



NORFOLK COUNTY COUNCIL GLYPHOSATE POLICY DOCUMENT

28 pages in the document

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I. Background

This document sets out the Norfolk County Council Policy regarding the use of glyphosate based herbicides for weed control on land owned and managed by it. It establishes the circumstances where continued use will be permitted, within an integrated approach to weed management. It also establishes the measures that will be taken to protect the environment, ensure safety of operations and optimise its use, where applied, to provide appropriate weed control, producing safe spaces fit for purpose. It applies to all Norfolk County Council (NCC) departments and to third parties contracted to the Council.

II. Summary of work undertaken to create this policy document

In developing this policy, a number of detailed work streams were undertaken as summarised below. The project was led by a working group which included representatives from the departments within NCC which currently have responsibilities for weed control, namely the Environment Team, the Corporate Property Team, County Farms, Children's Services, Highways, Closed Landfill and Norse TFM Grounds as principal contractors. The work was supported by external specialist consultants.

Work Package 1: Audit of current practices within NCC in terms of weed control

Work Package 2: Research into current practice within other councils and agencies, with a particular focus on alternative approaches taken and their advantages and disadvantages

Work Package 3: Establishing an appropriate recording system across NCC

Work Package 4: Ensuring alignment of the policy with other environmental policies and strategies adopted, and being developed, by NCC

All of these work streams have led to the production of this policy. Written reports have been produced summarising the outcomes of each work package, which at each stage were fully discussed and developed into agreed actions by the NCC Cross Department Working Group established for this project

III. Key Goals

The NCC Policy for the use of glyphosate seeks to give particular attention to the following four areas:

- Safety to practitioners, people and society in the use of glyphosate products across the Council's operations;
- Environmental protection and nature recovery, ensuring future use of glyphosate products will be balanced against the Council's work to maintain and improve Norfolk's environment
- Establishing how weed control will be managed to lead to reduced reliance on glyphosate products whilst ensuring safe and sustainable spaces fit for purpose and meeting community expectations.
- Carbon footprint, ensuring approaches to weed control take fully into account carbon emissions and meeting agreed NCC targets in this respect

IV. Summary of key outcomes from work and research programmes listed in Section II of this report, and leading to the construction of this glyphosate policy

- In its weed control programmes across all its directly managed land and amenity spaces, NCC in 2021 used approximately 5700 kgs, or litres, of plant protection products containing glyphosate. Such products are predominantly used by the Highways Department in terms of controlling vegetation on roads, streets, pavements and associated areas. Other NCC use is for essential management of invasive weeds and keeping safe and clean utility areas such as landfill sites. They are also used by NCC, through contract with Norse TFM Grounds, for controlling unwanted vegetation which may create a health and safety risk on sites such as care homes, libraries, fire stations and playing fields. Aside from that, direct use by NCC is minimal. Glyphosate is used on County Farms by tenants but this is not under the direct control of NCC. NCC is in a position to offer guidance and support to these tenants in helping to achieve policy objectives in terms of glyphosate use.
- The position with respect to academy schools is slightly complex. Such institutions are tenants of NCC under lease agreements and, as such, the Academy Trusts have direct responsibility for weed management on their sites. Children's Services do influence how weeds are controlled and managed but the academy does not have to act on this and can specify their own requirements, as well as use their caretaking staff for such tasks as hand weeding.
- Plant protection products incorporating glyphosate, used by NCC, are all approved and authorised for use. Glyphosate is fully approved by government as an active ingredient for plant protection products in the UK until the end of 2025. It will almost certainly be brought forward for re-approval in that year by manufacturers involved. Its approval and monitoring is overseen by the Chemicals Regulation Division (CRD) of the Health and Safety Executive (HSE). The authorisation and review process for all pesticides is undertaken by committees of scientific experts. It is they who have deemed glyphosate safe for use.
- All the research and evidence gathered in this project, looking at use across similar organisations in Great Britain, indicates that glyphosate frequently remains the most effective and economic solution to weed management, especially on hard surfaces and for invasive weed control. It also often has least impact in terms of carbon emissions compared with many alternatives.
- However, the overall aim, set out in this policy, must be to minimise use of glyphosate going forward. This can best be achieved by:
 - Adopting a fully integrated approach to weed management and planning for specific situations by applying a consistent method for use by decision makers. This will fully consider desired outcomes, investigate how these can best be achieved and ensure all actions are co-ordinated to minimise weed growth or problems, and allow the most appropriate programme of cultural, chemical and non-chemical treatment to create the outcome sought.
 - Agreeing clearly at the outset, within such integrated planning, how weed control programmes fit within NCC's declared approaches to achieving better quality habitats on areas such as grass verges for foraging and nesting pollinators, and how this can best be balanced with other factors such as public safety
 - Ensuring as a requirement that decisions take full account of the key environmental commitments and in particular the statements listed overleaf which seek to:

- (i) Protect and enhance the environment
- (ii) Champion sustainable development and resource efficiency
- (iii) Set stringent environmental targets
- (iv) Go beyond the expectations of national government, (regarding national 'net zero' carbon)

All of which must be set in the context of ensuring spaces are maintained in a safe and healthy condition and fit for purpose. In creating weed management plans, a suitable check against these commitments will be needed to ensure, as much as possible, actions taken are not counter to them.

- Ensuring that the glyphosate policy specifically states, in its policy statement (see later), that use of glyphosate products in school grounds should be restricted to exceptional circumstances and where health and safety could be compromised if such action were not taken. Wherever possible, any such applications should take place outside the school day or in holiday times with suitable warning signs displayed and access to areas restricted, after treatment, for at least the required period stipulated on the glyphosate product label. A similar approach will need to be stated for areas of special scientific interest or areas designated as protected.
- Adopting approaches to enable pollinators and other biodiversity are protected as much as possible in carrying out weed management activities. This will require, where glyphosate products are used, due consideration to timing of applications. To contribute to the achievement of the pollinator action plan, the glyphosate policy should be sympathetic to the needs of pollinators and ensure that weed management activities are planned with all due consideration.
- Continuing to ensure that all responsible for applying plant protection products are fully trained and certificated and checks are in place to ensure that equipment used is tested to meet legal requirements. For equipment where such legal requirements do not exist, such as knapsacks, an agreed NCC process should be in place for regular inspection supported by appropriate fully documented central recording and monitoring.
- Only using contractors who can demonstrate that they operate to best practice and legal requirements by being members of an approved assurance scheme, recognised by the UK Amenity Standard. This will give assurance that they have schemes of continuing professional development (CPD) in place for their operators and managers and are fully up to date with current practices.
- Establishing an appropriate training and CPD programme within NCC for all involved in procuring, specifying, managing or operating weed control programmes. Such a CPD programme will vary in terms of content for each target group.
- Ensuring an appropriate easily understand method is in place for recording glyphosate use, and ensuring proper record is in place to both meet statutory requirements and also clearly demonstrate that a thorough and detailed approach has been taken in determining appropriate weed management approaches. This should also be linked to the existing council dash board monitoring greenhouse gas (carbon) emissions and progression to carbon targets. These actions will not only increase awareness across all departments in NCC but also ensure accurate responses to requests by the public as they arise.
- Communicating throughout NCC, and externally, the agreed policy on glyphosate use, set in the context of weed management across all managed NCC sites. In terms

of external communication to the public, this will involve explaining why weed management is required and how choices are made to achieve this. Also, it can seek to give re-assurance that approaches taken are always implemented by appropriately trained and approved operators fully committed to producing safe, healthy and sustainable spaces minimising environmental impact but ensuring such spaces are fit for purpose and meet community expectations.

- By taking the approach above, the policy will address safety to practitioners, people and society and minimise impact on the environment by:
 - Establishing appropriate training, procedures and communication planning relating to the use of glyphosate across the Council's operations
 - Enabling the correct balance to be achieved, ensuring proper and effective weed management in the context of environmental protection and nature recovery, consistent with strategies and policies already in existence and being developed.
 - Allowing proper management of weed management within integrated approaches designed to minimise the need for control and, as such, to minimise glyphosate use.

V. Glyphosate Policy Statement

Norfolk County Council is committed to minimising the use of herbicides, including those containing glyphosate, to control weeds or other undesirable plant species on its managed land, whilst still maintaining safe and healthy spaces fit for purpose and appropriate use by its communities.

This policy document summarises the approach to be taken by the Council to weed management to achieve desired outcomes in the most effective manner, whilst minimising environmental impact and without any compromise on issues of public safety. The policy also takes full account with the objectives and strategies set out in both the NCC Pollinator Strategy and Environment Policy as well as in both the developing Norfolk and Suffolk 25 year Environment Plan and Nature Recovery Strategies.

The Council will only use authorised and fully approved glyphosate products. It will meet all legal requirements in its application, as well as other checks being undertaken when employing third parties, seeking to ensure best practice throughout all operations. In a range of situations such as highways and the control of invasive weeds, glyphosate products currently continue to provide the most longer lasting and cost effective solution and often have the lowest environmental impact, certainly in terms of carbon emissions. However, in its aim to minimise its use of herbicides including glyphosate products, the Council will employ a fully integrated management approach. This involves defining clearly, for each specific situation, the desired outcome and looking at all ways of minimising weed problems by design and cultural management. Where control is needed, it requires identification of the correct combination of methods to be employed to achieve this desired outcome. It requires co-ordination across departments in terms of operations and strategies with appropriate on-going training in a consistent and co-ordinated manner.

Other than for areas designated as sites of special scientific interest, this document does not specifically state situations where glyphosate products should not be used as this will be identified in the integrated management planning process, a core action in implementation of the policy. However, in its use of glyphosate products, particular areas requiring special consideration will include schools and playing fields. In terms of operations on schools grounds under NCC control, the use of glyphosate products will be restricted to exceptional circumstances and where health and

safety could be compromised if such action were not taken. Wherever possible, any such applications should take place outside the school day, or in holiday times, with suitable warning signs displayed and access to areas restricted after treatment for at least the required period stipulated on the glyphosate product label.

Other areas where glyphosate products should not be used is in sites of special scientific interest or areas designated as protected unless absolutely essential. Examples may be walkways through nature areas where weed growth could create pedestrian health and safety issues. Also it may become necessary to use glyphosate products to control unwanted plant growth such as invasives which impact upon other aspects of plant growth and biodiversity. However, such treatment will need appropriate authorisation within a formal control and review process and procedure.

Through adoption of this policy, NCC seeks to produce safe, healthy and fit for purpose spaces whilst providing full assurance to its communities that all approaches used are approved and authorised and all measures are taken to ensure this.

A summary of the key principles embodied in the NCC Policy Statement described in this document is provided at Appendix 6 to this report.

VI. Responsibilities

This Glyphosate Policy, once adopted by the Council, becomes the responsibility of every member of staff working for or on behalf of the Council. This applies not just to personnel who are managing and controlling weeds as part of their day-to-day duties or work programmes, but also to personnel in supervisory, management and administrative roles within the Council. This is to ensure that all staff take, and have a collective responsibility to ensure that, the objectives and outcomes of the policy are delivered in everything NCC does, or is responsible for, regardless of whether or not this relates to weeds and their control or eradication.

The Glyphosate Policy applies to any organisation or any individual who is either contracted to work within any of the sites that the Council is responsible for, or who has consent to undertake any activities within such sites. This applies to any commercial or utility operator who is working within such sites either to undertake statutory or service-related activities or who has been commissioned to work there.

The Policy also places a responsibility on the Council to monitor, review and evaluate its success and that of the various actions agreed under the Policy in terms of managing weeds. This is essential to ensure that:

- a cost-benefit analysis process is regularly undertaken
- any adverse impacts from this policy, and the methods available, are identified and contained or eliminated
- innovative or improved techniques and methods are always given appropriate consideration for inclusion into and application in weed management as they develop and if they meet the criteria for use.

VII. Procedures

When using glyphosate products, the following procedures will be followed:

- Weed control with herbicide will be undertaken to the appropriate specification contained in the contract, related to the desired outcome of weed management agreed for the specific situation involved.
- All herbicides shall be approved by the Chemicals Regulation Division of HSE and used strictly in accordance with the product label and the requirements of UK Plant Protection Products Regulations as well as any advice issued by the Chemicals Regulation Division and the manufacturer
- Herbicides should not be applied during or before weather conditions that would render their use ineffective or result in the contamination of surrounding areas.
- At all times, operations should fully take into account the amount of active pollinators in a given situation and seek to minimise their exposure to the plant protection product where they are at most risk. In terms of spot spraying hard surfaces, the specific risk of potential impact upon pollinators will be identified in drawing up integrated weed management plans. If using glyphosate on green areas, such as around landfill sites, the timing of spray application will be chosen to minimise potential impact upon pollinators.
- Weed spraying within one metre of a water course, or from the top of a riverbank, requires Environment Agency notification prior to work starting, using a form, available from the Environment Agency.
- Prior consultation with the Environment Agency will be needed before herbicides are used on filter or French drains which abut or traverse Sites of Special Scientific Interest.
- Where required in a particular situation, the appropriate Authority should be consulted before weed control is undertaken

VIII. Key actions to be implemented in the NCC approach to weed management

This section looks in more detail at the key actions embodied in this policy and to be adopted.

A. Integrated Approach to Weed Management and its application (IWM)

The policy establishes a requirement for each department within NCC, in addressing situations and areas where weed control is required and needed, to have in place a written Integrated Weed Management Plan (IWM). It should be available for inspection when required.

The IWM will cover such items as:

- Is weed control essential and could the need for it be eliminated or minimised by improved management of the site and better planning of its use and requirements?
- If weed management is needed, what level of control is required? Does it need complete weed eradication, such as in treating invasives, or could a certain level of weed infestation be tolerated, for example on certain pavements or roadsides in the county?
- Having established the need for weed control, the plan will review all the various approaches and methods available either as single methods or combinations. These approaches will then be evaluated in terms of cost, effectiveness, safety, health and environmental impact. In assessing effectiveness, one of the measures will relate to the

speed at which weeds re-grow after treatment which will influence the number of treatments needed, and hence the cost and potential environmental impact.

- In creating the plan, it is also important to seek co-ordination of activities across other departments in NCC and the county. In hard surfaces, if the responsibilities for sweeping is held by other bodies outside direct NCC control, discussions should be held to allow the plan to demonstrate how proper co-ordination of activity can best be achieved to optimise outcomes in terms of weed control in the most economic, effective and efficient manner.
- Following this review, an approach will be determined and adopted. If the approach involves the use of plant protection products such as glyphosate, checks will be in place to ensure such product is safely stored meeting legal requirements, and that fully tested and inspected equipment is used by appropriately certificated and trained operatives.
- The plan will also include a method of review, following implementation, and will be updated regularly to take account of developments and innovations

Appendix 1 provides a representation of what is involved in adopting an integrated management approach. The production of integrated management plans will involve different stages, depending upon the situations being addressed, but each plan will have the same components. For example, in maintaining highways in the county, weed control is carried out to limit damage to the fabric of the highway, to mitigate structural damage to the highway infrastructure and to facilitate unobstructed free movement along it, including for safety and visibility reasons. In this case, the most appropriate approach is to develop the integrated management plan annually, prior to the start of the growing season, keeping under review depending upon conditions. If dealing with more specific situations, such as the control of unwanted weeds in say a built-up area or close to council buildings, the method of treatment would be selected from the integrated weed management plan in place at the time when action is needed, for deciding upon the best approach to be adopted.

An element within the creation of integrated management plans is the assessment of weediness and what level can or cannot be tolerated. Appendix 2 highlights two situations. The first refers to an approach for adoption in maintaining highways. The second relates to an example from a research project which sought to determine weediness levels in more static paved areas, found for example the curtilage of NCC buildings or the like. It is important to emphasise that this is an illustrative example. Each department in NCC, dealing with aspects of weed management, will need to determine the most appropriate method of assessment and include this within their required integrated management plan.

Appendix 3 provides a flow chart indicating the type of decision making to be addressed in integrated management planning. Once more it is an example and, in implementing this policy, it is worth re-emphasising that it will be important to develop an agreed consistent approach appropriate to the needs of NCC. This approach will then be adopted across all areas of activity.

B. Operator certification and equipment testing

The policy establishes the approach under this heading in the following way:

- Where herbicides are to be used, all personnel handling and applying them, whether directly employed or as contractors, must be fully trained in their use, and hold relevant certification (such as City & Guilds PA1 and PA6A, or Lantra equivalents, with additional qualifications as required to meet specialist situations). They will be required to comply with the conditions

of these certifications and other regulations relating to the use of herbicides, including COSHH and current Codes of Practice, and must always wear the correct personal protective equipment (PPE). It is a requirement that all operations involving the use of herbicides, undertaken by contractors and/or Council staff are covered by a quality assurance scheme recognised by “The UK Amenity Standard” (see next section).

- All herbicide application equipment (sprayers) should be checked, maintained and calibrated on a regular basis; a useful guide is.
 - i. At the start or change of a programme
 - ii. Beginning of the season
 - iii. Moving to a different location
 - iv. Changing product / rate
 - v. Repair or maintenance to sprayer
- All application equipment, except knapsacks and hand-held, must also, as required, possess a certificate demonstrating that it has passed an officially recognised test conducted by a centre approved by the National Sprayer Scheme (NSTS). Equipment, five years old or over, has a legal requirement to be tested, on either a three, five or six yearly basis thereafter, depending on when the most recent test was conducted and the type of equipment. Knapsacks and hand-held equipment will be subject to regular inspection, at least annually, depending upon frequency of use. The results of such inspection will be documented fully, and any remedial actions undertaken immediately.
- NCC is on a UK Register established as a result of the Official Controls (Plant Protection Products) Regulations 2020, indicating that they are nationally recognised users of plant protection products. There are requirements within this to ensure safe storage of herbicides. As NCC predominantly uses external contractors, it will be important to establish at the outset of any agreement with them that these contractors are also on the register and have fully approved storage facilities for any plant protection products used.

C. Providing assurance of professionalism and quality of operations

A requirement in this policy relates to ensuring all glyphosate products, or indeed any herbicides used, are applied to the highest professional standards. Key actions for achieving this will be:

- NCC will ensure all weed management programmes are undertaken to the UK Amenity Standard, allowing it to display the logo as and if appropriate on sites within the county. To qualify for the UK Amenity Standard, organisations responsible for weed control, normally contractors in the case of NCC, must be members of an approved and recognised assurance scheme. Given the NCC situation, this is likely to be Amenity Assured, currently overseen by BASIS Registration Limited. In employing contractors, the need to be at this Standard will be paramount, an essential requirement to be specified in tender documents.
- This will give assurance both externally and internally that operations are being undertaken by fully trained professional operators and that, where plant protection products are used either singly or in combination with other non-herbicide methods, that they will be applied efficiently in a targeted manner in line with the NCC policy of minimising use.
- Personnel involved in weed control will exercise due caution before, during and after the application of herbicides, to ensure that their methods of working and handling of plant protection products or equipment does not result in any increased risk of avoidable harm being caused to the environment or public. This includes the safe storage and disposal of any empty containers of herbicides including triple rinsing of used or contaminated equipment or containers (unless prohibited by the label).

D. Training and continuing professional development (CPD)

The actions in this area will include the following:

- An initial training programme will be implemented by NCC for all whose role involves decisions concerning the use of herbicides, primarily glyphosate based currently. This programme will be targeted on those directly involved in operating, managing, and specifying weed control programmes, as well as including awareness training for those procuring products.
- The training will cover all the key elements considered in establishing this policy with the outcome being staff fully understanding the reasons for, and methods available, for weed control and the fundamentals of integrated management planning. It will also provide key guidance specific to their roles in the process. Any new staff subsequently taking on such responsibilities will undertake this initial training
- Such a programme will be part of an NCC Continuing Professional Development Programme (CPD) developed for all staff involved in the use of plant protection products and those managing, specifying or procuring product for such programmes.
- It is recognised that in the main, NCC uses contractors for weed management operations and their commitment to CPD will be validated by their demonstration of being part of a recognised assurance scheme. Hence this NCC CPD programme will be an annual refresher course suitable for operators, specifiers and those procuring products. The core purpose of the refresher will be to update on policy changes and how they might impact on NCC and individuals. It will also update on any changes in codes of practice or requirements.
- In implementing this CPD programme, external trainers will be used, qualified to deliver relevant training in this area.

E. Recording and Monitoring glyphosate use across NCC

It is a legal requirement that whenever any herbicides are used, a detailed record will be kept as to the date, time, duration, site, area, target weed(s) and amount and type of chemical used. These records will be fully documented and available for inspection. In the case of NCC, this legal responsibility chiefly rests with the contractors employed but, in this plan, the aim is to capture such information in its total use by contractors and in house.

However NCC will, in addition, make record of, and centrally monitor, the adoption of integrated weed management plans, identifying that all considerations have been made of impact on people, water and the environment whilst delivering the most effective and economic solution and including an estimate of the carbon implications of the approach chosen using a standard methodology.

There is already a NCC dashboard, recording carbon emissions and capture. Data recording as above will link to this dashboard and, based upon this approach, information on glyphosate use will be available in a format suitable for inspection externally and internally.

F. County Farms & land owned but not directly managed by NCC

Glyphosate may be used in circumstances where, although NCC has land ownership, it does not have direct land management responsibility for determining operations or activities, other than requiring that they meet legal requirements and are within the terms of tenancy agreements. This is certainly the case for County Farms.

However. NCC will ensure this policy is communicated to those involved such as its farm tenants, with a strong request that they apply these principles and actions. Appropriate guidance and access to training will be made available as possible.

G. School Academies

For each situation, NCC leases its land to the Academy Trust including playing fields, car parks and hard surfaces. Normally NCC reserves an access right to the playing field in case of the school closing and other departments wishing to develop this land or the wider site. Decisions relating to weed management approaches and methods are the responsibility of the Academy Trust involved. NCC could seek to enforce the glyphosate policy by adopting changes to the terms of lease agreement. However at this stage, NCC will ensure that this glyphosate policy is communicated to the individual school academy trusts with a strong request that they apply these principles and actions. The approach will be kept under review.

H. Communication strategy – external and internal

Strategies will be adopted and implemented to ensure that this policy and the approach to weed management is understood both internally across all areas of activity within NCC, and externally facing. In public communications, it is important to emphasise the reasons for weed control and decisions taken to achieve the required outcome.

External communication in particular will emphasise the reasons for weed management in maintaining safe and healthy spaces fit for purpose. It will stress NCC's intention to minimise both glyphosate use and its environmental impact. It will also indicate that products used are fully approved and authorised, and applied by fully trained professional operatives. Where they are used, they have been chosen as the most appropriate means of managing weeds in terms of cost and effectiveness as well as least impact on the environment, especially in terms of carbon emissions and meeting commitments within existing NCC strategies and plans.

All personnel handling and applying herbicides in any NCC situation will be aware of the public nature of such sites and the presence of features and factors which could be exposed to potential harm from such products. They should be capable of addressing any public concerns or at least directing them to the appropriate person and will be assisted in this by issue of appropriate written and electronic material.

IX. Impact assessment of implementing the policy

A. Risk Impact Assessment - Compliance and Governance

The adverse impact of adopting this Policy is assessed as LOW. It ensures that the Council is compliant with existing legislation (both EU and UK) and government policy and guidance, as well as able to respond effectively to any new legislation which may emerge and be enacted. It will ensure that the Council is compliant with its own internal policies, especially those regarding improving sustainability, air quality, equalities and health for its residents, its various environmental strategies and commitments and for protecting its staff (and those working on its own behalf) by providing them with a safe working environment.

The Policy also ensures that the Council is fully in control and directing an ongoing commitment to minimising use of glyphosate-based herbicides approved and authorised for use in the UK. It is then able to stand up to scrutiny and challenge from both residents and the wider community if concerns are expressed as to the environmental and health effects of such products. It also enables the Council to demonstrate that it has a robust risk-assessment based action process in place to protect itself and its residents/staff from avoidable legal and financial challenge or liabilities, and to protect its reputation as a responsible public body.

It is important, in assessing methods of weed management, to fully take account of carbon emissions as some non-pesticide methods have high emissions in their operation. Again this policy addresses this.

B. Financial Impact Assessment

Properly evaluating and choosing the right methods and equipment for management of weeds is required through implementing this policy, so that the best, most cost-effective and reliable systems are bought, used and maintained. This supports a LOW adverse financial impact outcome for the Council.

The approach taken will not necessarily provide the least cost solution in money terms alone but the most cost beneficial in terms of delivering on an approach providing safe, healthy and sustainable spaces fit for purpose and taking full consideration of the environmental impact, based upon existing NCC commitments, including carbon targets.

C. Equalities Impact Assessment

Adopting this Policy is likely in some situations to change the tolerance levels for weediness which could both lead to an increased prevalence of weeds in certain places and a potential reduction in the use of plant protection products. These factors could exert a negative or a positive impact on public perception, regardless of gender, age, ethnicity, culture or ability. Such changes in management need to be supported by good public communications to explain what the Council is doing and why.

This Policy will support a MEDIUM-LOW adverse equalities impact.

D. Sustainability Impact Assessment

Sustainability refers generally to the capacity for the Earth's biosphere and human civilization to co-exist.

Sustainability is made up of three main pillars:

- Economy
- Society
- Environment.

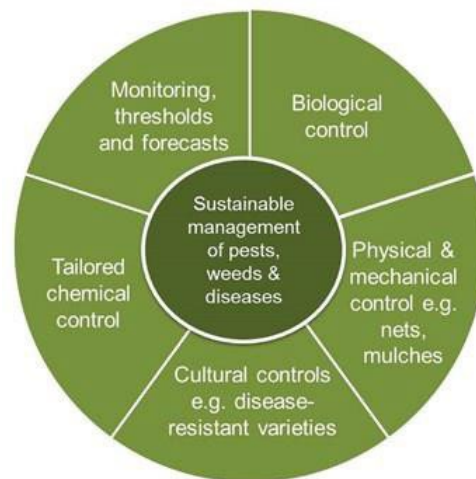
These **principles** can be converted to:

- Cost/profit
- People/Operators
- Planet/Environment

Provided the actions set out in this policy are implemented in terms of careful selection, operation, maintenance and monitoring, then the overall adverse impact upon sustainability and the environment is expected to be LOW.

Appendix 1

Representation of what an integrated approach means



An integrated approach to the sustainable management of pests, weeds and diseases includes:

- Monitoring thresholds and forecasts
- Biological control
- Physical and mechanical control such as nets, mulches
- Cultural controls such as disease-resistant varieties
- Tailored chemical control

NCC will adopt a consistent approach to producing such integrated weed management plans across all departments and areas involved, based upon the principles and requirements established. It will also establish a central record of the integrated management plans adopted by individual departments with responsibilities which include weed control.

In seeking to create these integrated plans, recommended reference material is available through two documents prepared by the Amenity Forum.

- Integrated Weed Management in Amenity Spaces **Guidance**
- Creating an Integrated Weed Management Plan for Amenity Spaces **Template**

However, it will be important to develop an NCC specific approach fully owned by all involved.

Appendix 2

EXAMPLES OF THE APPROACHES TO BE ADOPTED IN DETERMINING WEEDINESS LEVELS

This appendix examines two example situations encountered in terms of weed management. In creating the required integrated management plans within NCC, the approach to determining tolerable weediness levels will be applied as appropriate to the various weed management situations encountered and be documented in each plan.

The first situation relates to highways. The second relates to a more specific situation where weeds are being managed, say around NCC maintained buildings.

Situation 1 – Managing highways



Weed treatment is an annual routine maintenance operation on hard surfaced areas of the highway including footways and kerb lines. As such, those responsible for weed management need to establish an integrated management plan prior to the growing season and, in advance of instructing contractors to undertake the work. This will involve decisions being taken on the level of weediness that can be tolerated.

The current approach to this adopted in NCC, and deemed as fit for purpose in line with this policy, is as follows.

Given the length of the footways and kerb lines across the county, an area weed growth level assessment/condition report is made on a countywide basis. During the season, this assessment is updated based upon observations during planned routine highway inspections and, also taking into account an assessment of the number of customer service contacts related to weed growth. As part of this process, the Highways department frequently collates and discusses such area views at management team meetings to establish the level of weed growth and tolerance levels.

This approach is a key determinant in determining treatment start date for the whole of the county and for monitoring and reviewing matters throughout the season, as will be established in the annual integrated management plan. This is not a specific location assessment but a global county assessment, whereby a dynamic and targeted spot treatment can then be undertaken at the most appropriate time, based on the level of weed growth to minimise the impact on highway users whilst protecting the highway asset.

Situation 2 – Managing weeds in paved areas within a built-up environment, such as the curtilage of NCC maintained buildings.

The example is based upon work initially undertaken as part of a government funded project looking at weed control on pavements in an urban context. It is for illustration. NCC will develop its own specific approach best suited for purpose in terms of its integrated management plan process, as part of implementing this glyphosate policy.

Weed level scale

Weediness criteria:

- Clump diameter = numerous plants
- Rosette diameter = single plant
- Length = along any pavement or channel edge
- Slab areas = weeds within pavement rule: downgrade by 1 classification (for example add 3 points to total score) if weeds are:
 - More than 30cm length within pavement area
 - More than 30mm in height

Height (mm)	Clump/rosette diameter length (mm)	Joint coverage percentage (%)	Class	Score	Description	Outcome
0-75	0-100	0-20	1	3	No or occasional small weeds	Acceptable
75-150	100-150	20-30	2	4-6	Patchy weed growth some shooting weeds	Planning required
150-200	150-200	30-40	3	7-9	Numerous weeds many shooting, view annoys or irritates public	Unacceptable
More than 200	More than 200	More than 40	4	10-12	Numerous large weeds, risk to slip or trip	Unacceptable

Series of photos to accompany a new weed level scale

- Must show extreme of each level to decrease ambiguity

Level 2 - Patchy weed growth some shooting weeds



Level 3 - Numerous weeds many shooting, view annoys or irritates public



New weed level scale - example of weed level 2

New Weed Level Scale - example



- Weeds less than 75mm high (1 point)
- Clump/rosette diameter or length – linear length between 150-200mm (3 points)
- Joints covered by approx. 30% (2 points)

Points total:
6 = Level 2,
acceptable, **planning**
required

Level - Points per criteria cell	Tarmac Score	Slab Score	Height (mm)	Clump/rosette diameter, length (mm)	Joint coverage (Slab only) (%)	Description
2	2-3	4-6	75-150	101-150	20-30	Patchy weed growth some shooting weeds

- Weed height: less than 75mm high (1 point)
- Clump / rosette diameter/ length: linear length between 150–200mm (3 points)
- Slab joint coverage: approximately 30% (2 points)
- Points total = 6
- Level: Level 2 = acceptable, planning required.

Level (points per criteria cell)	Tarmac score	Slab score	Height in mm	Clump/ rosette diameter/ length in mm	Percentage of joint coverage (Slab only)	Description
2	2-3	4-6	75-150	101-150	20-30	Patchy weed growth, some shooting weeds

New weed level scale - example of weed level 3

New Weed Level Scale - example



- Weeds between 75 – 150mm high (2 points)
- Clump/rosette diameter or length – linear length >300mm (4 points)
- Joints covered by approx 25% (2 points)

Points total:
8 = Level 3,
unacceptable, remedial
action required

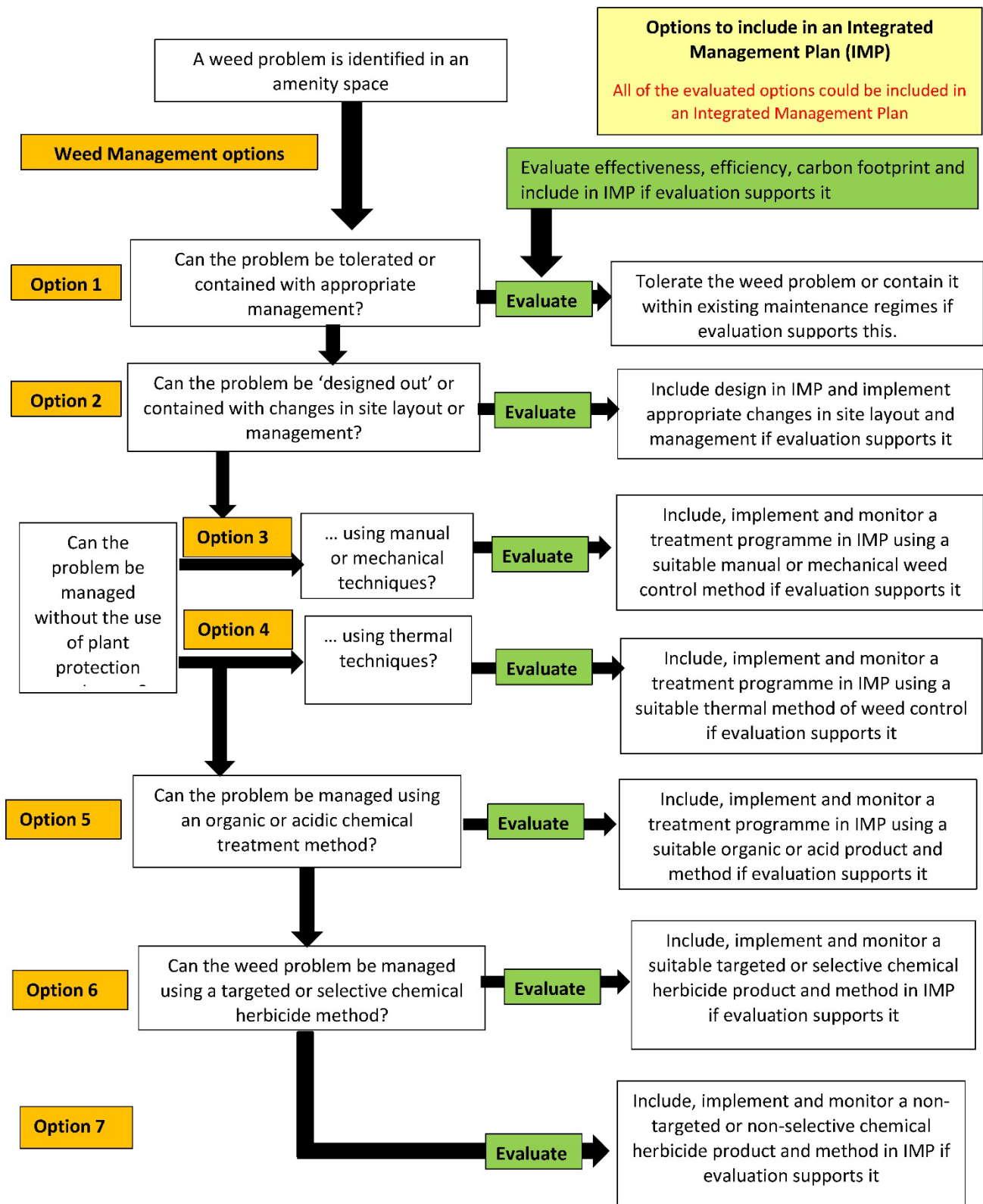
Level-Points per criteria cell	Tarmac Score	Slab Score	Height (mm)	Clump/rosette diameter, length (mm)	Joint coverage (Slab only) (%)	Description
3	5-6	7-9	150-200	150-200	30-40	Numerous weeds many shooting, view annoys or irritates public

- Weed height: 75-150mm (2 points)
- Clump / rosette diameter/ length: linear length more than 300mm (4 points)
- Slab joint coverage: approximately 25% (2 points)
- Points total = 8
- Level: Level 3 = unacceptable, remedial action required.

Level (points per criteria cell)	Tarmac score	Slab score	Height in mm	Clump/rosette diameter/ length in mm	Percentage of joint coverage (Slab only)	Description
3	5-6	7-9	150-200	150-200	30-40	Numerous weeds many shooting, view annoys or irritates the public

Appendix 3

An example of the decision-making process to be followed in creating integrated management plans for specific situations. A description is included below the chart.



There are seven weed management options to create integrated management plans for specific situations where a weed problem is identified in an amenity space. Each option should be evaluated for effectiveness, efficiency, carbon footprint and all could be included in the Integrated Management Plan if evaluation supports them. The weed management options are:

- Option one is to decide if the problem can be tolerated or contained with appropriate management. The outcome will be to tolerate the weed problem or contain it within existing maintenance regimes if evaluation supports this.
- Option two is to decide if the problem can be designed out or contained with changes in site layout or management. The outcome will be to include design in Integrated Weed Management Plans and implement appropriate changes in site layout and management if evaluation supports it.
- Option 3 requires a judgement on whether the problem can be managed without the use of plant protection products using manual or mechanical techniques. The outcome will be to include, implement and monitor a treatment programme in the Integrated Weed Management Plan using a suitable manual or mechanical weed control method if evaluation supports it.
- Option 4 considers whether the problem can be managed using thermal techniques. The outcome will be to include, implement and monitor a treatment programme in the Integrated Weed Management Plan using a suitable thermal method of weed control if evaluation supports it.
- Option 5 asks if the problem can be managed using an organic or acidic chemical treatment method. The outcome will be to include, implement and monitor a treatment programme in the Integrated Weed Management Plan using a suitable organic or acid product and method if evaluation supports it.
- Option 6 considers whether the weed problem can be managed using a targeted or selective chemical herbicide method. The outcome will be to include, implement and monitor a suitable targeted or selective chemical herbicide produce and method in the Integrated Weed Management Plan if evaluation supports it.
- Option 7 is for non-targeted or non-selective chemical herbicides. The outcome will be to include, implement and monitor a non-targeted or non-selective chemical herbicide produce and method in the Integrated Weed Management Plan if evaluation supports it.

Appendix 4

Legislation Relating to Weeds and their management

Inevitably the use of herbicides, and the control/eradication of weeds, is dictated and influenced by various forms of legislation or regulations that have either been developed in the UK arising from former EU directives or policy, or which have originated solely within the UK as a response to BREXIT, national and regional policies or issues of concern.

The Weeds Act 1959

The Weeds Act 1959 empowers the Department of Environment, Food and Rural Affairs (DEFRA) or its subsidiary bodies to serve notice requiring an occupier of land to take action to prevent the spread of certain specified weeds. Action under the Act is pursued by DEFRA specifically when agricultural land is threatened by these specified weeds. DEFRA may also elect to have a third party undertake any necessary action and recover costs from the occupier. Specified weeds under the Weeds Act 1959 are Spear Thistle, Creeping Thistle, Curled Dock, Broadleaved Dock and Common Ragwort.

Wildlife and Countryside Act 1981 (as amended)

Section 14 of the Wildlife and Countryside Act 1981 makes it an offence, liable to a fine, to plant or otherwise cause to grow in the wild, certain specified weeds. However, it may be a potential defense to prove that all reasonable steps were taken to prevent these plants growing in the wild. Specified weeds under the Act include giant hogweed, Himalayan balsam and Japanese knotweed.

Town and Country Planning Act 1990 (England and Wales)

Section 215 (England & Wales) empowers local authorities to serve notice on owners or occupiers of land to control weeds that are considered harmful to the amenity of the surrounding area. Failure to take appropriate action may be liable to a fine, or alternatively the local authority may recover costs incurred in employing a third party to take the appropriate action.

EU Sustainable Use Directive 2009 implemented by the Plant Protection Products (Sustainable Use) Regulations 2012 (Whilst the UK is no longer a member of the EU, in transitional arrangements the UK Government has adopted such measures further to subsequent review in due course)

This Directive states that member nations must keep the use of pesticides and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise the risks to human health or the environment from these forms of intervention.

- All users of herbicides to have a certificate of competence
- A continued requirement for anyone who uses a pesticide to take “reasonable precautions” to protect human health and the environment
- A continued obligation to confine pesticide application to the target area
- Continued requirements in relation to storage, handling and disposal
- Specific measures to protect water
- Requirement to minimise use in specific areas (roads, railways, very permeable surfaces or other infrastructure close to surface and groundwater; sealed surfaces with a high risk of run-off to surface water and sewage systems; areas used by the general public or vulnerable groups; in the close vicinity of healthcare facilities; in conservation areas)
- Obligations for the regular inspection of Plant Protection Product Application Equipment by independent NSTS testers
- Requirement for those who purchase products for professional use to ensure the end

user holds an appropriate certificate

Water Framework Directive 2000

This directive relates to the protection of water-based environments, including groundwater and drinking water. To reduce or remove the risks of polluting such water environments, the directive states that future weed management strategies should adopt an integrated approach in order to deliver the most sustainable control of weeds.

Glyphosate License

The current status is that the manufacture and sale of products based on or containing glyphosate will continue to be approved in the UK until December 2025, when further reassessment will be made.

Control of Pesticide Regulations (COPR) 1986

This UK regulation requires that all operators who wish to apply pesticides must hold the appropriate statutory 'NPTC' certificates for the various applicators that they intend to use – recognized certificates are issued by City & Guilds and by Lantra Awards.

Control of Substances Hazardous to Health Regulations (COSHH) 2002

This is the law that regulates the occupational use of substances hazardous to health within the UK, which all herbicides are classified under. It aims to ensure that the correct control measures are in place to reduce the risk of harm from exposure to hazardous substances. This also covers the correct and safe storage of chemicals, including herbicides

The Official Controls (Plant Protection Products) Regulations 2020

These regulations came into force in Great Britain in June 2020 and require all users and all suppliers of professional plant protection products to appear on a GB register overseen by Defra. Those required to register are:

- operators who place PPPs on the market - businesses who produce, manufacture, process, import, distribute and sell professional PPPs, components, and adjuvants;
- all other operators, including those who use PPPs in a professional capacity in agricultural, horticultural and amenity situations either directly or using third parties such as contractors.

Provision and Use of Work Equipment Regulations 1998 (PUWER)

These Regulations, often abbreviated to PUWER, place responsibilities on businesses and organisations whose employees use work equipment, whether owned by them or not.

PUWER requires that equipment provided for use at work is:

- suitable for the intended use
- safe for use, maintained in a safe condition and inspected to ensure it is correctly installed and does not subsequently deteriorate
- used only by people who have received adequate information, instruction and training
- accompanied by suitable health and safety measures, such as protective devices and controls. These will normally include guarding, emergency stop devices, adequate means of isolation from sources of energy, clearly visible markings and warning devices
- used in accordance with specific requirements for mobile work equipment.

Appendix 5

Training and Health & Safety for Operatives Using Pesticides

1. *Requirement for users of plant protection products (pesticides) authorised for professional use to have a specified certificate (formerly certificate of competence)*

Users of professional pesticide products are required to hold a certificate showing they have sufficient knowledge of the subjects listed for their use (these certificates are called a specified certificate, formerly a certificate of competence). Previous certificates of competence remain valid under the legislation. A list of recognised specified certificates is available on the HSE pesticides website.

Everyone who uses pesticides professionally should have received adequate training in using pesticides safely and be skilled in the job they are carrying out as well as holding a specified certificate. This applies to:

- users, operators and technicians (including contractors);
- managers;
- employers;
- self-employed people; and
- people who give instruction to others on how to use pesticides.

Guidance on the safe use of plant protection products exists in the **Codes of Practice** for Using Plant Protection Products. A new Code of Practice is expected later in 2022. In the meantime, there is guidance available for those affected by the Regulations on the HSE website. Although some of the underlying legislative framework has changed, the general guidance contained in the Code remains appropriate. If there is any inconsistency between the Code and the HSE guidance, the advice in the HSE guidance takes precedence.

Under the previous UK legislation governing pesticide use, those born before 31 December 1964 who used an agricultural product on their own or their employer's land were exempt from the requirement to hold a certificate of competence. This was known as a **grandfather rights exemption**. This exemption was withdrawn on 26 November 2015, after which everyone who purchases a professional product must ensure that the intended end user holds a recognised specified certificate.

2. *Training Requirements*

Before using a pesticide, the need for training in the subjects set out below is established by HSE. The key elements are included in the proposed initial training programme and continuing professional development scheme to be established by NCC as part of this policy.

- a. All relevant legislation regarding pesticides and their use.
- b. The existence and risks of illegal (counterfeit) plant protection products, and the methods to identify such products.
- c. The hazards and risks associated with pesticides, and how to identify and control them, in particular:
 - I. risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) and how factors such as smoking exacerbate these risks;
 - II. symptoms of pesticide poisoning and first aid measures;
 - III. risks to non-target plants, beneficial insects, wildlife, biodiversity, water and the environment in general.

- d. Understanding integrated pest management strategies and techniques, biological pest control methods, information on the general principles and sector-specific guidelines for integrated pest management.
- e. Initiation to comparative assessment at user level to help professional users make the most appropriate choices on pesticides with the least side effects on human health, non-target organisms, water and the wider environment among all authorised products for a given pest problem, in a given situation.
- f. Measures to minimise risks to humans, non-target organisms, water and the wider environment: safe working practices for storing, handling and mixing pesticides, and disposing of empty packaging, other contaminated materials and surplus pesticides (including tank mixes), whether in concentrate or dilute form; recommended way to control operator exposure (personal protective equipment).
- g. Risk-based approaches to applying pesticides which take into account the local water extraction variables such as climate, soil and crop types.
- h. Procedures for preparing pesticide application equipment for work, including its calibration, and for its operation with minimum risks to the user, other humans, non-target animal and plant species, biodiversity and the environment, including water resources.
- i. Use of pesticide application equipment and its maintenance, and specific spraying techniques (e.g. low-volume spraying and low-drift nozzles), as well as the objectives of the technical check of sprayers in use and ways to improve spray quality. Specific risks linked to use of handheld pesticide application equipment or knapsack sprayers and the relevant risk management measures.
- j. Emergency action to protect human health, the environment including water resources in case of accidental spillage and contamination and extreme weather events that would result in pesticide leaching risks.
- k. Special care in protection areas established under Articles 6 and 7 of Directive 2000/60/EC, (Requirements for sales of pesticides; Information and awareness-raising)
- l. Health monitoring and access facilities to report on any incidents or suspected incidents.
- m. Record keeping of any use of pesticides, in accordance with the relevant legislation.

3. *A requirement for anyone who uses a pesticide to take “reasonable precautions” to protect human health or the environment*

When using a pesticide product, authorised for professional use, it would help a user to meet the requirement to take “reasonable precautions” if he or she identified the most appropriate method (or combination of methods) of control, chose the product/method of control that minimised risks and the amount of pesticide applied whilst achieving an appropriate degree of control. They should then identify and mitigate any risks following practices that are consistent with those detailed in the Code of Practice and the guidance on the HSE pesticides website.

In the case of non-professional products following instructions on use and disposal of the product in accordance with instructions on the product label would help a user comply with the requirement to take “reasonable precautions”.

4. *A continued obligation to confine pesticide application to the target area*

Users are required to confine pesticide applications to the land, structure or other material intended to be treated. Enforcement action may be taken against users, for example, who directly overspray a watercourse or spray in inappropriate weather conditions causing a risk of adverse effects on people or the environment adjacent to the treated area.

5. *Requirements in relation to storage, handling and disposal*

There is a requirement to take reasonable precautions to ensure that: storage, handling and disposal of products, their remnants (old products and unused tank mixes) and packaging; and cleaning of equipment do not endanger human health, water or the wider environment. When

handling, storing or disposing of products taking the following steps would help in satisfying the requirement to take “reasonable precautions”-

- in the case of non-professional products, following instructions on storage and disposal of the product in accordance with instructions on the product label.
- in the case of professional products, identifying and mitigating any risks; and following good filling, storage and disposal practice such as that detailed in the Code of Practice.

6. *Specific measures to protect water*

There is a requirement to give preference to particular types of products where: the use of a product represents a risk to the aquatic environment and/or drinking water supplies; and there is more than one product authorised for a particular situation. The legislation provides that, so far as is reasonably practicable, preference should be given to products not classified as dangerous for the aquatic environment and not containing priority hazardous substances. Priority hazardous substances are listed in Annex II of Directive 2008/105/EC of the European Parliament and of the Council. Read or download [Directive 2008/105/EC on the EUR-Lex website](#)

Many factors (product toxicity, mobility, user practice, application of risk mitigation, method of application, condition of machinery, crop or situation, topography, soil type and weather) will determine whether use of a pesticide presents a risk to the aquatic environment or drinking water supplies. It is important, however, that users and advisors assess all risks (human health and the environment) and do not afford a disproportionate emphasis to any particular area. For example, it would not be appropriate to give preference to a product that may be assessed as posing less of a risk to the aquatic environment, if use of the alternative product posed a substantially greater risk to human health.

7. *Requirement to minimise use in specific areas*

There is also a requirement to ensure that the amount of pesticide used and the frequency of use is as low as reasonably practicable where products are used in a number of specific areas. These areas are: roads, railways, very permeable surfaces or other infrastructure, close to surface water and groundwater; sealed surfaces with a high risk of run-off to surface water and sewage systems; areas used by the general public or vulnerable groups; in the close vicinity of healthcare facilities; in conservation areas; and areas which will be used by or accessible to amenity workers. ('Sealed surfaces', in practice, means surfaces that do not allow liquid to pass through them, e.g. tarmac. "Capped soil" is not a sealed surface.)

Users need to take into account the appropriate level of pest, weed or disease control necessary in particular situations when deciding their control strategy. For example, the control strategy required for a football pitch in a public park may differ from that on the greens of a championship golf course. Given that needs will differ and that the level of pest, weed and disease control and local risks can vary official guidance does not specify the level of control and consequently what constitutes an appropriate amount or frequency of use, for all circumstances which might arise.

8. *Using pesticides without a Specified Certificate?*

If you need to have a specified certificate to do your job, but you do not have one yet, you must be working under the direct supervision of someone who has the necessary certificate (because you are undergoing training to obtain a specified certificate).

If you are supervising someone who does not have a certificate, you should be able to see and hear the person doing the job to supervise them. You should be able to see the person doing all parts of the job, including:

- preparing and mixing the pesticide;
- filling equipment and making sure the dose levels are correct (calibrating);
- applying the pesticide; and

- cleaning equipment and disposing of washings, leftover pesticides and the containers.

9. Continuing professional development (CPD)

Once you have achieved a specified certificate, it is important (and a requirement of the Amenity Standard) that you continue to develop your technical knowledge and practical skills in using pesticides. You should make sure that you keep your training up to date and that you know the latest information on how to protect human health, wildlife, other plants and creatures you don't intend to treat, water and the environment.

You should keep a record of all the training you receive. It is the easiest way for you to prove that you have the necessary training, knowledge and skills.

You can get evidence of your continuing professional development by being a member of:

- the BASIS Amenity Training Register or the National Register of Sprayer Operators (if you use pesticides); and
- the BASIS Professional Register (if you sell or supply pesticides).

You will need the appropriate specified certificates to join these registers. To continue to be a member, you will need to attend a sufficient number of appropriate training events and conferences, in line with the terms of each scheme

APPENDIX 6

SUMMARY OF KEY PRINCIPLES FROM THE NCC POLICY

1. In managing weeds, the Council will always take an integrated approach and ensure, especially where glyphosate products are used, that use is minimised and targeted to achieve agreed levels of weed management for given situations
2. The Council will regularly review new methods of weed management as they become available, with a view to trialling these where they offer a viable alternative to glyphosate use but do not compromise other objectives in terms of health and safety, the environment and the NCC commitment to meeting carbon targets.
3. NCC will not use Glyphosate based products wherever possible and will clearly state areas where glyphosate products should not be used
4. Where glyphosate products are used, the Council will ensure full compliance with all legal requirements, maintain detailed and accurate records of pesticide applications and ensure staff managers, specifiers and operators, and appointed contractors, are fully trained, up to date and competent.
5. NCC will ensure all future contracts and, where possible, existing contracts, are consistent with the council's policy on glyphosate products
6. NCC will use whatever mechanisms are available, to ensure that third parties maintaining council owned land, comply with the council's policy especially in terms of them demonstrating that they operate to the UK Amenity Standard
7. Where NCC does not directly manage the land it owns as, for example, county farms and school academies, it will ensure that, as far as possible, the principles of this policy are upheld.