information, products or services provided by those organisations.

Objectives of the Code of Practice and what it is seeking to achieve

1 The objective of the Code of Practice is to reduce significantly, through good practice, the risk that horses and livestock might be poisoned by ragwort. The Code seeks to achieve this by providing comprehensive guidance to horse owners and land managers on how to prevent the spread of Common Ragwort (*Senecio jacobaea*) where it poses a significant risk to horses, livestock or fields used for the production of feed and forage. The Code does not seek to eradicate or indiscriminately control the growth of Common Ragwort, and recognises the practical and resource difficulties of controlling it. Control is only recommended in those circumstances where there is a specific threat to animal welfare.

Evidence of the need to take control action

2 Common Ragwort is one of five injurious weeds specified under the Weeds Act 1959. Under the Act, the Secretary of State for Environment, Food and Rural Affairs has a discretionary power to serve a notice on an occupier of land on which one or more of the injurious weeds is growing requiring the occupier to take action to prevent the spread of those weeds. An unreasonable failure to comply with such a notice is an offence. The vast majority of complaints about injurious weeds, (at least 90%), investigated by Defra concern ragwort, and the numbers have increased steadily year on year. In 2001 there were 105, in 2002 there were 160, and in 2003 there were 318 cases respectively. (The figure for 2003 is estimated) Defra has limited resources to investigate complaints about injurious weeds. The Code of Practice should encourage better land management to prevent the establishment of ragwort, and a greater awareness of when and where it is necessary to take control action, as well as providing guidance on the most appropriate control methods for the particular circumstances.

3 Common Ragwort contains pyrrolizidine alkaloids, which are poisonous to horses and other animals, such as sheep and cattle. With the exception of sheep, in most situations, grazing animals do not readily eat growing ragwort. Ingestion of ragwort, either in its green or dried state, causes cumulative liver damage, which can have fatal consequences. In its dried state, particularly in hay or other conserved forage, ragwort is less likely to be rejected by livestock and may present a greater risk than ragwort in its natural state. Horses appear to be more susceptible to ragwort poisoning than other animals. The International League for the Protection of Horses has estimated that the number of horses has doubled during the last 15 years, which is mirrored by an increasing number of horse owners with concerns about the spread of ragwort.

4 The scale and extent of illness and death in animals through ragwort poisoning is difficult to determine, as an autopsy would be required in every case to confirm the exact cause of death. There is no current test available to diagnose accurately whether an animal is suffering from ragwort poisoning, and certainly no test to help determine whether any such poisoning relates to ingestion of conserved or live ragwort. Dr Derek Knottenbelt at Liverpool University is carrying out research to establish a blood test to detect ragwort poisoning in horses. He has estimated

a figure of 500 horse deaths from ragwort poisoning in 2000. This figure is based on the number of confirmed horse deaths from ragwort poisoning seen by the Philip Leverhulme Large Animal Hospital Teaching Hospital at Liverpool University as a percentage of all the horse cases treated during the year, and grossed up to be representative of the total horse population. In 2003 the British Equestrian Veterinary Association (BEVA) carried out a survey on behalf of The British Horse Society in which members were asked to complete a questionnaire recording suspected and proven cases of ragwort poisoning in 2002. There were 84 replies to the survey (4% of the total BEVA membership) and the number of suspected or confirmed cases of ragwort poisoning from these replies totalled 283, with 62 of those responding having dealt with a proven case of ragwort poisoning.

5 Most cattle are usually slaughtered before the effects of ragwort poisoning become evident. Figures from the Meat Hygiene Service indicate that around 120 cattle carcasses were rejected in both 2002 and 2003 because of jaundiced livers, which can be a symptom of ragwort poisoning. However it is not possible to determine whether ragwort poisoning was the cause of jaundice in these cases. Very few cattle suffering from ragwort poisoning would be presented to be slaughtered for human consumption since they would be obviously affected with a serious abnormality detectable on veterinary examination. Whilst it is unsatisfactory not to have more accurate data on the number of animal deaths, there is no dispute that ragwort poisoning does present a serious health risk to horses and livestock, in some situations, and may be a common cause of death.

6 During recent years public concern about ragwort has increased, particularly in relation to roadside verges and on railway land. Horse owners consider that the threat of poisoning has increased due to reduced control as a result of the movement restrictions imposed during the outbreak of Foot and Mouth Disease in 2001, although there is no current evidence to support this. In future years there is a possibility that ragwort could increase as land management becomes less intensive. Changes in the populations of flora and fauna in the countryside are monitored by the Countryside Survey. Evidence in respect of ragwort populations for 2000 onwards will not be available until the next Countryside Survey in 2006. The most recent evidence from the last Countryside Survey covers the period 1990 to 1998. This found no specific increase in ragwort in fertile or infertile grassland (i.e. grazing land) during the period 1990 to 1998. However there was a significant increase in the frequency of ragwort in lowland woods and on arable land over the same period, though ragwort poses less of a threat to stock in these situations. The Countryside Survey is a national survey and may not detect special localised changes in frequency of ragwort. The concerns about horse and animal health welfare expressed by owners are genuine and properly fall to be dealt with under the legislative framework of the Weeds Act. These justify a need to control ragwort where it presents a threat to animal welfare.

7 The Animal Welfare Bill will make it an offence to keep an animal in such a way that suffering will be an inevitable consequence. This will enable prosecution of owners who keep animals on land where harmful weeds or plants, such as Common Ragwort, are growing, and there is a risk of ingestion. This is likely

to increase pressure on landowners and occupiers to ensure that surrounding land is kept free of ragwort, and other harmful weeds or plants, using appropriate control methods.

Options

8 The measures in the Weeds Act 1959 to prevent the spread of injurious weeds are applicable to "any" land without qualification. A Code of Practice that operated at this level would result in the blanket control of ragwort, which could have a detrimental effect on the environment and a significant and unsustainable impact on resources. Moreover, it is likely that ragwort populations are less prone to increase in designated areas subject to strict management measures. The aim of the Code is not to eradicate ragwort from the countryside, but to prevent the spread of ragwort to land used for horses, livestock and feed and forage production. In particular, the Code is intended to contain the spread of ragwort from low risk to high-risk areas, and therefore prevent the establishment of ragwort in high-risk areas. Where a heavy density of ragwort plants occur in a high-risk area, the complete removal of ragwort may be justified to ensure animal welfare.

9 The Weeds Act makes no distinctions as to the different control methods, which should be taken in respect of different categories of land. The draft Code of Practice provides the opportunity for Government to set out clearly the most appropriate methods of control that should be used depending on specific locations and land use. As a first measure, the draft Code of Practice advocates the need to encourage landowners to take preventative action to avoid the establishment of ragwort and the need for subsequent control actions by ensuring good land/pasture management in the first instance. Where control action is necessary, the draft Code of Practice sets out the different options for control: cultural, chemical and biological and the various methods available under these options. It explains clearly on which categories of land and in which circumstances the different options should be used. In particular, it sets out the circumstances under which chemical methods of control are suitable, and where these should not be permitted. In the circumstances where the use of herbicides is possible, the Code of Practice details the procedures to be followed, including the necessity for carrying out a risk assessment. By providing this information, the Code should help to prevent the inappropriate use of herbicides and encourage methods of control, which minimise any possible risks to the environment. In particular, the Code should ensure that the most appropriate methods of control are used on environmentally sensitive categories of land, and thus prevent damage to non-target species, other wildlife and natural habitats.

Environmental benefits associated with Ragwort

10 Common Ragwort (*Senecio jacobaea*) is a native species of the Compositae family found in many natural and semi-natural habitats. It supports many species of wildlife, including Common Broomrape (*Orobanche minor*), 14 species of fungi and many different invertebrates, such as moth caterpillars, thrips, plant bugs,

flies, beetles and mites. With the decline in flowering plant diversity in the countryside, ragwort has assumed an increased importance as a source of food for generalist nectar feeding insects in the late summer. Ragwort is the food plant of a least 77 species of foliage eating insects, including five "Red Data Book" and eight "nationally scarce" species. The most well known is the cinnabar moth (*Tyria jacobaeae*). At least 30 species of insects are confined to ragworts, the great majority of which are confined to Common Ragwort or the closely related Hoary Ragwort (*Senecio erucifolius*). Many species of insects may be seen on ragwort flowers. Some use them as territory markers or as vantage points to find passing prey or mates. Some species prey on the other insect visitors to the flowers, some are more closely associated with the ragwort flowers, taking ragwort pollen, and more than 170 species have been recorded feeding on ragwort nectar. Such an important source of insects is exploited by birds and mammals.

Anticipated actual impact on the environment

11 Common Ragwort occurs widely. In 1998 it was found in 11% of pastures, 9% of road verges and 4% of field boundaries in England and Wales.[1] The practical advice contained in the Code is designated to lead to greater efficiency in controlling the spread of Common Ragwort, and reduce any risk to grazing animals. There will be a general reduction in the number of unsuccessful attempts at control. Integrated strategic control programmes are likely to develop at landscape scale. However, there is still likely to be variation in the degree of success, with much depending on local conditions (soils, climate and management) at least initially. In particular, it may take several years for significant reduction to be achieved at sites where there is a long history of ragwort where the plant is well established, with new generations appearing from the seed bank. Large populations of Common Ragwort in high-risk areas should become scarcer. Conversely, Common Ragwort could well increase generally as a result of warmer, drier, summers resulting from climate change due to Global Warming.

12 It will be difficult to monitor the impact of the Code on the wildlife associated with Common Ragwort, not least because of the small size of many of the associated invertebrates and the shortage of entomologists competent at recording them. Most elements of the Common Ragwort fauna are already poorly recorded. Nonetheless, a reduction in the ragwort population will result in the loss of an important nectar source, food plant and habitat for a large number of wildlife species. Local declines of the invertebrates supported by ragwort are inevitable, and some species that are wholly associated with the plant will decline. The monitoring systems for recording these changes are not in place. There is also likely to be a localised impact on invertebrates that utilise Common Ragwort as a late summer nectar supply, particularly in areas where few other plants are in flower at that time. Many of these invertebrates are mobile and will find other nectar sources if these are available. However, since the Countryside Survey has shown a continuing decline in plant diversity in grasslands including road verges it is possible that ragwort control could have a detrimental effect on invertebrate populations unless successful measures can be put in place to increase other flowering plant diversity in the countryside.

1 Source: Countryside Survey 2000

13 A reduction in the ragwort population could impact on biological control methods. The ability of the plant's natural predators to help control ragwort will be compromised if there are no populations of the plant to act as habitat reservoirs or refuges and the plants they do utilise do not persist long enough for the insects to complete their life cycles.

14 Given that the use of a broad-spectrum herbicide is generally the most effective means of controlling ragwort, it is possible that their use will increase, particularly on agricultural and amenity land. This might be offset to some degree if alternative more selective and cultural control methods are well presented. It is to be hoped that reference to the Code and strict compliance with statutory conditions of approval would result in all herbicides being applied in a responsible manner. However there is a risk that indiscriminate use of herbicides may occur as a result of those who either do not read the Code or label requirements, or have no regard for wider environmental considerations. Monitoring would need to be put in place to obtain data concerning any such changes in herbicide usage.

15 It is anticipated that there could be a negative impact on other plants which have some similarities in appearance to ragwort, due to their being misidentified as ragwort. However the prominent inclusion within the Code of suitable identification information, in particular photos and other illustrative material (see inside of front and back covers of the Code), seeks to minimise such misidentifications. We urge all users of this Code to examine these photographs to ensure that it is indeed Common Ragwort that they are considering controlling. Considerable pressure is also likely to develop on conservation organisation to control other species of ragwort as well as Common Ragwort.

16 Despite the recommendations in the Code for consultation in respect of control on environmentally sensitive land, it is likely that designated conservation sites and other sites with biodiversity value (e.g. road verges, brownfield sites, field margins and long-term set-aside fields) will come under increasing pressure for more rigorous control. Some of these non-designated sites have features of Site of Importance for Nature Conservation (SINC) or Site of Special Scientific Interest (SSSI) standard, and along with the protected sites may be damaged by inappropriate or ill-informed control measures.

Anticipated actual impact on animal welfare

17 The Code should have a major impact on animal welfare by reducing the number of animals exposed to ragwort when grazing and when consuming conserved feed and forage. It is reasonable to assume that a reduction in exposure will have a direct effect on reducing the incidence of poisoning, which should in turn reduce suffering and improve welfare. The Code will encourage horse and livestock owners to take appropriate measures to control ragwort on land within their control and to encourage control measures to be taken on neighbouring land, which poses a risk of spread.

18 There is a danger that if inappropriate control measures are taken then grazing stock may be subject to a higher risk of poisoning, than they otherwise would have been if no control measures were taken: e.g. through the careless use of herbicide to control ragwort, increasing palatability with inadequate exclusion intervals, or by cutting or topping ragwort without proper removal of the cut plant, leading to poisoning through the consumption of discarded plants. The Code will provide advice on these issues and should ensure that these risks are reduced.

Costs and benefits

19 With regard to the financial cost of implementing the Code, this has already been discussed in the Regulatory Impact Assessment to the Ragwort Control Bill. There will be no additional Government funds available for the investigation of complaints about ragwort as a result of the draft Code, nor is there intended to be any significant overall increase in costs for land managers, but ragwort will need to be controlled where it represents an identifiable risk to animal welfare. It should be noted that new systems introduced by Defra will lead to better use of the available resources focussing on enforcement, including the issuing of on the spot enforcement notices, where appropriate. The development of strategic control policies may present some initial start up costs, but in the longer term control costs are not expected to increase, particularly as the benefits of strategic control begin to take effect. The specific requirements for different methods of control depending on the category of land and disposal methods may also initially result in an increase in control costs in some cases.

20 In their response to the Regulatory Impact Assessment, environmental conservation organisations raised concerns about the costs for the conservation industry in implementing the Code of Practice in as far as compliance will entail an increase in current levels of control. The conservation industry manages 398,000 hectares of land and has a financial turnover in the region of £500 million. It plays an important role in the tourist and leisure industry. Supported by some 7 million members its voluntary organisations make a very significant contribution to the nation's quality of life. The nature conservation industry already devotes considerable resources to the control of ragwort. The effect of the Code is likely to require conservation organisations to devote more time to controlling the spread of ragwort. The Code will generally increase the efficiency of efforts to bring a much higher level of success. However conservation organisations have finite resources of manpower and capital and often limited equipment and technology. Many organisations are dependent on volunteer labour. Butterfly Conservation, for example, has estimated that on a 40-50 hectares dry calcareous grassland site, a heavy emergence of ragwort might require £400–£500 of contractor's labour in one summer, plus from 3 to 10 person days of volunteer help pulling and disposing of plants. However reserve management funds are limited, as is the availability of volunteer labour for the demanding task of hand pulling (this also dwindles rapidly in some years). The knock on effect of having to devote more resources to the control of ragwort will mean that other essential work will not be done.

21 A particular concern amongst conservation groups is that the public pressure surrounding the Code will compel land managers to carry out more extensive control measures than they would otherwise. The provisions of the Animal Welfare Bill could exacerbate this. There are concerns that the risks presented by ragwort on grazed nature conservation grasslands could lead to major changes in grazing regimes. These could conceivably include the abandonment of grazing on grassland and heathland sites, leading to the development of scrub and woodland which may have a consequential significant effect on biodiversity.

22 However, as has already been stressed it is not the intention of the Code of Practice to affect the balance of biodiversity. It should be remembered that the control of ragwort has been required long before the introduction of the Weeds Act 1959, which consolidates earlier legislation dating from 1921, without resulting in such drastic consequences.

23 Balanced against the concerns for the conservation industry, recent research estimates the horse industry is worth approximately £3.4 billion providing 50,000 jobs directly and up to 200,000 jobs indirectly. The cost of using chemical control to clear ragwort would cost an average horse riding stable around £10 per acre and possible around £100 per 5 acres where a contractor is employed. However, the majority of stables would probably hand pull ragwort, and therefore the true cost is in the person hours spent pulling the weed. In addition, the illness and ultimate death of a horse through ragwort poisoning, including veterinary fees, disposal and staff costs could be expected to cost around £ 1,000, with the replacement cost of the horse an additional £ 3,500 to £ 4,000, although show/competition animals could be valued at anything from £ 10,000 to £ 100,000. These figures do not include the costs of loss of business as a result of the loss or sickness of animals through ragwort poisoning. The Code will not be a statutory requirement and, the nature of the measure, makes it difficult to put a figure on the financial savings to the horse industry as result of the introduction of the Code. Any estimate of financial saving would be entirely speculative, but apart from financial considerations, there is the less tangible (but no less important) benefit of avoiding the trauma of illness and death of animals.

24 Aside from the financial costs and benefits, the draft Code provides the opportunity to ensure that land managers are aware of the need to take a balanced approach to the clearance of ragwort, which may have not been emphasised clearly enough in previous advice on ragwort control. The Code sets out both sides of the argument in respect of ragwort – the risks posed to animal welfare by ragwort poisoning and the contribution of ragwort to biodiversity and the environment. It provides comprehensive guidance on when, where and how to control ragwort, but pays specific attention to the needs of the environment and the countryside as part of that process. The Code should benefit the environment by ensuring that there is less damage to non-target species and by setting out clear parameters on when it is necessary to control ragwort. The horse industry should benefit from a more targeted approach to clearance of ragwort and the greater awareness amongst land managers promoted by the Code of Practice. There is also the benefit that organisations will be in a better position to defend undertaking control measures proportionate to the actual risks involved.

Arrangements for effective monitoring and evaluation

25 The most effective way to monitor whether the Code is successful in meeting its objective of significantly reducing ragwort poisoning would be by an accurate identification of the number of cases of ragwort poisoning. As has already been indicated above this would be very costly to achieve. The development of reliable blood testing should allow assessment of levels of sub-lethal accumulation in animal populations, but this is still some way off. However, it may be possible to set up a reporting scheme via the British Equine Veterinary Association to record confirmed and suspected cases of ragwort poisoning over a period of years. Defra already records the number of complaints about ragwort. In the immediate term the number of complaints is likely to increase as the Code will promote public awareness about ragwort. However, in the longer term these figures may serve as some indication of the success or otherwise of the Code.

26 As well as the effect of the Code on animal welfare, there will need to be an assessment of whether the Code makes any impact on the overall ragwort population. There will also be a need to monitor the environmental impact of the Code, particularly whether the Code results in an increased use of herbicides and avoidable damage to sites of biodiversity importance. The Countryside Survey will provide information on the ragwort population and environmental organisations will need to monitor the effect of the Code on sites of nature conservation interest.

27 New information from monitoring or research may justify a review of the information contained in this environmental appraisal.

Defra,
Farm Focus Division
June 2004

Common Ragwort look-alike plants

Great Mullein *Verbascum thapsus*
Photo: Dr Chris Gibson/Natural England

Dark Mullein *Verbascum nigrum*
Photo: Dr Chris Gibson/Natural England

Dark Mullein *Verbascum nigrum*
Photo: Dr Chris Gibson/Natural England (Close-up of flowers)

Corn Marigold *Chrysanthemum segetum* Photo: Dr Chris Gibson/Natural England

Perennial Sow-thistle *Sonchus arvensis* Photo: Dr Chris Gibson/Natural England

Prickly Sow-thistle *Sonchus asper*
Photo: Dr Chris Gibson/Natural England

Hawkweed *Hieracium* sp
Photo: Dr Chris Gibson/Natural England

Hawkweed Ox-tongue *Picris hieracioides* Photo: Dr Chris Gibson/Natural England

Bristly Ox-tongue *Picris echioides*
Photo: Dr Chris Gibson/Natural England (Close-up of flowers)

Beaked Hawk's-beard *Crepis vesicaria* Photo: Dr Chris Gibson/Natural England

Elecampane *Inula helenium*
Photo: Dr Chris Gibson/Natural England

Cat's-ear *Hypochaeris radicata*
Photo: Dr Chris Gibson/Natural England

Goat's-beard *Tragopogon pratensis*
Photo: Dr Chris Gibson/Natural England

Agrimony *Agrimonia eupatoria*
Photo: Dr Chris Gibson/Natural England

Thanks to Natural England for supplying the photographs.

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www.defra.gov.uk

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Department for Environment
Food and Rural Affairs

REPORT TO:	**ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM: 9**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY:**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	
MEMBERS' CONTACT POINT:	**STEFFAN SAUNDERS, HEAD OF PLANNING AND STRATEGIC HOUSING** Steffan.saunders@southderbyshire.gov.uk	**DOC:**
SUBJECT:	**DELEGATED AUTHORITY FOR NSIP CONSULTATION FOR OAKLANDS SOLAR FARM**	**REF:**
WARD(S) AFFECTED:	**LINTON AND SEALES**	**TERMS OF REFERENCE:**

1.0 Recommendations

1.1 That the Committee notes the up-to-date position in regard to securing third-party specialists to advise both the District Council and Derbyshire County Council (DCC) on topic areas contained within the applicant's Environmental Statement, (ES) as well as funding mechanisms including a Planning Performance Agreement (PPA).

1.2 That the Committee gives delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of Environmental and Development Services Committee to provide responses to the Planning Inspectorate on behalf of the District Council's throughout the process.

2.0 Purpose of Report

2.1 This report has been prepared for the Committee in order to provide an update on the latest position in regard to the procuring of expertise from third parties in relation to topic areas within the ES which neither the District Council, nor DCC, with whom the District Council will work jointly, have in-house experts to call upon.

2.2 The report also asks the Committee to give delegated authority to enable the District Council to effectively participate in the Nationally Important Infrastructure Project (NSIP) process.

3.0 Background

3.1 NSIPs were introduced by the Government through the Planning Act 2008 in the fields of energy, transport, water, wastewater, and waste. Due to the scale of these

applications, they do not follow the usual planning application process, but go through a Development Consent Order (DCO) process whereby the application is made directly to the Planning Inspectorate (PINS). The District Council is one of the consultees in the process rather than the decision-making authority.

3.2 The Oaklands Farm Solar NSIP is a proposal to develop a solar farm in the general location of land south of Drakelow, east of Walton on Trent, west of Rosliston, and north of Coton in the Elms. The proposals comprise a solar farm plus energy storage facility covering approximately 400 acres at Oaklands Farm, with an expected generating capacity of 138 MW of solar power, and up to 37.5 MW of energy storage capacity.

3.3 The Oaklands Farm Solar NSIP is now at the 'pre-examination' stage, having been accepted by the PINS for examination. As required by the NSIP procedures, the applicant has publicised the fact that the application has been accepted by PINS for examination and the application is currently in the publicity period where the applicant advises when and how parties can register to get involved. The time period for registering is set by the applicant and must be no less than 28 days. In this case the deadline for parties to register is 3rd May 2024. It should be noted that the District Council as a host authority are automatically designated as an Interested Party and do not need to register to participate.

3.4 At the meeting of this committee held on 20th April 2023, there was a resolution to work alongside DCC on the application. Both the District Council and DCC have in-house expertise but there are areas of expertise where neither do. As a result, it was resolved that the District Council would secure the services of third parties for the provision of specialist advice on topic areas for this project which neither the District Council nor DCC have relevant in-house expertise. In addition, the District Council would secure additional highway experts to advise the District Council on highway safety matters.

3.5 At present, decisions made in relation to input into the consultation process by the District Council into the NSIP process have to be made by Members at this committee. The NSIP process is such that there will be strict deadlines which the District Council will have to comply with in order to be able to have an input into the process. It is considered that consideration must, therefore, be given to giving delegated authority to the Head of Planning and Strategic Housing in consultation with the Chair of this committee to provide input into the process on behalf of the District Council.

4.0 Detail

4.1 Officers at the District Council took the lead on securing specialist third party advisers on topic areas for this project which neither the District Council nor DCC have relevant in-house expertise. Those topic areas are, firstly, glint and glare, as well as, secondly, geology, soils, and agricultural land. In addition, the committee resolved to secure additional third-party specialist advice for the District Council on highway safety matters independent of DCC. This has also been secured.

4.2 DCC were successful in a bid for funding from central government which sought to assist local authorities with covering costs associated with the NSIP projects. This funding has covered the cost of general training sessions relating to the NSIP

process which was open to all local authorities within the county, as well as providing funds to cover additional costs which would result from participation in the process. In line with the previous committee resolution the services of the third-party experts to assist this Council to contribute effectively to the NSIP process have already been secured. It is currently anticipated that the funding for this will be via the central government money. However, there is no financial risk to the Council as the applicant has indicated that they would be content to enter into a PPA should the point arise whereby the costs associated with engaging with the specialist third party advisers exceeds the level of government funding.

4.3 A table summarising the final allocation of specialist topic area advisers in regard to specialist topic areas available to the District Council and DCC is attached at appendix 1.

4.4 In addition to the specialist third party advisers for the topic areas referred to above, it should be noted that the District Council has secured additional third-party help to this Council provide extra capacity relating to the production of the Local Impact Report (LIR). This report would be produced jointly with DCC, with the sections relating to SDDC to be prepared by the same consultants who represented the Council at the Lullington Solar Farm Appeal Hearing.

4.5 The government has produced a range of guidance relative to the NSIP process. Advice Note Two: The role of local authorities in the development consent process, states that during the examination process there will be numerous deadlines for local authorities to submit representations and that these will require swift responses to ensure all matters can be fully explored before the close of examination.

4.6 The advice note states that some local authorities may want to seek their members' approval for certain key examination documents such as the LIR, but the main concern is that published deadlines are adhered to, and that late submission of an important document such as the LIR or Statement of Common Ground (SoCG) may prejudice other interested parties to consider and comment on its content, potentially disrupting the examination timetable and resulting in additional costs for other interested parties.

4.7 The advice note states that local authorities needs to ensure adequate delegations are in place since there will be inadequate time to seek committee approval for representations that need to be made by them during the examination. It specifically states that in general terms a local authority must assume that it will not be possible for the examination timetable to be structured around committee cycles.

4.8 In light of the above, it is considered that it is necessary for delegated authority to be given to the Head of Planning and Strategic Housing to provide responses to the Planning Inspectorate on behalf of the District Council's throughout the process.

5.0 Financial Implications

5.1 None directly arising from this report.

6.0 Corporate Implications

6.1 **Employment Implications**

None directly arising from this report

6.2 **Legal Implications**

None directly arising from this report.

6.3 **Council Plan Implications**

None directly arising from this report. Participation in the NSIP process will be consistent with priorities in terms of addressing the implications of climate change and ensuring biodiversity issues are properly considered in the process.

6.4 **Risk Impact**

None directly arising from this report.

7.0 Community Impact

7.1 **Consultation**

The Applicant is undertaking the requisite public consultation associated with the process. However, there is the potential for comments of the District Council to be made at the appropriate time in the process should a scheme of delegation not be in place to ensure that comments are made in a timely manner.

7.2 **Equality and Diversity Impact**

None directly arising from this report.

7.3 **Social Value Impact**

None directly arising from this report.

7.4 **Environmental Sustainability**

None directly arising from this report.

8.0 Conclusions

8.1 That the Committee notes the up-to-date position in regard to securing third-party specialists on the various topic areas associated with the project.

8.2 That delegated authority in given to the Head of Planning and Strategic Housing in consultation with the Chair of this committee to respond to PINS throughout this NSIP process on behalf of the District Council.

9.0 Background Papers

9.1 None

10 Appendix

Appendix 1 - Summary of final allocation of specialist topic area advisers.

APPENDIX 1

SUMMARY OF FINAL ALLOCATION OF SPECIALIST TOPIC AREA ADVISERS

ENVIRONMENTAL STATEMENT TOPIC AREAS	SDDC SPECIALIST AVAILABLE	DCC SPECIALIST AVAILABLE	EXTERNAL SPECIALIST SECURED
Transport and Access	NO	YES	**YES** – TO ADVISE SDDC INDEPENDENT OF DCC
Heritage	YES	YES	**NO**
Landscape and Visual Impact	NO	YES	**NO**
Environmental Heath and Noise	YES	NO	**NO**
Climate Change and Carbon Reduction	YES	YES	**NO**
Biodiversity, Ecology and Trees	YES	YES	**NO**
Water Resources, Flood Risk and Ground Conditions	NO	YES	**NO**
Public Rights of Way	NO	YES	**NO**
Glint and Glare	NO	NO	**YES**
Minerals Consultation Areas	NO	YES	**NO**
Community Benefits	YES	YES	**NO**
Geology, Soils, and Agricultural Land	NO	NO	**YES**

REPORT TO:	**ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM: 10**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY:**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	
MEMBERS' CONTACT POINT:	**STEFFAN SAUNDERS, HEAD OF PLANNING AND STRATEGIC HOUSING** Steffan.saunders@southderbyshire.gov.uk	**DOC:**
SUBJECT:	**ACCELERATED PLANNING SYSTEM CONSULTATION**	**REF:**
WARD(S) AFFECTED:	**ALL**	**TERMS OF REFERENCE:**

1.0 Recommendations

1.1 That Committee agree the responses to the questions set out in Appendix 1 to be submitted as the Council's response to the consultation.

2.0 Purpose of Report

2.1 To agree the Council's response to the government consultation into Accelerating the Planning System. The link is given below.
https://www.gov.uk/government/consultations/an-accelerated-planning-system-consultation/an-accelerated-planning-system

2.2 This consultation seeks views on proposals to:

i) Introduce a new Accelerated Planning Service for major commercial applications with a decision time in 10 weeks and fee refunds if this is not met.

ii) Change the use of extensions of time, including ending their use for householder applications and only allowing one extension of time for other developments, which links to a proposed new performance measure for local planning authorities - speed of decision-making against statutory time limits.

iii) Expand the current simplified written representations appeals process for householder and minor commercial appeals to more appeals.

iv) Implement section 73B for applications to vary planning permissions and the treatment of overlapping permissions.

3.0 Background

3.1 The government has been focussed on introducing several measures to speed up the decision-making process on planning applications. For several months, it has been clear from Chief Planning Officer letters and Ministerial Statements that the Government were looking carefully at the 'Extension of Time' process with a view to significantly amending this or potentially abolishing it for certain applications. On 19 December 2023, it was announced by Michael Gove that the government would limit the use of extension agreements to prevent local planning authorities using them to mask underperformance.

3.2 When excluding extension of time agreements, in the last two years to September 2023, only nine per cent of local authorities determined 70 per cent or more of non-major applications within the statutory eight-week period. On major applications only one per cent of local authorities determined at least 60 per cent of planning applications within the statutory 13-week period.

3.3. According to the Department for Levelling Up, Housing and Communities, 43.2% of all planning decisions in 2022 involved either a planning performance agreement, extension of time, or other performance agreement. In 2013, 0.4% of decisions involved a performance agreement.

3.4 Since January 2023 several measures have been introduced by this Council to ensure decisions are issued whenever possible within the statutory timescale which is 8 weeks for most applications. These measures include changes to the system of validating planning applications, switching to area teams, using fee increase money to make previously temporary posts permanent, improving retention of staff by moving to a system of career grades with two members of the team already enrolled on university courses, amending internal processes to ensure case officers have access to managers and relevant internal advice at weekly catch up meetings, provide opportunities for existing staff to undertake overtime, and reducing officer case load by having separate arrangements to address the backlog of applications including use of a planning consultancy. These measures are already having a beneficial impact on the service and the up-to-date figures to the end of March 2024 will be available prior to the EDS committee meeting.

3.5 There are already targets included in the Council Plan to determine applications within timescales with no extension of time. These targets are 60% of applications determined in time in quarter 1 of 2024, 70% in quarter 2 (which if met will bring the SDDC Planning Department into the top 9% of Council's based on this metric), and 80% in quarter 3 onwards.

4.0 Detail

4.1 It is recommended that the Council supports the ending of Extensions of Time for non-major applications. There are also aspects of the consultation that lead to a more efficient appeal system and the use of section 73 applications to vary permissions are useful and should remain and potentially be expanded.

4.2 The fundamental concern is the unrealistic aim that major planning applications can be determined in 10 weeks. This will be impossible with the high number of consultees responses needed, almost inevitably needing amendments from the

scheme as initially submitted, and very often the need for a S106 agreement. This measure will fail on the government's stated ambition to accelerate the planning system as instead of achieving this, it will leave Council's no option other than to refuse permission and to slow down the delivery of sustainable development as the applicant will either need to resubmit the application addressing the issues raised or appeal. Both will take longer than an agreed extension of time within the initial application lifecycle to address issues raised and to secure the necessary infrastructure via a S106 agreement.

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5.0 Financial Implications

5.1 None directly arising from this report, but once the proposals are introduced there may be opportunities for additional income.

6.0 Corporate Implications

6.1 Employment Implications

None directly arising from this report.

6.2 Legal Implications

None directly arising from this report.

6.3 Council Plan Implications

None directly arising from this report.

6.4 Risk Impact

None directly arising from this report.

7.0 Community Impact

7.1 Consultation

None.

7.2 Equality and Diversity Impact

None directly arising from this report.

7.3 Social Value Impact

None directly arising from this report.

7.4 Environmental Sustainability

None directly arising from this report.

8.0 Conclusions

8.1 That the Committee agrees the response in Appendix 1 to be submitted as the Council's response to this consultation.

9.0 Background Papers

9.1 None.

10.0 Appendices

Appendix 1 – SDDC response

Question 1. Do you agree with the proposal for an Accelerated Planning Service?

No. With larger schemes it's difficult to get them determined in 13 weeks, particularly with a S106 and the number of statutory consultees involved. Some issues such as response times from statutory consultees are outside of the LPAs control. This doesn't present time to consider amended plans. It reduces the ability of the Planning Authority to engage with the community and other consultees, and will result in applications being refused 'within time' when otherwise sustainable development could be approved more quickly than would be the case with a refusal and appeal or resubmission.

Question 2. Do you agree with the initial scope of applications proposed for the Accelerated Planning Service (Non-EIA major commercial development)?

No for the reasons outlined above.

Question 3. Do you consider there is scope for EIA development to also benefit from an Accelerated Planning Service?

No – EIA development may have even more material considerations / sensitive issues to consider than most applications and the reduced timeframe would not allow for a full and thorough consideration of all the matters which need consideration with all the key stakeholders.

Question 4. Do you agree with the proposed exclusions from the Accelerated Planning Service – applications subject to Habitat Regulations Assessment, within the curtilage or area of listed buildings and other designated heritage assets, Scheduled Monuments and World Heritage Sites, and applications for retrospective development or minerals and waste development?

Yes.

Question 5. Do you agree that the Accelerated Planning Service should:

a) have an accelerated 10-week statutory time limit for the determination of eligible applications

No. 13 weeks is already a tight timeframe when taking into account legal agreements to negotiate and possible Planning Committees and the relevant lead-in times for these public reports, plus multiple stakeholders which need to respond to applications and seek possible amendments.

b) encourage pre-application engagement

Yes.

c) encourage notification of statutory consultees before the application is made

Yes. This doesn't necessarily mean in practice that the developers will consult / notify prior to submission and due to resources, or that the consultees will be able to give them any time.

Question 6. Do you consider that the fee for Accelerated Planning Service applications should be a percentage uplift on the existing planning application fee?

In principle yes, but it's uncertain how the additional fee will be calculated and how these will be ring fenced to provide additional resources. It would be very difficult for LPAs budget for this as it's not a guaranteed income.

Question 7. Do you consider that the refund of the planning fee should be:

a. the whole fee at 10 weeks if the 10-week timeline is not met.

b. the premium part of the fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks.

c. 50% of the whole fee at 10 weeks if the 10-week timeline is not met, and the remainder of the fee at 13 weeks.

d. none of the above (please specify an alternative option).

e. don't know.

None of the above. Developers generally want a positive outcome and if they can secure this within an agreed timeframe with the LPA it would be better for all parties to be able to agree to an EOT rather than be forced into a position of refusing the scheme and starting the process again.

Question 8. Do you have views about how statutory consultees can best support the Accelerated Planning Service?

They need to be appropriately financed and resourced to be able to consider applications in the consultation timeframe, or even submit their comments before the application is formally submitted to the LPA. It would be helpful to legislate to make developers engage them directly in pre-application proposals.

Question 9. Do you consider that the Accelerated Planning Service could be extended to:

Major infrastructure development

No.

b. major residential development

No.

c. any other development

No.

In all cases for the reasons given above.

If yes to any of the above, what do you consider would be an appropriate accelerated time limit?

Question 10. Do you prefer:

a. The discretionary option (which provides a choice for applicants between an Accelerated Planning Service or a standard planning application route)
b. The mandatory option (which provides a single Accelerated Planning Service of all applications within a given definition).
c. Neither
d. Don't know

Neither

Question 11. In addition to a planning statement, is there any other additional statutory information you think should be provided by an applicant in order to opt-in to a discretionary Accelerated Planning Service?

Issues often arise from lack of detail or quality of submission, not necessarily that applicants haven't submitted the required information. LPAs already have the ability to direct for a lot of information as part of their Local Validations list.

Question 12. Do you agree with the introduction of a new performance measure for speed of decision-making for major and non-major applications based on the proportion of decisions made within the statutory time limit only?

Yes, for non-majors. No, for majors. It is possible to progress decisions on non-major applications within 8 weeks with well-resourced and experienced planning teams, with good responses from consultees, and with efficient systems of application processing. The figure for majors appears unrealistic considering the complexities that these cases usually have, coupled with S106 Agreements which can take a considerable amount of time to sign, depending on the number of interested parties.

Question 13. Do you agree with the proposed performance thresholds for assessing the proportion of decisions made within the statutory time limit (50% or more for major applications and 60% or more for non-major applications)?

As above.

Question 14. Do you consider that the designation decisions in relation to performance for speed of decision-making should be made based on:

b) both the current criteria (proportion of applications determined within the statutory time limit or an agreed extended time period) and the new criteria (proportion of

decisions made within the statutory time limit) with a local planning authority at risk of designation if they do not meet the threshold for either or both criteria

Yes. This will give the opportunity to review in the round the Council's performance rather than based on one threshold.

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be measured across a 12-month period?

Yes.

Question 16. Do you agree with the proposed transitional arrangements for the new measure for assessing speed of decision-making performance?

Yes.

Question 17. Do you agree that the measure and thresholds for assessing quality of decision-making performance should stay the same?

Yes.

Question 18. Do you agree with the proposal to remove the ability to use extension of time agreements for householder applications?

Yes.

Question 19. What is your view on the use of repeat extension of time agreements for the same application? Is this something that should be prohibited?

These should be allowed for major applications for the reasons previously given. The Council agrees with the abolition of extensions of time for non-major applications.

Question 20. Do you agree with the proposals for the simplified written representation appeal route?

Yes.

Question 21. Do you agree with the types of appeals that are proposed for inclusion through the simplified written representation appeal route? If not, which types of appeals should be excluded from the simplified written representation appeal route?

Yes.

Question 22. Are there any other types of appeals which should be included in a simplified written representation appeal route?

No.

Question 23. Would you raise any concern about removing the ability for additional representations, including those of third parties, to be made during the appeal stage on cases that would follow the simplified written representations procedure?

No.

Question 24. Do you agree that there should be an option for written representation appeals to be determined under the current (non-simplified) process in cases where the Planning Inspectorate considers that the simplified process is not appropriate?

Yes.

Question 25. Do you agree that the existing time limits for lodging appeals should remain as they currently are, should the proposed simplified procedure for determining written representation planning appeals be introduced?

Yes.

Question 26. Do you agree that guidance should encourage clearer descriptors of development for planning permissions and section 73B to become the route to make general variations to planning permissions (rather than section 73)?

Yes.

Question 27. Do you have any further comments on the scope of the guidance?

Provide more certainty on what can be considered 'minor' material amendments.

Question 28. Do you agree with the proposed approach for the procedural arrangements for a section 73B application?

Yes.

Question 29. Do you agree that the application fee for a section 73B application should be the same as the fee for a section 73 application?

73B could involve a lot more work than a S73 application and therefore should have a higher fee.

Question 30. Do you agree with the proposal for a 3 band application fee structure for section 73 and 73B applications?

Yes.

Question 31. What should be the fee for section 73 and 73B applications for major development (providing evidence where possible)?

No comments beyond the in-principle points in response to question 29.

Question 32. Do you agree with this approach for section 73B permissions in relation to Community Infrastructure Levy?

N/A as SDDC does not have a CIL in place.

Question 33. Can you provide evidence about the use of the ‘drop in’ permissions and the extent the Hillside judgment has affected development?

N/A.

Question 34. To what extent could the use of section 73B provide an alternative to the use of drop in permissions?

The proposed use of S73B applications could provide more clarity as to which permission is being built for all involved.

Question 35. If section 73B cannot address all circumstances, do you have views about the use of a general development order to deal with overlapping permissions related to large scale development granted through outline planning permission?

S73B applications would be sufficient.

Question 36. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

No.

The approach to the backlog for over a year has been the two team leaders are overseeing the work of their individual teams with a focus on in time applications with no extensions of time. This is approach is working effectively to secure 739 decisions in time during 2023. Several District Councils in the East Midlands do not process this number of applications in a year and nearly all rely on extensions of time to a far greater extent than SDDC now do. The Head of Planning is mainly overseeing the work and processing the decisions of a combination of agency planners, officers doing overtime, and the retained consultants at Planning and Design Group that have been stuck in the backlog.

Although the figures of overall applications processed in time are lower than Target, this is due to a significant number of applications that continue to be cleared from the backlog with 413 applications on hand at the start of 2024. This number is reducing from a high point of approximately double that in the summer of 2022.

All percentage figures below are rounded to the nearest whole number.

Application processing times

November & December 2022

	Decisions in time	Decisions out of time	Extensions of time
November	13	38	50
December	23	20	45
Total	**36 (19%)**	**58 (31%)**	**95 (50%)**

January to March 2023

	Decisions in time	Decisions out of time	Extensions of time
January	33	42	54
February	42	29	68
March	84	30	43
Total	**159 (38%)**	**89 (22%)**	**165 (40%)**

April to June 2023

	Decisions in time	Decisions out of time	Extensions of time
April	54	26	20
May	65	28	16
June	57	26	25
Total	**176 (56%)**	**80 (25%)**	**61 (19%)**

July to September 2023

	Decisions in time	Decisions out of time	Extensions of time
July	82	8	30
August	77	30	18
September	58	16	28
Total	**217 (63%)**	**54 (16%)**	**76 (22%)**

October to December 2023

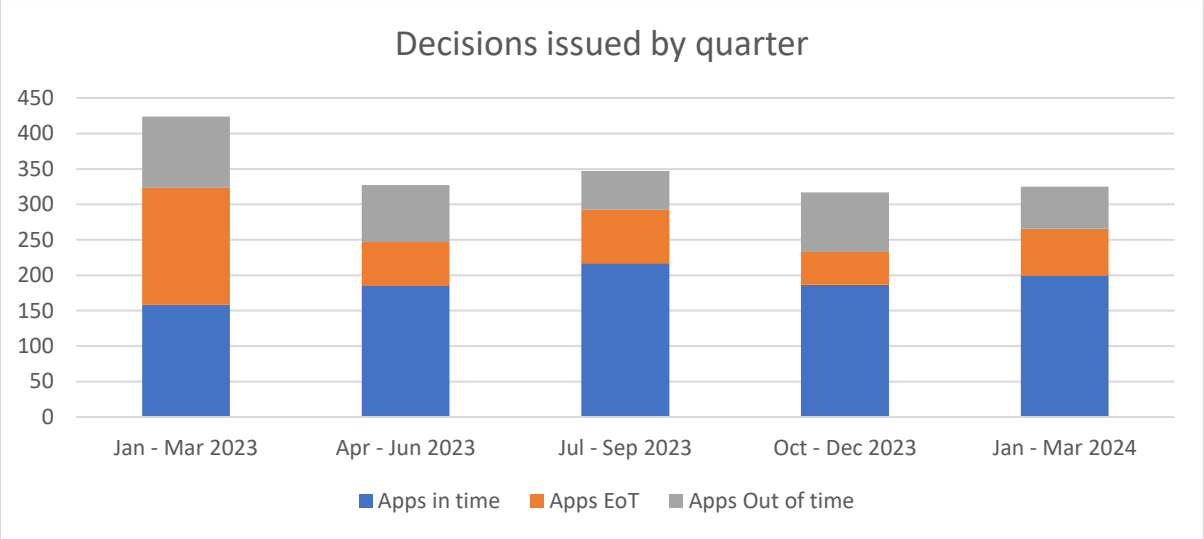
	Decisions in time	Decisions out of time	Extensions of time
October	77	15	13
November	56	41	12
December	54	28	21
Total	**187 (59%)**	**84 (26%)**	**46 (15%)**

2023 Annual Total

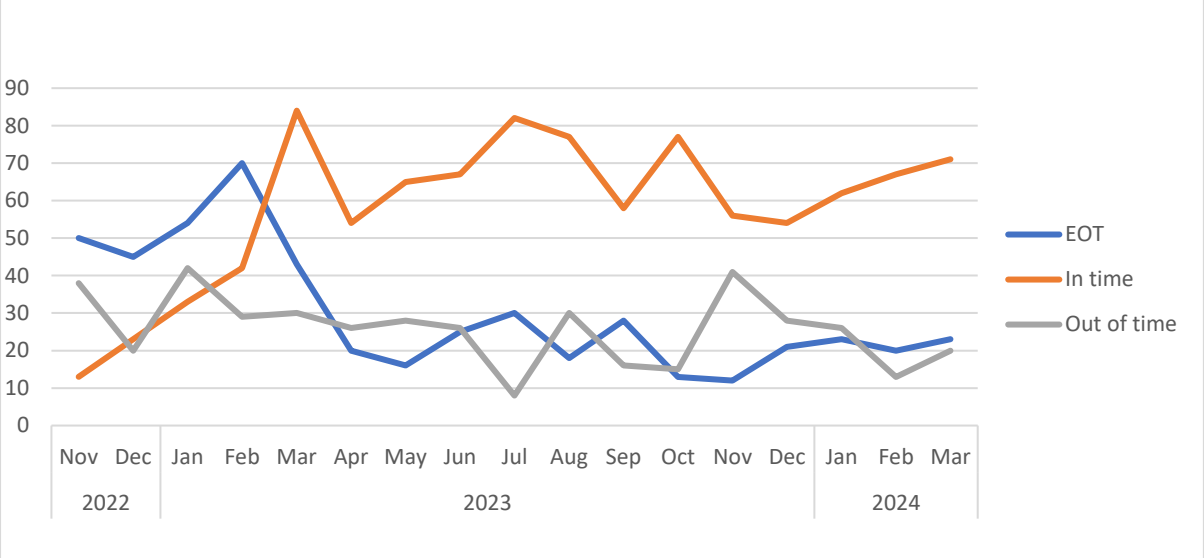
	Decisions in time	Decisions out of time	Extensions of time
Total	**739 (53%)**	**307 (22%)**	**348 (25%)**

January to March 2023

	Decisions in time	Decisions out of time	Extensions of time
January	62	26	23
February	67	13	20
March	71	20	23
Total	**200 (62%)**	**59 (18%)**	**66 (20%)**



Decisions issued Nov 2022 – March 2024



REPORT TO:	**ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM: 11**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY: DELEGATED**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	**OPEN PARAGRAPH NO:**
MEMBERS' CONTACT POINT:	**STEFFAN SAUNDERS, HEAD OF PLANNING AND STRATEGIC HOUSING** Steffan.saunders@southderbyshire.gov.uk	**DOC:**
SUBJECT:	**CYCLING NETWORK SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION**	**REF:**
WARD(S) AFFECTED:	**ALL WARDS**	**TERMS OF REFERENCE: EDS03**

1.0 Recommendations

1.1 It is recommended that the Committee approve the South Derbyshire Cycle Network Supplementary Planning Document (SPD)(Appendix 1) for consultation for a period of 8 weeks.

1.2 That delegated authority be given to the Chair of this committee and the Strategic Director (Service Delivery) to agree any changes based on the comments received.

2.0 Purpose of Report

2.1 To seek Committee approval to consult on the South Derbyshire Cycle Network SPD.

3.0 Detail

3.1 Supplementary Planning Documents (SPDs) are intended to provide greater detail on the planning policies that have been adopted in the Local Plan. Upon adoption an SPD will become a material consideration in the determination of planning applications.

3.2 Local Plan Part 1 Policy INF2 states that where a need is identified the Council will seek to negotiate the provision by developers of contributions toward new or the enhancement of existing, walking and cycling routes and supporting infrastructure. It states that cycling and greenway networks will be identified in SPDs.

3.3 A Draft Cycle Network SPD has now been produced for consultation and is included at Appendix 1 of this report. The consultation will be undertaken over 8 weeks and will include consultees on the Council's LDF database. It is anticipated that, following consultation, revisions to the SPD will be made where necessary prior to publication of the final document. This final version will then be reported back to Committee.

3.4 Existing and proposed cycle routes are shown on maps included at Appendix B of the consultation document. They comprise elements of the Derbyshire Key Cycle Network (KCN) and Local Cycle Network (LCN).

3.5 The KCN, approved by the County Council in 2020, comprises strategic routes covering the whole of Derbyshire. The County Council has also identified a LCN, which comprises local connections from the KCN to key locations such as a transport interchange, employment, education, health, retail and leisure/visitor destinations. It should be noted that all the proposed route alignments shown are indicative and subject to engineering feasibility, design, costing, land ownership and other considerations.

4.0 Conclusions

4.1 It is proposed that the Draft SPD be made available for public consultation.

4.2 The KCN was approved following a process of stakeholder engagement conducted by the County Council and will thus not be subject to further change as part of the consultation, however, comments and suggestions for changes to the indicative proposed routes of the LTN will be invited.

4.3 Developer contributions will not be the only means of securing the delivery of cycle routes and the Council will continue to work with partners in identifying all available opportunities to enable the expansion and improvement of the network.

4.4 The SPD will replace the 'South Derbyshire Cycling Strategy' Supplementary Planning Guidance (2001).

5.0 Financial Implications

5.1 None arising directly from this report.

6.0 Corporate Implications

6.1 Employment Implications
None identified.

6.2 Legal Implications
Provision for expansion of the cycle network through off-site developer contributions will require the negotiation of legal agreements under Section 106 of the Town and County Planning Act 1990.

6.3 Council Plan Implications
The Draft NAP has implications for the following economic and climate change priorities of the Council Plan:

- The expansion and improvement of the cycle network will enhance the attractiveness of cycling as an alternative to less sustainable forms of transport.
- Cycling, as an active travel mode, can contribute toward improving health and fitness.

- Cycling is a relatively inexpensive means of travelling to work and education establishments for those unable to afford the cost of travel by car or public transport.

6.4 Risk Impact
None identified.

7.0 Community Implications

7.1 Consultation
This would be a public consultation exercise conducted by the District Council. This will take place over an eight-week period and will include an advance reminder for Parish Councils.

7.2 Equality and Diversity Impact
As noted in para 6.3, cycling is a relatively inexpensive means of travel for those unable to afford the cost of travel by car or public transport.

7.3 Social Value Impact
See "Equality and Diversity Impact", paragraph 7.2.

7.4 Environmental Sustainability
As noted in paragraph 6.3, an expanded and improved cycle network can enhance the attractiveness of cycling as an alternative to less sustainable forms of transport. The Draft SPD has been subject to a Strategic Environmental Assessment screening exercise.

8.0 Background Papers

Derbyshire County Council Report to Cabinet - 'Key Cycle Network Development and Funding Opportunities'	Derbyshire County Council, 16 January, 2020
Derbyshire County Council	
National Planning Policy Framework	December 2023
National Planning Policy Framework (publishing.service.gov.uk)	
South Derbyshire Local Plan Part 1,	South Derbyshire District Council, 13 June, 2016
Adopted Local Plan | South Derbyshire District Council	
South Derbyshire Design Guide	South Derbyshire District Council, November, 2017
Design SPD v2.3 standard res FINAL 1 (16).pdf	
Derbyshire Local Transport Plan,	Derbyshire County Council, April, 2011
Local Transport Plan Three - Derbyshire County Council	
D2N2 Local Cycle and Walking Infrastrucure Plan	Various, April 2021

d2n2localcyclingandwalkinginfrastructureplan.pdf (nottinghamshire.gov.uk)

9.0 **Appendix**

Appendix 1 -South Derbyshire Cycle Network Draft Supplementary Planning Document

South Derbyshire District Council
Planning and Strategic Housing

South Derbyshire

Cycle Network Draft Supplementary Planning Document

April 2024

Introduction

1 A Supplementary Planning Document (SPD) is intended to provide greater detail on the planning policies that have been adopted in the South Derbyshire Local Plan. Upon adoption this SPD will become a material consideration in the determination of planning applications.

2 The purpose of this SPD is to assist in guiding the negotiation of developer contributions toward the provision and enhancement of the Derbyshire Key Cycling Network (KCN) and Local Cycling Network (LCN) within the District where a need is identified under South Derbyshire Local Plan Part 1 Policy INF2.

3. Existing and proposed routes comprise both off-highway and on-highway links. Off-highway links are to be designed to accommodate a range of users and abilities including cyclists, walkers and horse riders, where practical. Most motorised forms of transport are excluded from off-highway routes, mobility scooters being an exception. Proposed on-highway routes can only be brought into being on the basis of the roads being made sufficiently safe and well maintained for that purpose.

4 It should be noted that the provision of cycle infrastructure as part of the operation of the highway network is the responsibility of Derbyshire County Council. As highways authority the County Council advises the District Council on the transport elements of planning applications. The East Midlands Combined County Mayoral Authority also has transport powers, including responsibility for the Local Cycling and Walking Infrastructure Plan (LCWIP) (see below).

5 Developer contributions will not be the only means of securing the delivery of cycle routes and the Council will continue to work with partners in identifying all available opportunities to enable the expansion and improvement of the network.

6 The policy context, including the relevant parts of Local Plan Part 1, Policy INF2 and an explanation of the Derbyshire KCN and LCN are set out below. Mapping showing the completed and proposed links in the KCN and LCN is included at Appendix B.

7 This SPD replaces the 'South Derbyshire Cycling Strategy' Supplementary Planning Guidance (2001).

Policy Context

South Derbyshire Local Plan

8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for South Derbyshire is the Local Plan Parts 1 and 2, adopted in June 2016 and November 2017 respectively.

9 The basis for the production of this Supplementary Planning Guidance is Local Plan Part 1 Policy INF2, which states that:

'*A i) Planning permission will be granted for development where: ….*

'b) appropriate provision is made for safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car….;

ii) In order to achieve this, the Council will secure, through negotiation, the provision by developers of contributions towards off-site works where needed.'

B i) The Council will work in partnership with County Councils, neighbouring local authorities, the National Forest Company, charitable organisations, landowners and developers to secure the expansion, improvement and protection of walking and cycling networks, including public rights of way, cycle routes, greenways and supporting infrastructure. Routes should be coherent, direct, continuous, safe, secure and attractive and should contribute to the wider green infrastructure network wherever possible.

ii) Where a need is identified in Part 1 of this policy, the Council will seek to negotiate the provision by developers of contributions toward new, or the enhancement of existing, walking and cycling routes and supporting infrastructure.

iii) Development that is likely to prejudice the use of disused railway lines or canals for walking, cycling or horse riding will only be permitted, where it can be demonstrated that there would be no practical prospect of implementation in the future.

iv) Cycling and greenway network proposals will be identified in Supplementary Planning Documents.'

10 Other Local Plan Part 1 Policies relevant to provision for cyclists are S6: 'Sustainable Access', which establishes the strategic principles underpinning transport policy in the plan and BNE1: 'Design Excellence', which includes the design considerations to be taken into account in providing cycling infrastructure.

National Planning Policy Framework

11 National planning policy is a material consideration in the consideration of planning applications. Current national planning policy is set out mainly within the National Planning Policy Framework (NPPF).

12 Paragraph 110 states that:

'Planning policies should….

'provide for attractive and well designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)'

13 Paragraph 114 states that:

'In assessing …specific applications for development, it should be ensured that…

'a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;'

14 In paragraph 116 it states that:

'*Within this context, applications for development should:*

'a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas;…

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;…

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;'

Local Cycling and Walking Infrastructure Plan (LCWIP)

15 The national Cycling and Walking Investment Strategy forms part of the Infrastructure Act 2015, setting targets to increase levels of cycling and walking. Elements of the Infrastructure Act are required to have a programme of investment and LCWIPs provide evidence of capital investment needed for cycling and walking, providing partners with a strong position to apply for future funding streams including levying funds from new development. It is intended that the LCWIP should form an integral part of future policies and strategies as identified in the NPPF (see above).

16 The LCWIP identifies prioritised route improvements across the Local Enterprise Partnership area in a consistent way. Only strategic cycle routes are included, which within South Derbyshire mainly comprise priorities extracted from Derbyshire County Council's KCN plan. (see para 18).

Derbyshire Local Transport Plan (LTP), 2011-2026

17 The Derbyshire LTP seeks to improve walking and cycling provision.

Derbyshire Cycling Plan 2016-2030

18 The Derbyshire Cycling Plan aims to improve cycling connectivity and integration to encourage more cycling for leisure, active travel, commuting and sport. Among the strategic aims is the improvement of infrastructure connectivity, both on and off road.

Derbyshire Key and Local Cycle Network

19 The County Council has approved a Key Cycle Network (KCN) of strategic routes covering the whole of Derbyshire.

20 The KCN consists of the most important routes for commuting, tourism and leisure. These routes generally connect key towns and neighbouring cities and provide longer distance leisure cycling loops supporting the wider visitor economy.

21 The County Council has also identified a Local Cycle Network (LCN) comprising local connections from the KCN to key locations such as a transport interchange, employment, education, health, retail and leisure/visitor destinations.

22 Both the KCN and LCN routes include connections to neighbouring areas, to facilitate sustainable cross-boundary movement.

23 The approved KCN was determined following a formal process of stakeholder engagement conducted by the County Council and is thus not subject to further change in connection with the production of this SPD. However, suggestions for changes to proposed LCN routes are invited as part of this consultation.

24 The completed and proposed KCN and LCN links are shown on the plans at Appendix B.

25 Where possible routes are to be designed to accommodate all users and abilities including walkers and equestrians, where practical. Some parts of the networks are already in place whilst others have yet to be implemented.

26 It should be noted that the route alignments shown are indicative and subject to engineering feasibility, design, costing, land ownership and other considerations.

27 Routes will be designed and constructed with reference to current design specifications, the most recent of which are listed at Appendix A. Width, surface, lighting and other aspects will be assessed on a case-by-case basis so that routes are fit for purpose for the given location and are sympathetic to the surrounding characteristics and expected users.

Contacts

28 For further assistance or clarification of multi-user route provision policy, please contact the Planning Department at the email address below, or telephone 01283 228706. If your query relates to a specific planning application, please contact the Development Management team member dealing with your application or email: planning@southderbyshire.gov.uk

References

Derbyshire County Council Report to Cabinet - 'Key Cycle Network Development and Funding Opportunities'	16 January, 2020
Derbyshire County Council	
National Planning Policy Framework	December 2023
National Planning Policy Framework (publishing.service.gov.uk)	
South Derbyshire Local Plan Part 1, South Derbyshire District Council	13 June, 2016
Adopted Local Plan | South Derbyshire District Council	
South Derbyshire Design Guide, South Derbyshire District Council	November, 2017
Design SPD v2.3 standard res FINAL 1 (16).pdf	
Derbyshire Local Transport Plan, Derbyshire County Council	April, 2011
Local Transport Plan Three - Derbyshire County Council	
D2N2 Local Cycle and Walking Infrastructure Plan	April 2021
d2n2localcyclingandwalkinginfrastructureplan.pdf (nottinghamshire.gov.uk)	

APPENDIX A: Design Guidance

Department for Transport LTN 1/20 Cycle Infrastructure Design — July 2020

Cycle infrastructure design (LTN 1/20) - GOV.UK (www.gov.uk)

Sustrans Traffic Free Routes and Greenway Design Guide, — November 2019

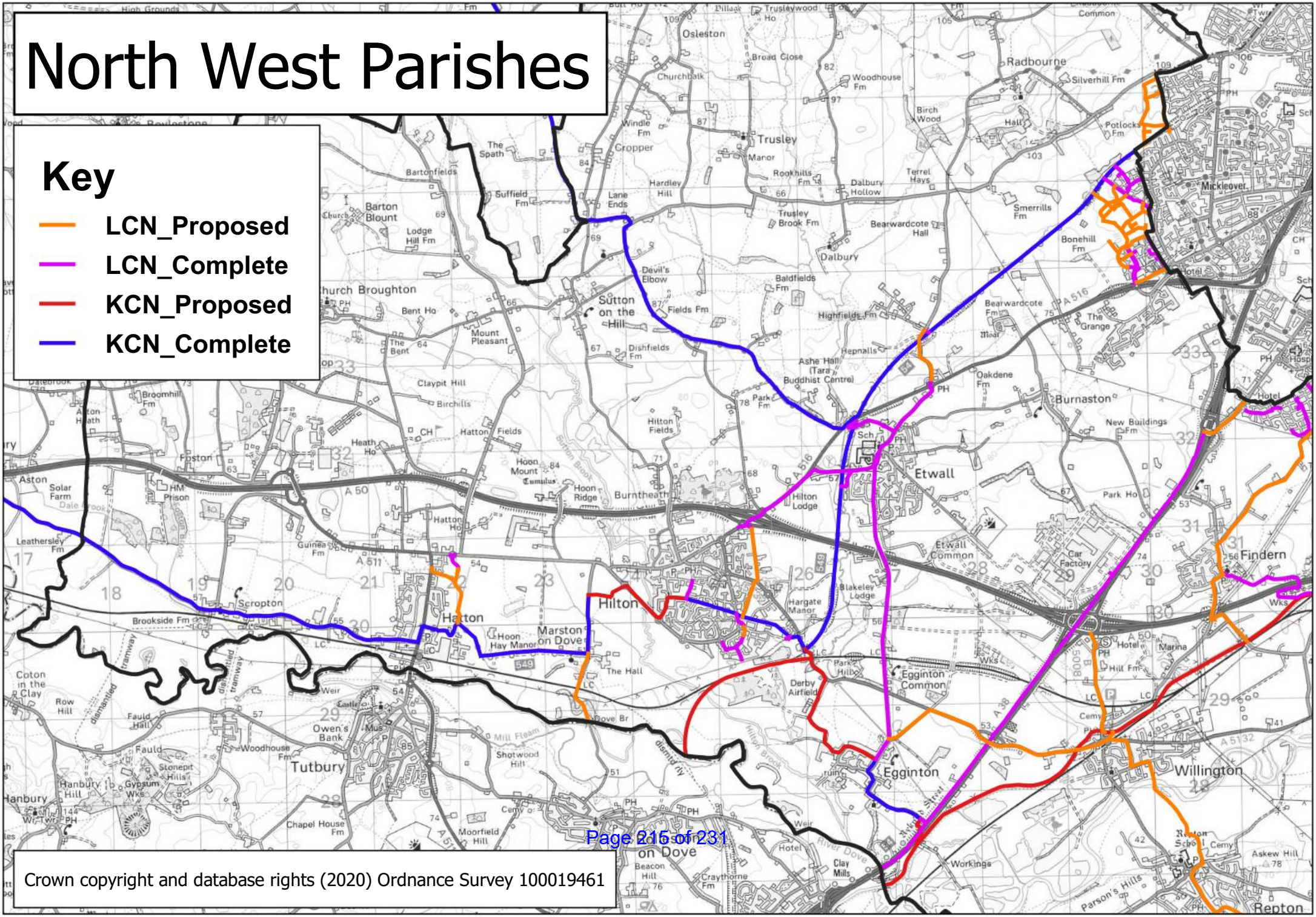
Sustrans traffic-free routes and greenways design guide - Sustrans.org.uk

Sustrans Introductory Guide to Low Traffic Neighbourhood Design, — May 2023

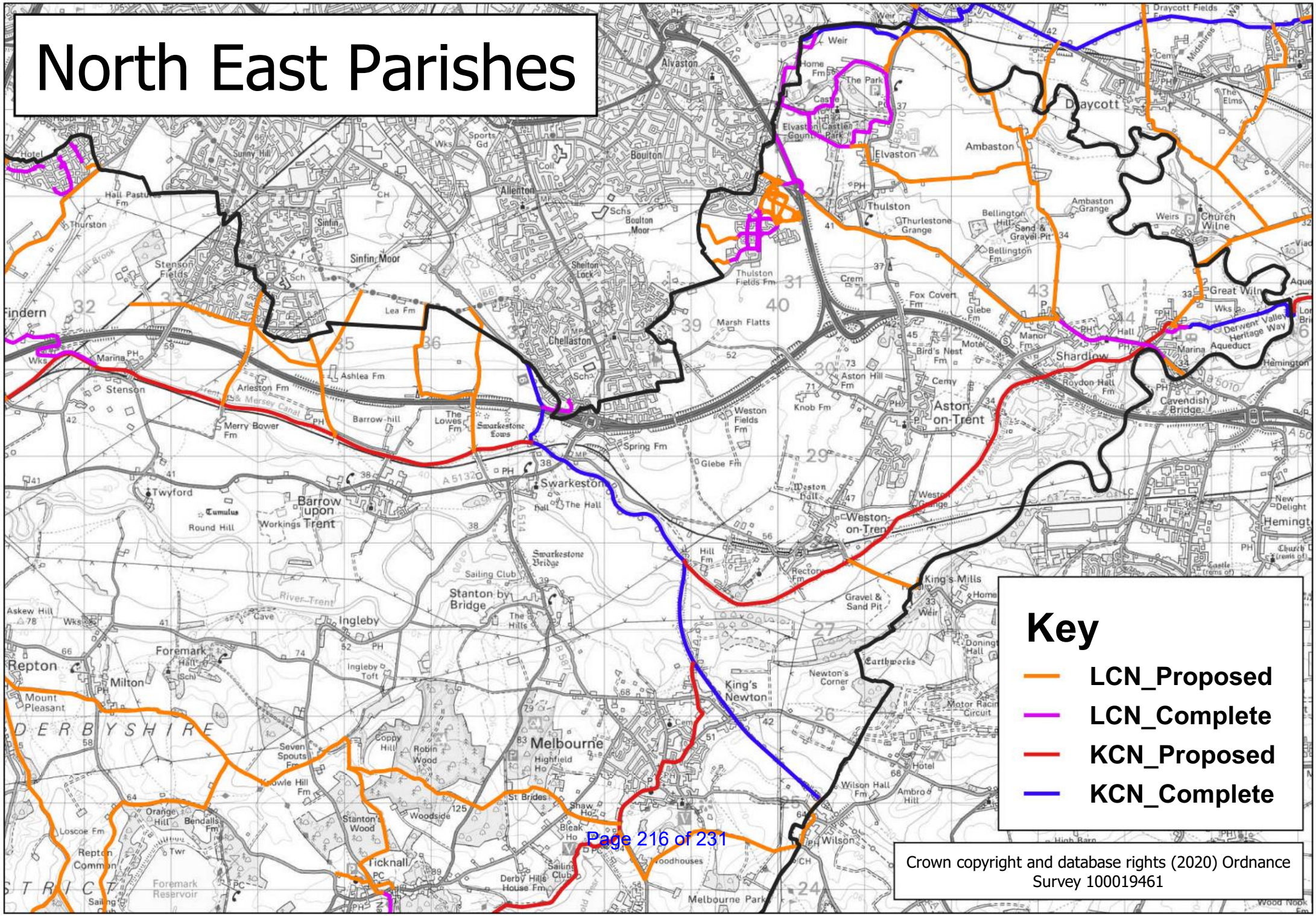
An introductory guide to low traffic neighbourhood design - Sustrans.org.uk

APPENDIX B: Mapping

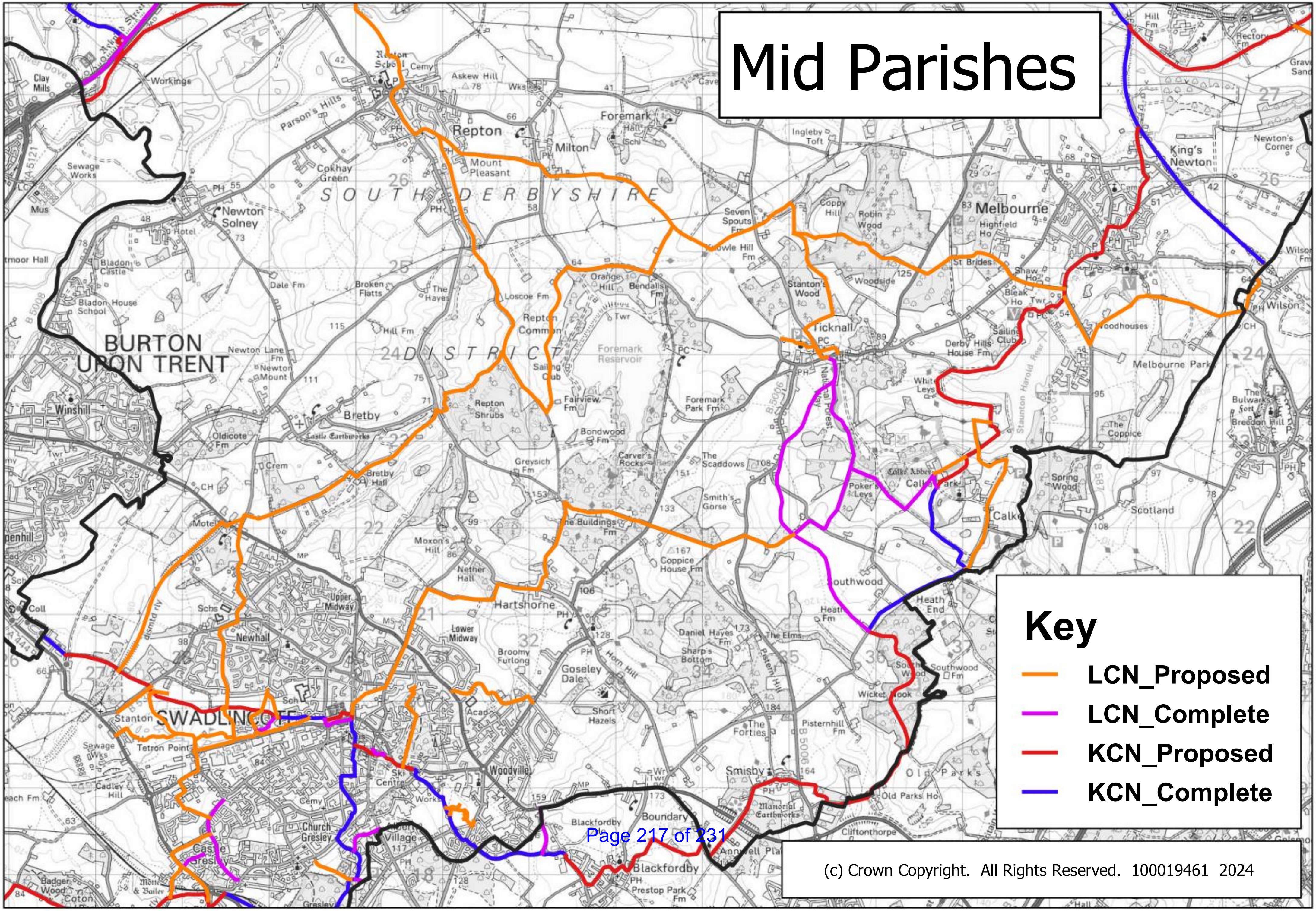
North West Parishes

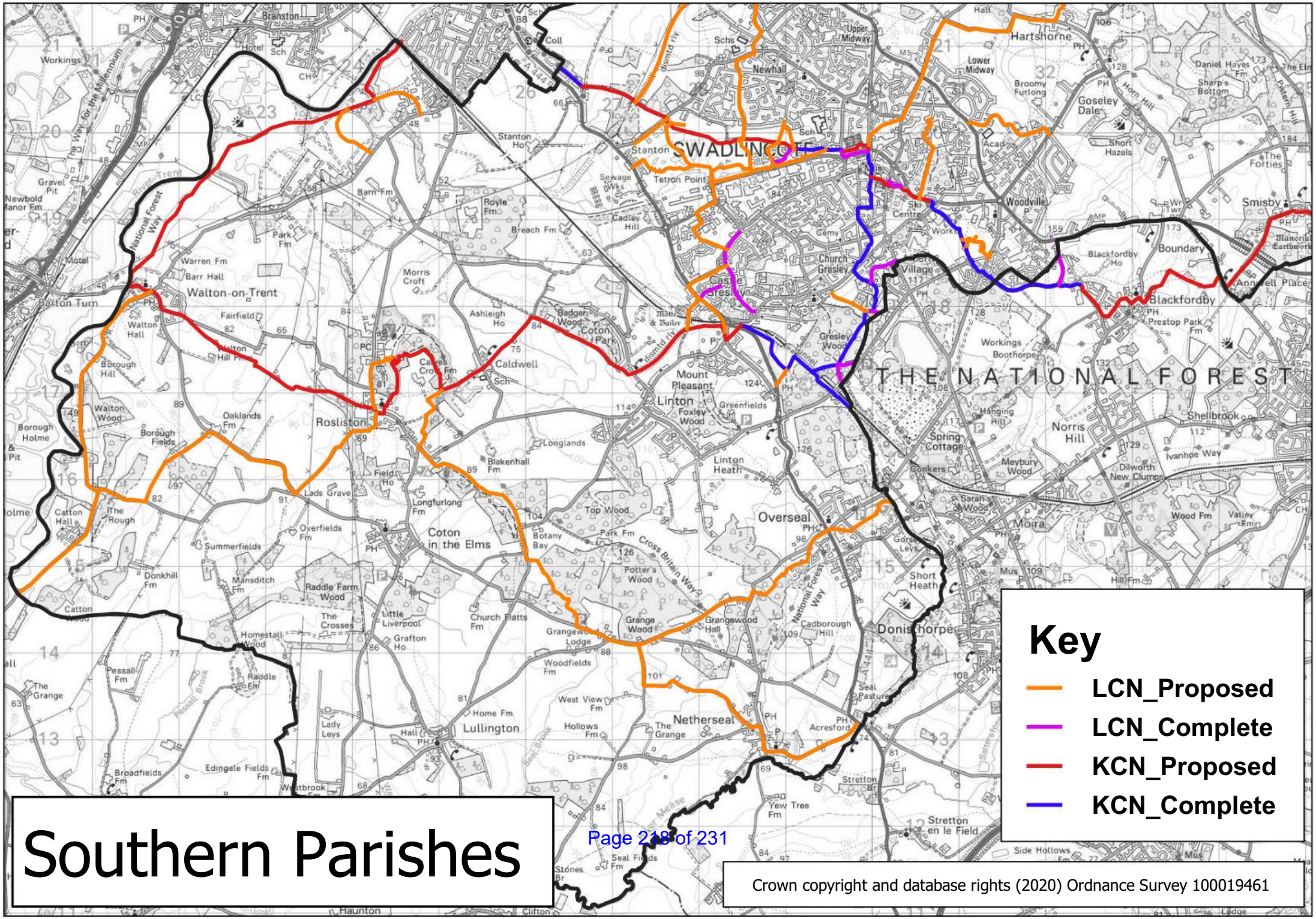


North East Parishes



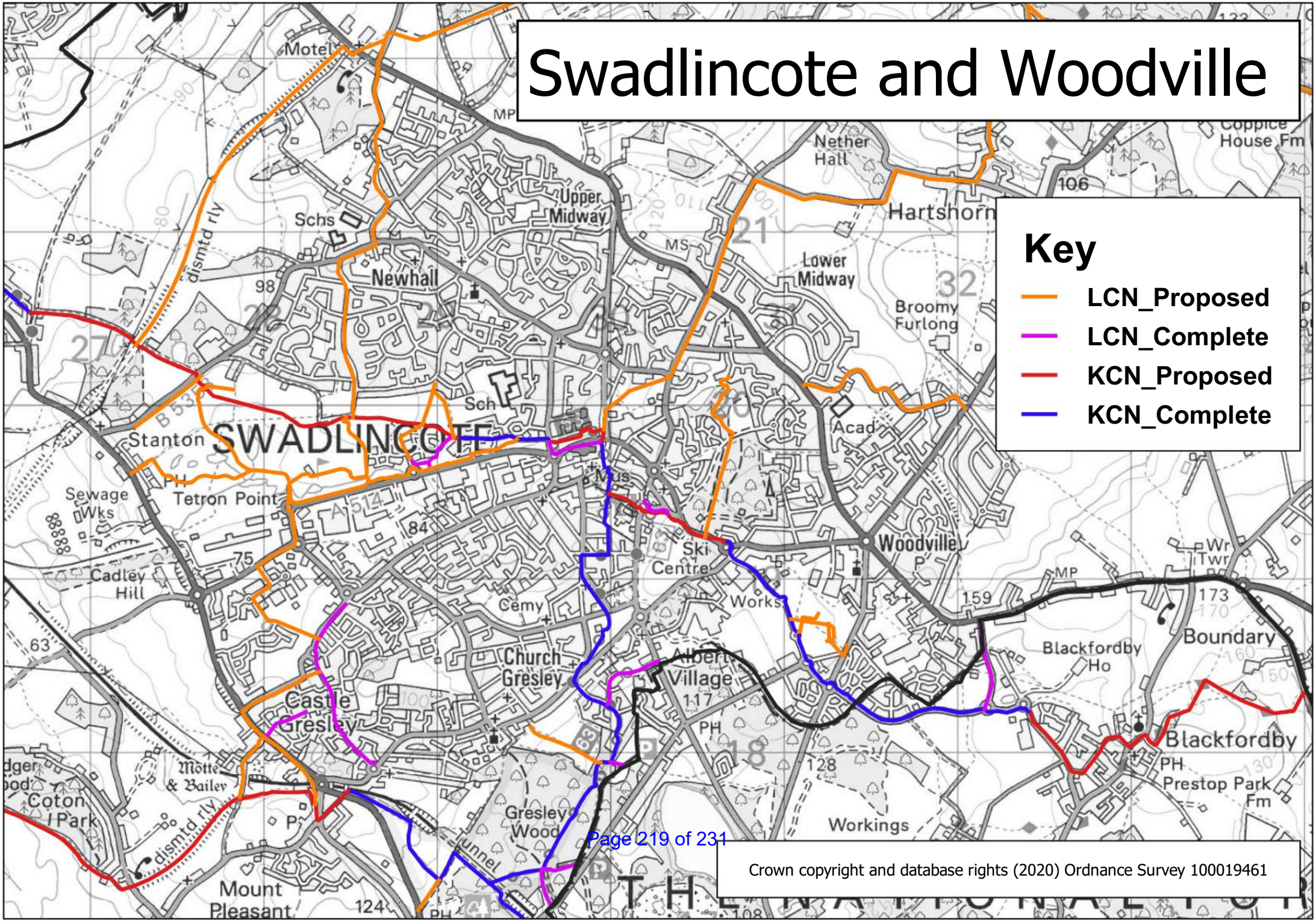
Mid Parishes





Southern Parishes

Swadlincote and Woodville



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General enquiries: Call 01283 595795 or visit www.southderbyshire.gov.uk/contact

Jeśli chcieliby Państwo otrzymać ten dokument w innym języku lub potrzebują Państwo usług tłumacza, prosimy o kontakt. Informacje te są również dostępne na życzenie w wydaniu dużym drukiem, w alfabecie brajla lub w wersji audio.

如果你需要这份文件的中文翻译，或者需要传译员的帮助，请联系我们。这些数据也备有大字体印本、盲人点字和录音带，欢迎索取。

ほかの言語でこの文書をご希望の場合、もしくは通訳サービスをご希望の場合はご連絡ください。

またこの情報は、ご要望により大きなプリント、点字版、また音声形式でも承っております。

यदि आपको ये दस्तावेज किसी दूसरी भाषा में चाहिये, या किसी दुभाषिये की सेवाओं की जरूरत है तो हमें सम्पर्क करने की कृपया करें। ये जानकारी माँग करने पर बड़े अक्षरों, ब्रेल या आडिओ के रूप में भी उपलब्ध करवाई जा सकती है।

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ ਕਿਸੇ ਦੂਸਰੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਕਿਸੇ ਦੁਭਾਸ਼ੀਏ ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾ ਕਰੋ ਜੀ ਇਹ ਜਾਣਕਾਰੀ ਮੰਗ ਕਰਨ ਤੇ ਵੱਡੇ ਅੱਖਰਾਂ, ਬ੍ਰੇਅਲ ਜਾਂ ਆਡਿਉ ਦੇ ਰੂਪ ਵਿਚ ਵੀ ਉਪਲੱਬਧ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ।

اگر آپ یہ ڈاکیومنٹ کسی اور زبان میں چاہتے ہوں، یا اگر آپ کو کسی ترجمان کی خدمات درکار ہوں، تو براہ کرم ہم سے رابطہ کریں۔ درخواست کرنے پر یہ معلومات بڑے پرنٹ، بریل یا آڈیو فارمیٹ میں بھی دستیاب ہیں۔

South Derbyshire District Council

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REPORT TO:	**ENVIRONMENTAL AND DEVELOPMENT COMMITTEE**	**AGENDA ITEM: 12**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY: DELEGATED**
REPORT FROM:	**CHIEF EXECUTIVE**	**CATEGORY: OPEN**
MEMBERS' CONTACT POINT:	**MIKE ROYLANCE (01283 595725)** **mike.roylance@southderbyshire.gov.uk**	**DOC:**
SUBJECT:	**SHARED PROSPERITY FUND**	
WARD(S) AFFECTED:	**ALL**	**TERMS OF REFERENCE: EDS10**

1.0 Recommendations

1.1 That Members note the progress of the UK Shared Prosperity Fund in South Derbyshire at the end of Year 2.

Purpose of the Report

2.1 This report updates Members on the delivery of the UK Shared Prosperity Fund Investment Plan at the conclusion of Year 2 (2023/24) of the three year programme.

3.0 Detail

Background

3.1 The District Council is Lead Local Authority (LLA) for the delivery of the UK Shared Prosperity Fund (UKSPF) allocation to South Derbyshire, including the Rural Economic Prosperity Fund (REPF). This role includes preparation and implementation of an Investment Plan and facilitation of a local partnership group.

3.2 The Investment Plan for South Derbyshire was approved by Government and encompasses a package of measures, with progress on these as follows.

Communities and Place

3.3 Refurbishment of The Delph market square is underway, including the installation of additional bollards to prevent unwanted vehicle access onto the square, resurfacing of the main square and restoration of the Town Hall steps. The majority of the works were completed by the end of Year 2 and the site has since been used for markets and events.

3.4 Redevelopment of the vacant derelict Bank House/Sabine's Yard site is underway to create additional free public car parking with Electric Vehicle charging points and a pocket park on Belmont Street. The majority of the work was completed by the end of Year 2 and the site is open to the public.

3.5 An additional Community Safety Enforcement Officer dedicated to addressing environmental crime and anti-social behaviour issues in town centres has been appointed. They have undertaken almost 200 duty of care visits to businesses, attended more than 75 Anti-Social Behaviour incidents and a similar number of shoplifting incidents, along with more than 30 incidents of criminal damage and a similar number of public disorder incidents.

3.6 Promotional and community activities in town centres have been supported to attract footfall and spend. Events supported have included Melbourne Festival, Heritage Open Days, Swad Live and the Swadlincote Christmas 2023 programme.

3.7 A community grant fund for third sector organisations, voluntary and community groups has been launched offering grants of between £2,000 and £25,000 (up to 80% of total project costs). Projects that can be supported include property improvements, energy efficiency and generation measures, green space enhancements, or arts, cultural, tourism and heritage initiatives. Grants have been implemented by Mid Mercia Citizens Advice for IT equipment and St Matthews Community Centre (Overseal) for a new kitchen, windows and doors.

Supporting Local Business

3.8 A grant scheme for smaller businesses has been launched, open to sole traders, partnerships and limited companies. Grants of £1,000 - £50,000 (up to 80% of the total project costs) are available. Projects that can be supported include purchase of equipment, the introduction of new products/services or processes/techniques, starting or growing exports, and initiatives to increase productivity. Grants have been implemented by an engineering company in Swadlincote for new equipment and an electronics business in Church Gresley for a 3D scanner.

3.9 The existing Derbyshire business start-up programme was extended from January 2024 with UKSPF funding. This scheme is open to people who are starting their own business, or have set up a business in the last 12 months. It offers expert advice, together with grants of up to £10,000. The first awards in South Derbyshire have been made to two new enterprises - a vet and a marketing company.

3.10 East Midlands Chamber has been appointed by local authorities in Derbyshire to deliver a programme of business workshops and events under the 'Accelerator' branding. This also includes working with businesses to undertake decarbonisation audits of their activities and a carbon reduction grant scheme for smaller enterprises.

People and Skills

3.11 'Beyond Barriers South Derbyshire' has been launched following the appointment of Groundwork Five Counties to deliver the programme. The initiative is supporting economically inactive residents further from the labour market to gain new skills, build up confidence, make connections in the local community and improve their chances of finding a job, through an employability programme moulded around individuals' needs.

3.12 The contract to deliver 'Jumpstart' in Year 3 is being finalised. This will provide a range of short training courses for unemployed residents who are closer to the labour market. The courses are designed to help individuals back into work or further training, with courses linked to sectors with significant vacancies, such as hospitality & catering, logistics and health & care.

3.13 The contract to deliver Mobility South Derbyshire in Year 3 is being finalised. The contractor will work with secondary schools to deliver tailored activities that will support aspirations amongst young people, targeting the more disadvantaged in order to raise their social mobility.

Rural Economic Prosperity Fund

3.14 The Rural Economic Prosperity Fund provides capital grants to organisations located in the Government's designated rural areas of South Derbyshire. Any organisation with legal status can apply for funding. This may include: local authorities; public sector organisations; higher and further education institutions; private sector companies; voluntary organisations; registered charities; and, arms-length bodies of Government.

3.15 Grants have been implemented by three businesses to purchase new equipment, including for food production (Bretby), printing (Etwall) and engineering (Barrow).

3.16 Grants have been implemented by two organisations to improve community infrastructure, including Aston & Weston Bowls Club and Barrow on Trent Village Hall.

4.0 Financial Implications

4.1 South Derbyshire has been allocated £2,156,374 through the Shared Prosperity Fund over a three year period 2022/23 - 2024/25, plus £400,000 from the Rural Economic Prosperity Fund, which operates alongside the Shared Prosperity Fund during financial years 2023/24 and 2024/25.

	Year 1	Year 2	Year 3	
UKSPF	**2022/23**	**2023/24**	**2024/25**	**Total**
Allocation	£261,696	£523,392	£1,371,286	£2,156,374
Actual	£236,441	£367,489	£1,552,444 (est)	£2,156,374 (est)

REPF	**2022/23**	**2023/24**	**2024/25**	**Total**
Allocation		£100,000	£300,000	£400,000
Actual		£35,840	£364,160 (est)	£400,000 (est)

4.2 The Government has agreed that underspend may be carried forward into Year 3 (2024/25), reflecting its delayed launch of the programme.

5.0 Corporate Implications

Legal Implications

5.1 Legal support will be required to procure and contract with service providers and grant recipients, and to advise on matters such as Subsidy Control.

Corporate Plan Implications

5.2 The Shared Prosperity Fund has the potential to contribute to:

- 'Our Environment' which aims to keep a clean, green District for future generations – work with residents, businesses and partners to reduce their carbon footprint; and, enhance the appeal of Swadlincote town centre as a place to visit.

- ‘Our People’ which aims to work with communities and meet the future needs of the District – support and celebrate volunteering, community groups and the voluntary sector; help tackle anti-social behavior and crime through strong and proportionate action; and, support social mobility to ensure people have the opportunity to access skilled jobs, higher and further education.

- ‘Our Future’ which aims to grow our District and our skills base – support unemployed residents back into work; and, encourage and support business development and new investment in the District.

Risk Impact

5.3 There is a risk that if the Shared Prosperity Fund projects and programmes are not delivered in accordance with the funding profile, the underspend will have to be returned to Government.

6.0 Community Impact

Consultation

6.1 Consultations have been undertaken with local partner organisations. Many of these organisations are members of the Sustainable Development Group of the South Derbyshire Partnership which has become the ‘local partnership group’ for the Shared Prosperity Fund. Preparation of the Investment Plan also drew on recently completed surveys of local companies and town centre businesses.

Equality and Diversity Impact

6.2 Activities supported by the Shared Prosperity Fund are expected to have a range of positive equality and diversity impacts, particularly relating to enhancing employability. These will be determined through the award of grants and contracts to support activities.

Social Value Impact

6.3 Activities supported by the Shared Prosperity Fund are expected to have a range of positive social value impacts, particularly linked to enhancing employment. These will be determined through the award of grants and contracts to support activities.

Environmental Sustainability

6.4 Environmental sustainability considerations are a key feature of the programme, with consideration to be given to the extent to which activities contribute to the Government’s net zero and nature recovery objectives, and their impact on natural assets and nature and support for green growth.

7.0 Conclusions

7.1 The Council has been designated as the Lead Local Authority for the co-ordination of the Shared Prosperity Fund in South Derbyshire. The Fund aims to address local priorities, building pride in place, supporting high quality skills training, supporting pay, employment and productivity growth and increasing life chances.

8.0 Background Papers

UK Shared Prosperity Fund Prospectus
Rural England Prosperity Fund Prospectus

REPORT TO:	**ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE**	**AGENDA ITEM: 13**
DATE OF MEETING:	**18 APRIL 2024**	**CATEGORY: DELEGATED**
REPORT FROM:	**STRATEGIC DIRECTOR (SERVICE DELIVERY)**	**OPEN**
MEMBERS' CONTACT POINT:	**DEMOCRATIC SERVICES 01283 595889/5722 democraticservices@southderbyshire.gov.uk**	**DOC:**
SUBJECT:	**COMMITTEE WORK PROGRAMME**	**REF:**
WARD(S) AFFECTED:	**ALL**	**TERMS OF REFERENCE: G**

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Background Papers

5.1 Work Programme.

Environmental & Development Committee 18 April 2024
Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
Reports Previously Considered by Last Three Committees		
CCTV in Private Hire Vehicles Policy	09 November 2023	Ardip Sandhu Head of Legal and Democratic Services 01283 595715
Corporate Plan 2020-24: Performance Report 2023-24 (Quarter 2 - 1 July to 30 September)	09 November 2023	Heidi McDougall Strategic Director (Service Delivery) 01283 595775
Infrastructure Funding Statement 2022-23	09 November 2023	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Fixed Penalty Notice Charges	09 November 2023	Matt Holford Head of Environmental Services 07891 072081
Preparing for the Biodiversity Duty	09 November 2023	Sean McBurney Head of Cultural and Community Services 07435 935050
Planning Services Review	09 November 2023	Heidi McDougall Strategic Director (Service Delivery) 01283 595775
Service Based Budgets 2024/25	04 January 2024	Charlotte Jackson Head of Finance 07770 085452
Route Optimisation	25 January 2024	Gary Charlton Head of Operational Services

		07976 081896
Gypsy and Traveller Accommodation Assessment Report	25 January 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Local Plan Issues and Options	25 January 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Waste Management IT System	25 January 2024	Gary Charlton Head of Operational Services 07976 081896
Authority Monitoring Report 2022-23	25 January 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Infrastructure Funding Statement 2022-23	25 January 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Town Centre Masterplan (Exempt)	25 January 2024	Mike Roylance Head of Economic Development and Growth 01283 595725
Fleet Replacement Plan	25 January 2024	Gary Charlton Head of Operational Services 07976 081896
Operational Services Staffing (Exempt)	25 January 2024	Gary Charlton Head of Operational Services 07976 081896
Local Plan Budget Proposals	25 January 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Corporate Plan 2020-24: Performance Report 2023-24 (Quarter 3 - 1 October to 31 December)	29 February 2024	Heidi McDougall Strategic Director (Service Delivery) 01283 595775
Statement of Community Involvement	29 February 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326

Provisional Programme of Reports To Be Considered by Committee		
Oaklands Solar Farm	18 April 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Grass Verges and No Mow Plans 2024	18 April 2024	Sean McBurney Head of Cultural and Community Services 07435 935050
Economic Development and Growth Service (Exempt)	18 April 2024	Mike Roylance Head of Economic Development 07815 577206
Contaminated Land Strategy	18 April 2024	Matt Holford Head of Environmental Services 07891 072081
Air Quality Strategy 2024-28	18 April 2024	Matt Holford Head of Environmental Services 07891 072081
Accelerating Planning System	18 April 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Cycle Network SDP	18 April 2024	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Corporate Enforcement Policy 2024 Review	May 2024	Matt Holford Head of Environmental Services 07891 072081
SUDs Policy Management	May 2024	Sean McBurney Head of Cultural and Community Services 07435 935050
Planning Services Review	May 2024	Heidi McDougall Strategic Director (Service Delivery) 01283 595775i
Bus Shelters	August 2024	Gary Charlton

		Head of Operational Services 07976 081896
Climate and Environment Action Plan	August2024	Matt Holford Head of Environmental Services 07891 072081
Annual Enforcement Activity Report	August 2024	Matt Holford Head of Environmental Services 07891 072081
Corporate Environmental Sustainability Group Annual report	August 2024	Matt Holford Head of Environmental Services 07891 072081
Review of Biodiversity Net Gain	January 2025	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Sustainable Energy Viability and Options Appraisal	March 2025	Matt Holford Head of Environmental Services 07891 072081
Staff Travel Plan 2024-28	TBC	Matt Holford Head of Environmental Services 07891 072081
Smoke Control Area review	TBC	Matt Holford Head of Environmental Services 07891 072081
Animals in Distress Policy	TBC	Matt Holford Head of Environmental Services 07891 072081
Consultation on East Midlands Airport Sustainable Development Plan	TBC	Steffan Saunders Head of Planning and Strategic Housing 07971604326
East Midlands Airport Airspace Redesign Consultation (changing the flight paths)	TBC	Steffan Saunders Head of Planning and Strategic Housing 07971604326
Planning Enforcement Activity	TBC	Steffan Saunders Head of Planning and Strategic Housing

		07971604326
Environmental Services Commercialisation Plan review	TBC	Matt Holford Head of Environmental Services 07891 072081