

## **CABINET**

**14 JANUARY 2020**

### **REFERRAL FROM THE REGENERATION, CULTURE AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE - MEMBER'S ITEM:**

#### **USE OF HERBICIDES ON GREEN SPACE ASSETS**

Portfolio Holder	Councillor Howard Doe, Deputy Leader and Portfolio Holder for Housing and Community Services
Report from:	Richard Hicks, Director Regeneration, Culture Environment and Transformation and Deputy Chief Executive
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#### **Summary**

This report sets out a referral from the Regeneration, Culture and Environment Overview and Scrutiny Committee with regard to the Member's item that was considered by the Committee on 5 December 2019. This report reviews the use of herbicides on green space assets and alternatives that are available.

The Committee agreed to request that:

- a) due to conflicting opinion, glyphosate no longer be used in children's play areas.
- b) as the current product has been deemed safe to use by independent scientific experts working for the EU and UK Government, the service continue the adopted practice on all other green space assets.
- c) the service continue to review usage of glyphosate herbicides in greenspace / public areas within legislation guidelines.
- d) that for a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.

#### **1. Budget and Policy Framework**

- 1.1 Overview and Scrutiny Committees may make recommendations to the Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4).

1.2 At its meeting held on 5 December 2019, the Regeneration, Culture and Environment Overview and Scrutiny Committee agreed to make a recommendation to Cabinet, as set out in section 2 of this report.

## **2. Background**

2.1 At the Regeneration, Culture and Environment Overview and Scrutiny Committee on 15 August 2019 concerns were raised about the safe use of these chemicals to animals (especially dogs) and children in parks and play areas and around tree bases.

2.2 The Green Space service agreed to come back to this committee with:

- The experiences of other local authorities that have ceased to use herbicides for weed control.
- Documentary evidence as to the potential harm of continued use of herbicides for weed control.
- Details of any policy changes which may be required should the Council cease using herbicides to control weed growth.
- Full information on the financial and legal implications of any decision by the Council to cease to use herbicides for weed control to enable the Committee to make an informed recommendation to Cabinet for consideration before the spraying season commences in March/April 2020.

2.3 Medway Council, like many local authorities, undertake spraying of assets, tree bases and fence/wall lines in parks and play areas as a way of reducing the risk of damage from strimming to tree bases, from stones being flicked up damaging windows and posing a risk to passing pedestrians.

2.4 Medway has a duty to prevent spread of certain harmful weeds as per the Weeds Act 1995 and to stop invasive non-native plants spreading as per DEFRA Guidance, as detailed in Appendix 1.

### **2.5 Regeneration, Culture and Environment Overview and Scrutiny Committee 5 December 2019 – Member's Item: Use of Herbicides on Green Space Assets**

2.5.1 The Committee received a report reviewing the use of herbicides on green space assets and alternatives that were available, in response to consideration of a Member's Item on 15 August 2019.

2.5.2 With the agreement of the Committee, Ms Rachael Noxon, who had previously spoken at the Committee in August, addressed the Committee again in support of the cessation of the use of glyphosate. She referred to the fact that the Council had recently declared a climate emergency and stated that should the Council cease the use of glyphosate to control weed growth this would go some way towards helping climate and biodiversity concerns.

2.5.3 The Operations Manager – Grounds – Medway Norse referred to the report and drew attention to the various options set out in paragraph 3, along with the costs set out in paragraph 6. These had been drawn up in line with the request of the Committee following discussions on 15 August.

2.5.4 In response to questions, she provided an assurance that only small quantities of glyphosate were used in a diluted form for weed control and that all liquids were mixed before employees left site to undertake spraying. All staff were

fully trained in the use of the chemicals and were required to obtain the National Proficiency Test Council's PA1 and PA6a licence before they were permitted to spray chemicals. Protective clothing, gloves and masks were required to be worn.

- 2.5.5 Since this issue had originally been raised on 15 August 2019, officers had undertaken indepth research into the use of glyphosate, had discussed concerns with industry professionals and had investigated outcomes at other local authorities where spraying had either ceased or partially ceased. Full information on this research was appended to the report on pages 101 – 114 of the agenda.
- 2.5.6 Although considered a safe method of chemical weed control, the Operations Manager – Grounds – Medway Norse suggested that if the Council wished to provide a level of reassurance to the public, subject to Cabinet approval, it was possible to cease the use of glyphosate in children's play areas at an estimated cost of £3,800 per annum.
- 2.5.7 The Committee discussed the report and acknowledged the work that had been undertaken through liaison between officers and Councillor Curry who had originally raised this issue as a Member's item in August 2019. However, concern was expressed that the proposed recommendations were not sufficient and did not fully take account of the Council's declared climate emergency, current data, and the impact upon wild flowers, insects and wildlife, including amphibians. In addition, it was reported that at least 40 other local authorities across the country had stopped using glyphosate to control weed growth.
- 2.5.8 Additional action was proposed to supplement the proposal to cease the use of glyphosate in children's play areas, including the cessation of use of herbicides in all greenspaces with the methods for control of vegetation being kept under review year by year or that the use of herbicides cease for one year in all greenspaces and be reviewed in December 2020. However, neither proposal was supported on being put to the vote.
- 2.5.9 A Member then suggested that, in addition to the recommendations set out in the report, it also be recommended to Cabinet that for a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season. It was noted that if supported by this Committee, this additional option would need to be costed before submission to Cabinet for consideration.
- 2.5.10 The Committee agreed that it be recommended to Cabinet that:
- a) due to conflicting opinion, glyphosate no longer be used in children's play areas.
  - b) as the current product has been deemed safe to use by independent scientific experts working for the EU and UK Government, the service continue the adopted practice on all other green space assets.
  - c) the service continue to review usage of glyphosate herbicides in greenspace/public areas within legislation guidelines.

- d) that for a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.

## **2.6 Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive's Comments**

- 2.6.1 The Regeneration, Culture and Environment Overview and Scrutiny Committee considered options 1 to 5 below at their meeting on 5 December 2019. In doing so, the Committee recommended an integrated approach covered in option 2 in which glyphosate would no longer be used in children's play areas. The Committee also recommended that an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season (for a period of one year), this option is assessed as option 6 within this report.

## **3. Options**

- 3.1 **Option 1: No Change (Glyphosate)** – continue the use of herbicides as per current policy, spraying around assets and tree bases once per year and controlling invasive and harmful weeds/plant species as per our legal duty as land owners.
- 3.2 **Option 2: Integrated Approach – mix of bio and non bio chemicals** – Adopt an integrated approach using non-biochemicals (new bio product made of vegetable oil and vinegar) in parks and/or play areas. This has been shown to be effective, but will still leave a visible spray line on assets (see Appendix 5) and have cost implications.
- 3.3 **Option 3: Non-biochemical** – Remove the use of biological chemicals in all parks and greenspaces, (with the exception of sports pitches, as these are needed to eradicate pests and diseases and ensure the standards of the greens are a playable surface) using non bio chemicals in greenspaces / parks only. This will still leave a visible spray line on assets (see Appendix 5) and have cost implications. The exception will be to treat invasive and harmful weeds/plant species as per our legal duty as landowners. This will have a cost implication.
- 3.4 **Option 4: Return to strimming around assets and tree bases.** The exception will be to treat invasive and harmful weeds/plant species as per our legal duty as landowners. Each strimmer creates 11kg Co2 per day and over the year would create an additional 2,376 kg and this equates to just over ½ of what a car produces each year. There is a need to be mindful of the HSE guidance on hand arm vibration (HAV) (see Appendix 3). This will have a cost implication.
- 3.5 **Option 5: Hand pull weeds and do not spray or remove grass around any assets.** The exception will be to treat invasive and harmful weeds/plant species as per our legal duty as landowners. This will have a cost implication.
- 3.6 **Option 6: For a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.** This option was requested by the Overview and Scrutiny Committee to be considered. This could be implemented on its own or in conjunction with other options.

#### 4. Advice and analysis

- 4.1 Seeking advice from industry specialists, the current view of the UK Government body and HSE is that the use of glyphosate, when used as instructed, is safe.
- 4.2 Appendix 2 details the EU and HSE current advice on use of glyphosate.
- 4.3 There is currently no hard and fast information on the implications for our own health on the use of glyphosate. However, there are increasing concerns over its potential harm and conflicting statements from the international bodies responsible for regulating its use.
- 4.4 Many environmental bodies are of the opinion that the use of glyphosate products could be contributing to the decline in biodiversity and that we should be taking the precautionary approach and limiting its usage.
- 4.5 The products used are sprayed in a diluted form, as per COSHH guidance, absorbed into the plant and kills both the green leaves and roots of the weeds. This chemical is absorbed through the green leaves, kills only the plant and is neutralised on contact with the soil. It is then broken down by soil bacteria into harmless natural substances.
- 4.6 The Agriculture Industries Confederation, made the following observations. *Glyphosate's classification, by the RAC and ECHA is based on the intrinsic properties of glyphosate. As with any hazard, the risk to either human health or the environment can be reduced by mitigation measures such as only using the product when necessary, using the lowest dose required and ensuring that those who use the product are professionally trained and certificated. All of these measures are in place in the UK and other Member States to ensure that pesticides are used responsibly.*
- 4.7 When these chemicals applied in correct dosages, they have been shown to be safe; as required to be awarded UK Government approval. The Safety Data Sheets do not indicate there is a risk of harm to people or animals if used in correct doses (see Appendix 4).
- 4.8 Visual impact testing has also been undertaken and has shown that the use of bio products has the same visual impact around assets as glyphosate products (see Appendix 5)
- 4.9 In 2014 Foamstream was tested in Medway, the results of which are detailed in Appendix 6.
- 4.10 Additionally a review has been undertaken of other local authorities' approach to this issue and this is detailed in Appendix 7.
- 4.11 There is the wider risk implications within the Highway, other parties in the Medway jurisdiction, such schools, business parks, private estate managers (MHS). The control, cost and financial burden would be equally impacted across these and other areas.
- 4.12 Taking all of this into account, as there are conflicting opinions on the use of glyphosate and public perception of possible harm, it is recommended to take forward option 2 - a mixed approach - and cease the use of glyphosate in

children's play areas only where it is more likely to come into direct contact with young people. This would be a matter for Cabinet to consider and determine, following a recommendation from this Committee.

## 5. Risk management

5.1 The following table details the risks associated with the various methods proposed

<b>Proposal</b>	<b>Risk</b>	<b>Mitigation</b>	<b>Rating</b>
<b>Option 1:Use herbicides</b>	<p>Reputational relating perceived risk to human and animal health.</p> <p>Negative impact of herbicides on insect population.</p>	<p>Ensure usage is kept to a minimum and only used judiciously.</p> <p>Ensure regular review of best practice is undertaken.</p> <p>Ensure regular review of alternatives is undertaken.</p>	DIII
<b>Option 2: Integrated Approach – mix of bio and non-bio chemicals</b>	<p>Areas will have a visible spray line around assets.</p> <p>Additional resources and funds required.</p>	<p>Promotion about use of non chemicals and visual impacts.</p>	DIII
<b>Option 3: Non-biochemical for all greenspaces</b>	<p>Areas will have a visible spray line around assets.</p> <p>Additional resources and funds required.</p>	<p>Promotion about use of non chemicals and visual impacts.</p>	DIV
<b>Option 4:Use of strimmers around assets</b>	<p>Increase risk of exposure to Hand Arm Vibration Syndrome (HAVS) and Carpal Tunnel Syndrome (CTS).</p> <p>Medway Norse at risk for significant personal injury claims and reputational harm to both companies.</p> <p>Increased costs as more staff needed to complete same tasks.</p>	<p>Staff rotate tasks to reduce exposure time.</p>	CII

<p><b>Option 5: Leave grass as is around assets - long grass and Hand pull weeds in shrub beds and hard standing</b></p>	<p>Increased risk of public criticism of poorer standards of grass amenity with Higher level of complaints about long grass around assets.</p> <p>Reputational harm for both the Council and Medway Norse.</p> <p>Reduction in performance /efficiency.</p> <p>Increased risk of back related injuries from repeated bending and twisting actions.</p> <p>Significantly increased costs as more resources are needed.</p>	<p>Promotion about leaving areas to nature to promote wildlife.</p> <p>Increase work force and rotate staff on differ duties.</p>	<p>CIII</p>
<p><b>Option 6:</b> For a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.</p>	<p>Public complaints about long grass and weeds</p> <p>Some minor litter and dog waste issues being trapped in the longer grass.</p> <p>May affect green flag status of some more formal parks</p>	<p>Promotion of new initiative and reason why being left.</p> <p>Hand picking of worst of trapped litter</p> <p>Review of management plans for each park with green flag status to suitability of adoption.</p>	<p>DIII</p>

## 6. Financial implications

- 6.1 The Council's existing Greenspaces budget is built on the assumption that herbicides will be used as per the contract with Medway Norse. As such, any change in practice that leads to increased costs would result in a budget pressure.
- 6.2 The recommendation to cease the use of glyphosate in children's play areas is estimated to cost £3,800 per annum, creating a budget pressure. As such, it will be necessary for savings to be identified elsewhere in the service to offset this.

Option	Resources	Annual additional cost
1: Use herbicides	As per contract	£0
2: Integrated Approach – mix of bio and non bio chemicals	Additional 2,000 man hours as requires 3 applications for non bio chemicals Or Do not use glyphosates in in Play areas	£30,000  Or £3,800
3: Non-biochemical	Use alternative weed spraying product to cover the same area more frequently; Additional 4,000 man hours requires 3 applications	£60,000
4: Use of strimmers around assets	24 staff & strimmers	£264,000 <i>Additionally, there is a financial, unquantifiable risk, if a personal injury claim is subsequently made by staff exposed to Hand Arm Vibration.</i>
5: Leave grass as is around assets - long grass and hand pull weeds in shrub beds and hard surface areas	Hand pull weeds: approx. 6 additional staff. This estimate is based: <ul style="list-style-type: none"> <li>• 182,000 sqm of shrubs</li> <li>• 23,000 sqm of hard surfaces</li> </ul>	£172,000
6. For a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.	One cut per season on longer grassed areas.	£0 (once a year cut will be covered by existing resources)

## 7. Legal implications

- 7.1 The service is operating within the legal framework as detailed in the appendices and will continue to monitor any relevant changes in regulations as laid down by the EU and transposed into UK Law.
- 7.2 Variations in the operation of the contract can be made in negotiation with Medway Norse as agreed as part of the JV model of operation.

## **8. Recommendations**

8.1 The Cabinet is asked to consider the following recommendations from the Regeneration, Culture and Environment Overview and Scrutiny Committee and agree a way forward:

8.2 It be recommended to Cabinet that:

- a) due to conflicting opinion, glyphosate no longer be used in children's play areas.
- b) as the current product has been deemed safe to use by independent scientific experts working for the EU and UK Government, the service continue the adopted practice on all other green space assets.
- c) the service continue to review usage of glyphosate herbicides in greenspace / public areas within legislation guidelines.
- d) that for a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.

## **9. Suggested reasons for decisions**

9.1 The Regeneration, Culture and Environment O&S Committee has made these recommendations to Cabinet in accordance with its entitlement, under the Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4). Cabinet is, therefore, required to consider its response.

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### **Appendices**

Appendix 1 – Legal Duties for Weed Control  
Appendix 2 – EU and HSE Current Advice on Glyphosate Usage  
Appendix 3 – Health and Safety Executive: Key Messages on Risk of Hand Arm Vibration (HAVs)  
Appendix 4 – Safety Data Sheets  
Appendix 5 – Visual Impact of Products  
Appendix 6 – Foamstream  
Appendix 7 – Other Local Authority Experiences

### **Background papers**

Guidance note on the methods that can be used to control harmful weeds:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69296/pb7190-harmful-weed-control.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69296/pb7190-harmful-weed-control.pdf)

Guidance : Stop invasive non-native plants from spreading:  
<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

HSE guidance and FAQs

<http://www.hse.gov.uk/pesticides/topics/using-pesticides/general/glyphosate-faqs.htm>

Status of glyphosate in the EU:

[https://ec.europa.eu/food/plant/pesticides/glyphosate\\_en](https://ec.europa.eu/food/plant/pesticides/glyphosate_en)

Health and Safety Executive: Key Messages on Risk of Hand Arm Vibration (HAVs):

<http://www.hse.gov.uk/vibration/hav/keymessages.htm>