

The National Roads Authority and Non-Native Invasive Plants

Roads and Invasive Species Workshop, Simbyosis Project, Thursday, May 23rd 2013

Trinity College, Dublin



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Overview of Presentation

- Part One: The functions of the National Roads Authority and local authorities.
- Part Two: Relevant legislation regulating the performance of the functions of the NRA and local authorities.
- Part Three: NRA and local authority compliance with relevant legislation in performing their functions.



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Part One: The functions of the National Roads Authority and local authorities.



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The National Roads Authority



- Independent statutory body established under the Roads Act, 1993.
- *'[G]eneral duty of the Authority to secure the provision of a safe and efficient network of national roads [...].'* Section 17(1) of the Roads Act, 1993, as amended.
- *'Improve quality of life and national economic competitiveness by developing, maintaining and operating the national road network in a safe, cost effective and **sustainable** manner.'* NRA Mission Statement.



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The National Roads Authority



- *'The Authority may, in relation to national roads or proposed national roads [...]:
(e) specify standards in relation to construction or maintenance works [...].'*

Section 19(1)(d)&(e) of the Roads Act, 1993, as amended.



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The National Roads Authority

- *'[T]he maintenance and construction of all national and regional roads in a county or city is a function of the council of that county or city.'* Section 13(1) of the Roads Act, 1993, as amended.



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Part Two: Legislation regulating the performance of the functions of the NRA and local authorities

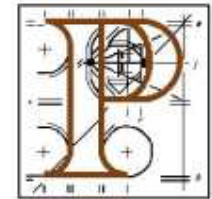


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Regulation 27 of the Birds and Natural Habitats Regulations 2011



An Bord Pleanála



- Duties of ‘public authorities’ relating to nature conservation are laid down in Regulation 27 of the Birds and Natural Habitats Regulations, 2011.
- Public authorities must exercise their functions:
 - in compliance with the requirements of the Habitats Directive and Birds Directive (Reg. 27(2)); and,
 - taking appropriate steps to avoid, in European sites, the deterioration of natural habitats and significant disturbance of species for which the areas have been designated (Reg. 27(3)).



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Regulation 27 of the Birds and Natural Habitats Regulations 2011

N59 between Clifden and
Oughterard, County Galway

N71 between Killarney and
Kenmare, County Kerry



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Regulation 49 of the Birds and Natural Habitats Regulations 2011

- Save in accordance with a licence, any person who '*plants, disperses, allows or causes to disperse, spreads or otherwise causes to grow*' any specified plant shall be guilty of an offence (Reg. 49(2)).



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Regulation 49 of the Birds and Natural Habitats Regulations 2011

- Plants specified include (Part 1 of the Third Schedule):
 - giant hogweed (*Heracleum mantegazzianum*);
 - giant knotweed (*Fallopia sachalinensis*);
 - giant-rhubarb (*Gunnera tinctoria*);
 - Himalayan balsam (*Impatiens glandulifera*);
 - Himalayan knotweed (*Persicaria wallichii*); and,
 - Japanese knotweed (*Fallopia japonica*).

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Regulation 49 of the Birds and Natural Habitats Regulations 2011

- It is a defence to a charge to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence (Regs. 49(3) and 49(4)).
- A person who commits an offence under Regulation 49(2) is liable:
 - Class A fine and/or term \leq 6 months (on summary conviction); or,
 - Fine \leq €500,000 and/or term \leq 3 years (on conviction on indictment).

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Noxious Weeds Act, 1936

- Section 3 of the Noxious Weeds Act, 1936, states:
“Where any noxious weeds are growing on any land the responsible person [...] shall be guilty of an offence [...] and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.”
- Section 7 of the Fines Act, 2010: Class D fine ≤ €1,000.

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Noxious Weeds Act, 1936

- Noxious Weeds (Thistle, Ragwort, and Dock) Order, 1937 (S.I. No. 103 of 1937);
- Noxious Weeds (Common Barberry) Order, 1958 (S.I. No. 120 of 1958);
- Noxious Weeds (Male Wild Hop Plant) Order, 1965 (S.I. No. 189 of 1965); and,
- Noxious Weeds (Wild Oat) Order, 1973 (S.I. No. 194 of 1973).

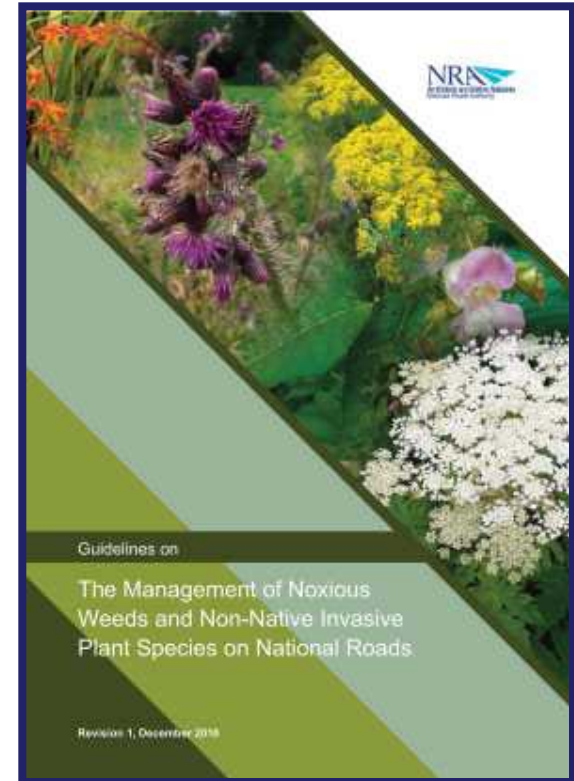
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**Part Three: NRA and local authority
compliance with relevant legislation in
performing their functions.**



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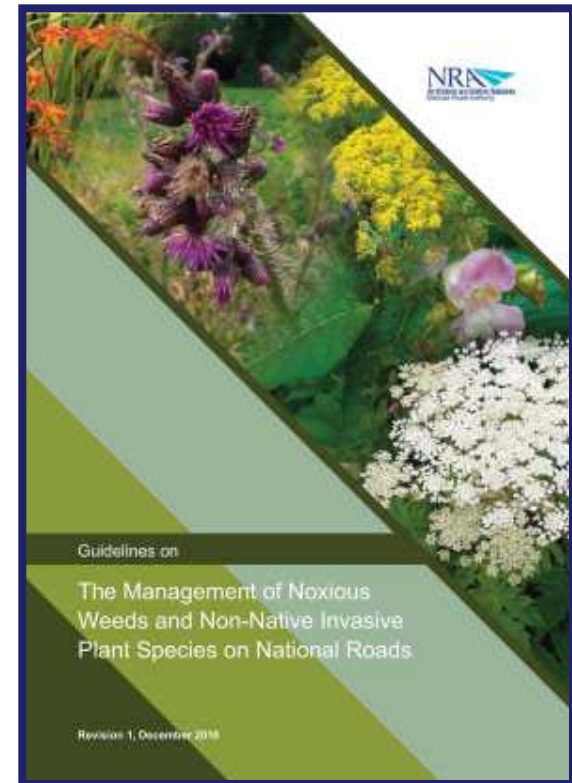
Guidelines on the Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads (Revision 1, National Roads Authority, December 2010)



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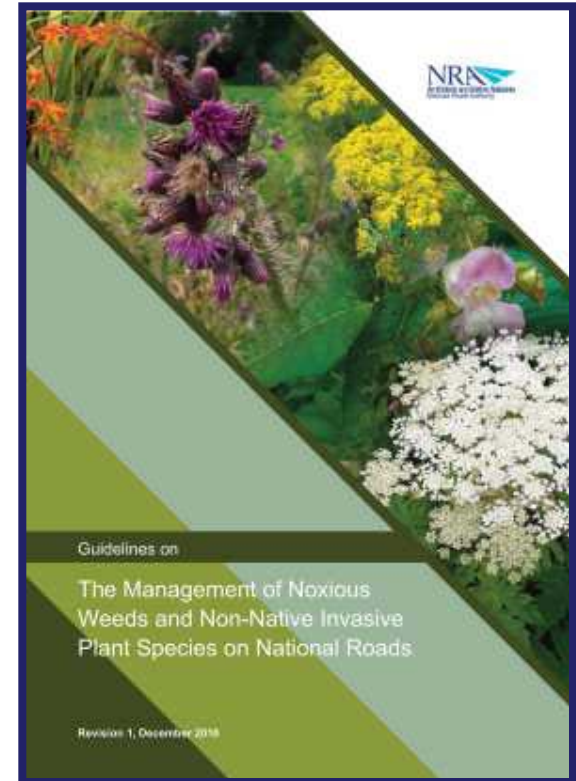
- An overview of legislation and background to the issues;
- Assessing risks at the Environmental Impact Assessment phase;
- Control and management during site clearance and construction, and during maintenance;
- Identification, ecology and control measures of Noxious Weeds and Non-Native Invasive Species.



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An overview of legislation and background to the issues

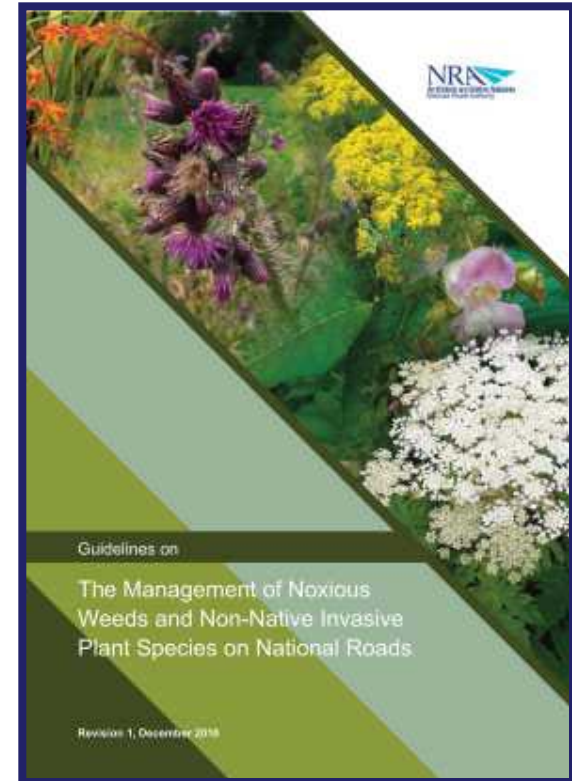
- An introduction to non-native invasive species and noxious weeds; and,
- And overview of the legislative framework.



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Assessing Risks at the Environmental Impact Assessment Phase

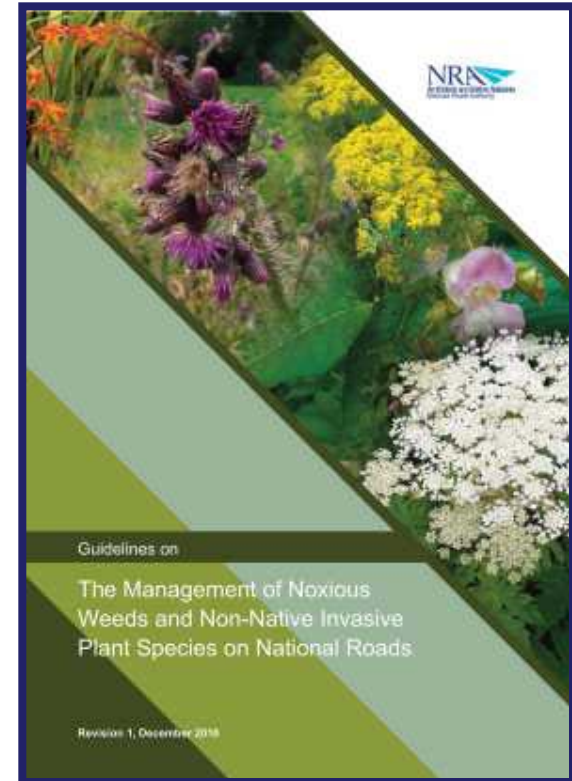
- Presence and abundance
- Appropriate control measures
- Infestations outside of the road footprint



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Control and management during site clearance and construction

- Areas requiring treatment should be demarcated and control measures implemented at the earliest possible stage.
- The source of imported material should be assessed in advance of removing materials.
- Appropriate controls on the movement of machinery and materials within and from infected areas should be instigated.

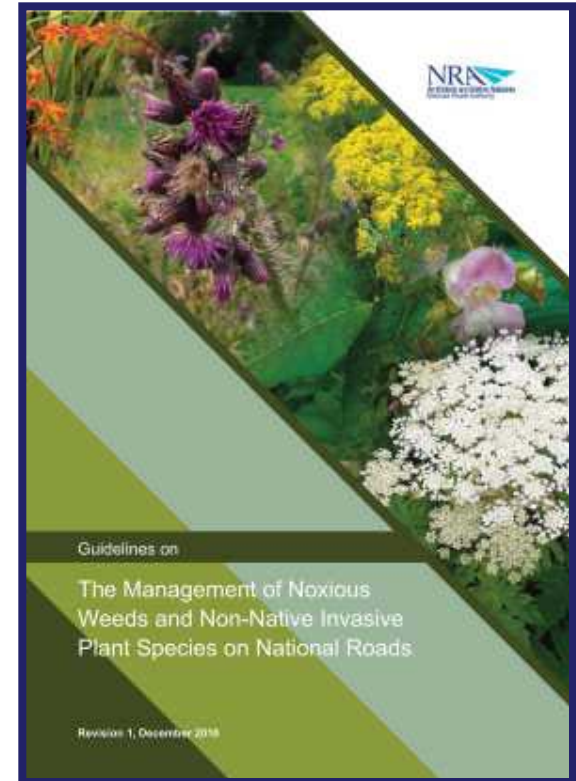


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Control and management during maintenance

Control should be undertaken in three distinct phases:

- **Phase 1:** Undertake a detailed assessment
- **Phase 2:** Implement the appropriate control measures
- **Phase 3:** Undertake post control monitoring



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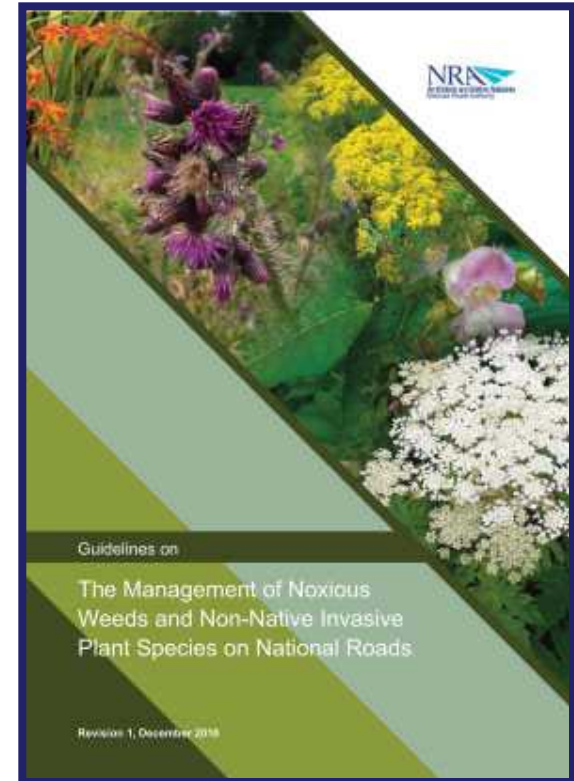
Noxious Weeds Identification, Ecology and Control Measures

Spear Thistle (*Cirsium vulgare*)

Creeping or Field Thistle (*Cirsium arvense*)

Curled Dock (*Rumex crispus*)

Common Ragwort (*Senecio jacobea*)



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Non-Native Invasive Plants Species Identification, Ecology and Control

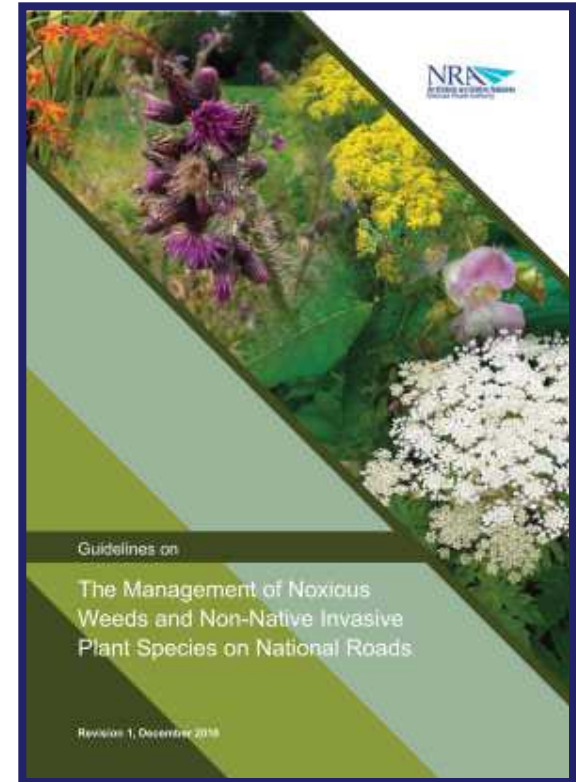
Japanese Knotweed
(*Fallopia japonica*)

Giant Hogweed
(*Heracleum mantegazzianum*)

Himalayan Balsam
(*Impatiens glandulifera*)

Montbretia
(*Crocsmia X Crocosmiflora*)

Giant Rhubarb
(*Gunnera tinctoria*)



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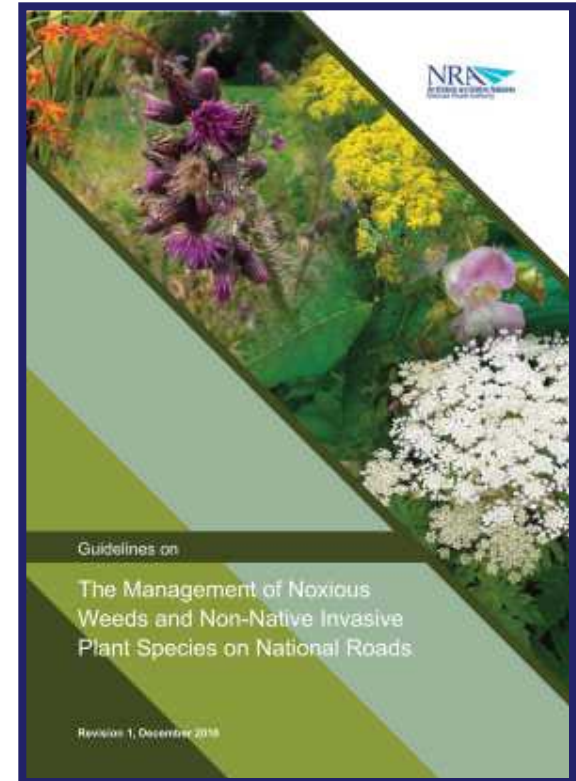
Non-Native Invasive Plants Species Identification, Ecology and Control

Winter
Heliotrope
(*Petasites
fragrans*)

Old Man's
Beard
(*Clematis
vitalba*)

Rhododendron
(*Rhododendron
ponticum*)

Buddleia
(*Buddleja
davidii*)



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**Christian Nea,
Chartered Engineer,
Environmental Engineer, National Roads Authority.**

Email: cnea@nra.ie

