

**Report to:** Lead Member for Transport and Environment

**Date of meeting:** 22 November 2021

**By:** Director of Communities, Economy and Transport

**Title:** Notice of Motion: East Sussex County Council's (ESCC) use of Glyphosate based herbicide to control weeds on the Public Highway and on ESCC property

**Purpose:** To consider and respond to a Notice of Motion calling for the Council to eliminate use of Glyphosate herbicide formulation in weed control and to provide an update on East Sussex County Council's approach to weed management.

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**RECOMMENDATIONS:** The Lead Member is recommended to recommend that the County Council rejects the Motion for the reasons set out in the report.

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## 1 Background Information

1.1 The following Notice of Motion has been submitted by Councillor Maples:

*"Motion to eliminate use of glyphosate herbicide formulation in ESCC/Highways' weed control.*

*It is recognised that there has been reduction in ESCC's use of glyphosate (herbicide) in ESCC green spaces, increased collaboration with local environmentally-concerned groups and coordination with other local authorities, in accord with the County's 2020 Environmental Strategy. However, as has been made excessively clear in the recent IPCC Report, and as the Strategy notes, 'the pace and scale of action needs to be far greater'.*

*MOTION: East Sussex County Council agrees to request the Cabinet to:*

*ban the spraying of glyphosate formulation herbicide and other toxic herbicides in its treatment of unwanted foliage on all council owned land and land managed by the County Council from 01 January 2022.*

*Instead:*

- 1. Where safe to do so, plants will be left to grow and die in their natural cycle, supporting wildlife, addressing the Council's particular concern to support pollinators and other invertebrates and in accord with the Council's and the Government's commitment to bio-diversity net gain. This will further enhance East Sussex Highway's agreement to leave agreed wildflower verges uncut/unmown until the end of the flowering season to improve food sources for pollinators in accord with ESCC's well-publicised Environmental Strategy and Sussex Local Nature Partnership.*

2. *Where plants cause a trip hazard for pedestrians, or weaken built structures, alternative prevention and removal processes will be used, to include, as appropriate:*
  - a. *manual and mechanical removal, including lifting at the roots and removal of embedded soil to be replaced where appropriate with low-growth foliage or a growth resistant medium, such as clean sand*
  - b. *mechanical brushing/sweeping, especially to remove unwanted plant seeds and thereby reduce new growth*
  - c. *hot-foam spray application*
  - d. *electrical treatment*
  - e. *strimming.”*

A copy of the Notice of Motion and further supporting information supplied by Councillor Maples is provided at Appendix A.

1.2 In line with County Council practice, the matter has been referred by the Chairman to the Lead Member for Transport and Environment for consideration to provide information and inform debate on the Motion. The Lead Member’s recommendation on this Notice of Motion will be reported to the Council at its meeting on 7 December 2021.

#### Weed Control on Public Highway

1.3 On 28 September 2020, a report on the use of Glyphosate based herbicide to control weeds on the public highway was considered by the Lead Member for Transport and Environment in response to petitions calling on the County Council to ban the use of Glyphosate along Hastings roadsides and green spaces and in Eastbourne, Jevington and Willingdon. The Lead Member resolved to inform the petitioners that East Sussex County Council (ESCC) will continue to safely use a Glyphosate based herbicide until a suitable alternative becomes available and will work with neighbouring authorities to continue exploring alternative options. This report provides an update on the position set out previously in 2020.

1.4 Weed growth in road gullies and channels can slow down and prevent the highway drainage systems from functioning correctly. Weeds can damage paved surfaces, displace kerbstones and crack walls making maintenance difficult and costly. In some circumstances weeds have been considered to have safety implications for pedestrians by causing trip hazards, particularly for older and disabled people, including those with sight loss and/or reduced mobility. Weeds can also give the general perception of untidiness. The Well Managed Highway Infrastructure Code of Practice states that “weed treatment should therefore be undertaken according to traffic and pedestrian usage and to a level of usage that takes account of local concerns. The use of weed-killers should be the minimum compatible with the required results”.

1.5 ESCC Highways carry out one weed spray a year on 3081km of channels, footpaths, central reservations, and traffic islands to manage and maintain vegetation on the highway network, using a herbicide that contains Glyphosate. Spraying is carefully controlled and limited in use to only where weeds are found.

1.6 Alternatives to Glyphosate have and continue to be reviewed internally and externally with relevant stakeholders from neighbouring County Councils, Town Councils and District and Borough Councils.

1.7 ESCC Highways aim to trial potential alternative weed maintenance methods in select areas in 2022 with the aim of working towards introducing new methods as part of the next highways maintenance contract in May 2023.

## Weed Control on Other Council Land and Services

1.8 ESCC has a legal duty to control invasive species and at present Glyphosate is used to discharge those duties and the Property team holds a contract with Glendale for grounds maintenance, including all ESCC assets and a number of school sites. 20 litres of Glyphosate per annum is used in weed control for over 150 sites.

1.9 Without suitable weed control, ESCC owned land would be at risk of further invasive weed infestations and the spreading of them. Long shaggy vegetation will also mask Ash die back sapling regrowth along verges and land.

1.10 Currently there is not an equivalent to Glyphosate on the market that provides efficient weed control as required, so a complete ban would not be feasible. However, ESCC Property would support a phased reduction in the use of Glyphosate and continue to monitor other options as they come to the market, as well as options for rewilding to support greater biodiversity. Corporate sites could be used for trialling new methods ahead of the Glyphosate licence coming to an end in 2025, however this would likely incur additional costs for labour and materials.

1.11 There may also be circumstances where ESCC owns the land or property, but it is either leased to third parties or managed by third parties under management agreements which would need to be considered to reflect any restrictions on the use of herbicides.

## **2 Supporting Information**

2.1 ESCC uses a Glyphosate based herbicide from the Health and Safety Executive's (HSE) Pesticides Register of UK Authorised Products and that is suitable for use on highways. To allow time for the development of a new UK active substance renewal program post-Brexit, a three-year extension has been provided by HSE under the new UK pesticides regulation regime. This should apply to Glyphosate meaning that the expiry date for the licence has been extended until at least December 2025 in the UK.

2.2 The total cost of weed control in the Highways contract is approximately £55,000 per year fixed for the period of the current highways contract.

### **Current Application and Usage**

2.3 Glyphosate herbicide is widely used by Local Authorities to manage weeds on the highway network and even authorities that have trialled alternative methods of weed control continue to use Glyphosate in some circumstances.

2.4 The herbicide application in highway maintenance is currently carried out using a bespoke spraying machine based on a mini tractor, with a knapsack sprayer used in the difficult to reach areas. The weed spraying is only carried out by National Proficiency Test Council (NPTC) pesticide application competent operators. The average output is 22km in an 8-hour working day.

2.5 The herbicide is applied to weeds in channels and on footpaths at a ratio of 95% water to 5% herbicide. At this approved rate of application, it is harmless to all mammalian species and birds. It is also approved for use near watercourses.

2.6 The type of spray used enters the plant through its leaves and breaks down the weed's cell structure rather than killing it on contact. The spray makes sure that all parts of the plant are broken down and slows down any regrowth. Once the weeds have been sprayed it can take between 10 and 14 days for the herbicide to take effect.

2.7 Weed spraying is not undertaken on rainy or windy days to reduce wastage and the travel of the herbicide and treatments within high foot traffic or high sensitivity areas, and are carried out in accordance with Guidelines for Herbicide Application in Neighbouring Areas. See Appendix B for full risk assessments and method statements for use of Glyphosate on the highway network.

## **Alternative Methods of Control**

2.8 Alternative methods of controlling weeds on highways have been trialled by a number of other highway authorities including: FoamStream, Hand Weeding, Acetic Acid (Vinegar), and Thermal and Mechanical methods. See Appendix C for further details. All of these alternatives have been found to be either not suitable for the need, less effective and require multiple treatments with variable results or are inefficient for highways use at the present time.

2.9 For example, Sussex Rail (the East Sussex Highways sub-contractor for weed control) provided an estimate for using Foam Stream, a low-pressure process, combining heat with biodegradable foam, in the Hastings area of £90,340 per application. This is five times the current cost for Hastings weed control of approximately £18,000. Kent County Council trialled hot foam (Foam Stream) but noted that it required more frequent visits to effectively treat weeds. It is therefore likely that 2-3 applications would be required in Hastings to have the same effect as the current treatment. The cost therefore would be between £180,000 to £270,000 to treat weeds in Hastings for two or three treatments. Scaling this across the county using this method could cost between £540,000 to £810,000 for two or three treatments respectively. It should also be noted that it is unclear if there is sufficient capacity within this industry at this time to deliver such a large programme of works using this method.

2.10 Acetic Acid and thermal lancing have proved even less effective and produced even worse results than the hot foam method.

2.11 Hand pulling is very labour intensive and generally does not remove the roots meaning rapid regrowth, and whilst no direct figures are currently available for this method, this will have a higher cost per metre than hot foam as productivity will be limited and there are additional costs for collection and disposal.

### **Proposed Trials for 2022**

2.12 However, ESCC is continually exploring options to try and find an alternative to Glyphosate that would be applicable to the highway network and other property assets and is currently exploring three alternative techniques in highways, with the aim to trial them in selected areas for 2022. These include Foam Stream in small select areas, the 'opt out' approach and reactive weeding, see Appendix D for full details on the potential trials.

2.13 In addition, from discussions with other authorities, street cleansing can significantly help reduce weeds by removing the detritus in channels they grow in. Therefore, ESCC is also continuing discussions with District and Borough Councils with the aim to work more closely with street cleansing programmes to reduce weeds where possible on the highway.

2.14 The issue of weed control has recently been discussed at the Place Scrutiny Committee and the Committee may wish to consider the ongoing approach and outcome of any trials in due course.

## **3 Conclusion and Reasons for Recommendations**

3.1 The Council is aware of the concerns about Glyphosate, notes the concerns raised by some councillors and residents and is committed to finding an alternative. Meanwhile we ensure that the authority meets its statutory duties of maintaining a safe and usable highway network. There are also difficulties in implementing a complete ban on the use of herbicides on all Council owned land and land managed by the County Council as outlined in paragraph 1.10 above.

3.2 Therefore, at present the Council will continue to safely use a Glyphosate based herbicide, until a suitable alternative becomes available, as it is the most effective and efficient weed control method as an approved licenced product applied in accordance with best practice. Glyphosate is on the list of the Health and Safety Executive's GB Pesticides Regulation Regime licenced and registered products and ESCC is actively researching alternatives, but at present there is no alternative weed maintenance technique that is economically viable.

3.3 However, the Lead Member is asked to note the proposed trials for alternative weed maintenance techniques in 2022 with the aim of working towards introducing new methods as part of the next highways maintenance contract in 2023. It should also be noted that it may not be possible to eliminate the occasional use of herbicides for non-highways use.

3.4 Therefore the Lead Member is recommended to recommend that the County Council rejects the Notice of Motion.

RUPERT CLUBB

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#### LOCAL MEMBERS

All

#### BACKGROUND DOCUMENTS

None