

Pictures: Environet UK Ltd

# It's Knot a problem



Nic Seal

*As pressure mounts to achieve the Government's housebuilding objectives, the effective regeneration of land is becoming increasingly important. Now that spring has sprung, invasive plants are an important environmental issue. Builder & Engineer caught up with Environet's managing director Nic Seal to find out how Japanese Knotweed can be identified and controlled prior to developing brownfield sites*

**Q: What is an invasive plant and why do they grow?**

**A:** Invasive plants are plants that have the ability to rapidly spread and the potential to cause damage to the environment, human economy or human health. They tend to be non-native, i.e. originate from other parts of the world.

Their success in colonising new habitats is attributed to the absence of predators or other competing species. Of course, not all non-native plants are invasive, in fact the great majority are not and are easily controlled.

**Q: What are the different types of invasive plant and how are they identified?**

**A:** There are a number of invasive plants in the UK, with Japanese knotweed taking pole position, being described by the Environment Agency as "indisputably the UK's most aggressive and destructive plant."

There are others such as Giant hogweed and Himalayan balsam. Giant hogweed looks like cow parsley but grows to around 3m tall. Its seed is distributed by the wind; its sap is responsible for acute blistering of human skin. It's not a great threat to property but is to the safety of those who come into physical contact with the plant.

Himalayan balsam, a pretty pink flowered plant found predominantly along water-courses, not in isolated locations, but in great swathes to the detriment of all other native species.

**Q: Why and where are invasive plants a problem?**

**A:** Invasive plants are a problem worldwide, as they create mono-cultures over large areas, displacing native species and reducing biodiversity. They can be found all over the UK, on brownfield sites,

highways, railways, canals, rivers, gardens, parks, and even graveyards.

Japanese knotweed in particular can cause damage to the built environment, pushing up through asphalt, joints in concrete, blocking drains and knocking over walls. It's estimated that it would cost circa £1.56 billion to eradicate Japanese knotweed from the UK.

**Q: Japanese knotweed has been known to hold up building plans. What kind of impact can this invasive plant have on brownfield development?**

**A:** If knotweed is present on a brownfield site, it needs to be remediated either as an enabling works contract, or very early in the build process. Where the remediation is not properly planned and executed there is a risk of lengthy delays, contractual disputes, and further knotweed spread. It's a false economy cutting corners with knotweed remediation, as Lee Child once said "Do it once and do it right and do it quickly".

**Q: How are invasive plants like Japanese knotweed treated, how long does it take?**

**A:** There are two recognised ways to tackle Japanese knotweed. Herbicides can be applied over a period of two to three years which may achieve an element of control, the problem being that without digging up all the infested soil, there is no way of verifying that all rhizome is dead.

Disturbing ground containing knotweed rhizome is the catalyst for new growth, hence herbicide treatment is seldom the answer on construction sites as the ground will be disturbed.

Alternatively infested soil can be physically excavated, with all material being consigned off site to an authorised



landfill site. Named the "dig and dump" method, it's not particularly sophisticated and is referred to by the Environment Agency as the "method of last resort".

A better eco-innovative solution is Xtract, developed by Environet and used extensively on development sites since 2008. It has patents in the UK, Canada and USA. The rhizome is separated from the soil on site thereby avoiding the huge environmental and financial costs of consigning vast quantities of otherwise good soil to landfill, and importing clean fill.

Other methods exist, such as cell burial and biological control, but are not considered viable options for brownfield development.

**Q: What are the pros and cons of different removal methods?**

**A:** The advantage of herbicide treatment is that it is cheap, but it takes time, and even after several years it is impossible to verify with any level of certainty that eradication has been achieved.

Knotweed rhizome has the ability to lie dormant in the ground for many years; the absence of any growth does not mean the rhizome system is totally dead.

Disturbing the ground awakens the plant resulting in re-growth to wherever it's been spread – not a great situation to find at the beginning of an earthworks contract.

"Dig and dump" is the polar opposite,



taking a matter of days/weeks but is the most expensive method.

Xtract provides an attractive alternative as it too can be completed in a matter of days, costs about half of "dig and dump", and has a proven success rate. It is a zero waste and zero herbicide method appealing to those who care about our environment.

Clients can also benefit from it being an on-site remediation method, as it's eligible for Land Remediation Tax Relief

**Q: What are the legal responsibilities of dealing with Japanese knotweed, particularly on brownfield sites?**

**A:** There are two significant Acts of Parliament, the Wildlife & Countryside Act 1981 and Environmental Protection Act 1990. These pieces of primary legislation make it an offence to allow or cause knotweed to spread into the wild, and classify knotweed waste and any material mixed with it, as a "controlled waste". There are strict controls on knotweed material leaving site, any breach being a criminal offence.

Under civil law there is also private nuisance, recently illustrated by the landmark Network Rail case. In February 2017 judgment was passed against Network



Rail for allowing Japanese knotweed to grow on their land, thereby causing actionable nuisance to adjoining property owners. Network Rail was ordered to pay not only for the treatment, but more interestingly for diminution, the reduction in property value resulting from the knotweed.

Hailed as a landmark case, it has very significant ramifications for owners of land containing Japanese knotweed, and makes it even more imperative to tackle it correctly, especially in a development context.

**Q: Can you explain the importance of insurance backed guarantees?**

**A:** Prior to 2012 guarantees were simply company guarantees. During the credit crunch two notable knotweed specialists ceased trading, making the guarantees they had issued worthless overnight. The

banks and building societies responded by making it a condition of their lending that any knotweed should be treated by a reputable firm, and provide a guarantee that was insurance backed to protect the lender and the homeowner from this eventuality re-occurring in the future. The insurance backed guarantee (IBG) was born.

For any brownfield housing development it is essential that the knotweed specialist is able to provide insurance backed guarantees acceptable to the banks and building societies.

Not all IBGs are the same. The small print reveals some interesting differences. Not all are from "A" rated insurers; some aren't even rated at all. For some, the insurance doesn't come into effect until two years after the work is complete, some have excess charges, others don't. Some aren't even IBGs but rely upon the specialist's Public Liability and Professional Indemnity insurance, which clearly would not pay out in the event of insolvency.

EnviroNet offer insurance backed guarantees for up to 10 years as standard on all treatment and removal works, underwritten by a syndicate at "A" rated Lloyd's. ■




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