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Herbicide treatment of knotweed can store up problems on site



Japanese knotweed exclusion zone on construction site

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When dealing with Japanese knotweed on development sites, housebuilders are sometimes tempted to opt for herbicide treatment as a low-cost control method - but there are significant pitfalls to consider. We look at all the options and explore whether herbicide treatment is ever a sensible option when developing land.

How herbicide works

The discovery of Japanese knotweed on a site that is being developed for housing is always a concern. Understandably, developers are anxious to keep groundwork and construction schedules on track to avoid delays – and to keep remediation costs down.

Control of knotweed, which is very different to removal, can be achieved through herbicide treatment applied over several years. For the smallest stands, four treatments are typically spread over two growing seasons, with annual monitoring visits in years three and four. It can take significantly longer to gain control of larger infestations. It is not a 'belt and braces' solution, however, since the knotweed rhizome remains dormant in the ground and can be prompted to regrow if the ground is disturbed by excavation or building work of any kind.



Herbicide treatment on a commercial site

The need to deal with knotweed quickly and the fact that it's impossible to be certain that the plant is dead without digging up the ground, means it's seldom the answer for developers. Problems can also arise when plans for the site change unexpectedly.

The benefits and pitfalls of herbicide treatment

If a knotweed infestation is discovered early and time is on their side, some developers will choose cheaper herbicide treatment over removal. In making that decision, it's important to consider the location of the knotweed in relation to necessary groundworks and the homes themselves, according to the site plans, to ensure the ground will remain undisturbed. What they may not have thought about however, is the possibility of those plans changing over time.

We have seen countless cases over the years, where developers have come to rue their decision when they have been forced unexpectedly to change the site layout, reroute services, increase housing density or meet a planning requirement they hadn't allowed for. Any of these issues could force them to disturb the herbicide-treated knotweed area, thereby risking regrowth and invalidating the guarantee provided by the knotweed treatment firm.



Knotweed growth from previously treated and unmarked stand



"Developers should opt for excavation of Japanese knotweed on high GDV sites. For lower-value projects, where the margins are more tightly squeezed, there may be the temptation to go for herbicide control as an attractive low-cost solution."

"This might be a false economy as there are major limitations, such as not disturbing the ground, which can prove really problematic further down the line."

**Nic Seal,
Environet Founder**





Undeclared Japanese knotweed on a new build

Knotweed regrowth risks

Where knotweed remediation works have proved unsuccessful, developers have been sued for breach of contract by buyers who have discovered knotweed growing on their new property. In reality, very few buyers' conveyancers ask new-build developers if the land was affected by knotweed, or if any knotweed remediation work was carried out prior to the homes being built.

Normally this question is dealt with automatically on the Law Society's TA6 Form, completed as a routine part of the conveyancing process, but the TA6 is rarely used in the purchase of new build homes and it is therefore down to the buyer's conveyancer to enquire independently.

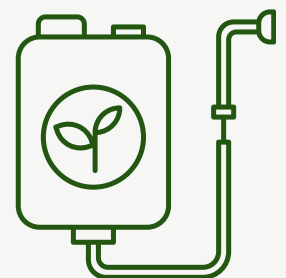
If knotweed later grows, the buyer could have strong grounds for a legal claim, so it's in everyone's interest, including the developer's, for the issue to be raised and addressed honestly.

Case Study: What can go wrong when plans change on site?

We were commissioned to carry out herbicide treatment of a 200m² stand of Japanese knotweed on a site in the south west, with an option for development. Following its sale to a major national housebuilder, outline planning consent was granted for 150 homes, all neatly avoiding the areas of knotweed.

In the final design phase, the site plan was amended, submitted and approved. However, no consideration had been made of the fact that the new plan resulted in a significant area of knotweed falling into the new construction zone. A further area was also affected by the installation of services.

Thankfully, the prudent developer carefully managed the situation, using our expert consultancy, ensuring that biosecurity was maintained. But they were left with no choice but to pay for secondary remediation, involving excavating the knotweed infested soil from the ground at considerable further expense.



Knotweed growing from accidentally disturbed ground

Excavation is the best solution on site

Removing knotweed from the ground is the recommended approach on development sites, as it deals with the problem instantly allowing developers to get on with the job.

Xtract™, our patented method for excavating knotweed and screening it on site to separate the knotweed rhizome from the soil, can be completed in just a few weeks. As the clean soil is immediately

returned to the ground, costs can also be around 50% lower than for the traditional 'dig and dump' methods, by avoiding the need to consign vast amounts of soil to landfill.

Due to the fact it's an on-site remediation method, it's often possible to claim Land Remediation Tax Relief, resulting in further cost savings.



Knotweed removal using Xtract™

We advise site owners to think long term when considering the best way to deal with knotweed on site. It's always preferable to have a clean plot of land to work with, with no risk of legal cases being brought by future homeowners if dormant knotweed regrows.

**Nic Seal,
Environet Founder**

Summary

Despite the lower cost, herbicide is rarely a sensible option for developers. Getting it right the first time by removing all knotweed material from the ground means there will be no chance of secondary remediation being required further down the line, with all the associated costs, and protects the developer from the risk of legal cases being brought by future homebuyers.



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