



Science and Technology Committee Inquiry on Japanese Knotweed, Report published

PBA's reaction to the Report published May 2019

The Team at PBA watched the Government Science & Technology Inquiry into Japanese knotweed and its effect on the built environment in January with keen interest. Subsequently the evidence given has been analysed by the Government Committee and a report with recommendations issued. You can read the full report at

<https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/1702/1702.pdf>

Jon Barton of PBA has put pen to paper to evaluate the Conclusions and Recommendations of this report and gives us his understanding based upon 20 years' experience of meeting and treating Japanese knotweed in the real world.

*Government Science & Technology Inquiry into Japanese knotweed
and its effect on the Built Environment - Report May 2019*
Conclusions and Recommendations Evaluated

Scientific evidence of the physical effects of Japanese knotweed

1) Japanese knotweed can, and indeed does, cause physical damage similar to other disruptive plants (such as Buddleia, rhododendron, and trees which can have a big impact on the property.) Uniquely Japanese knotweed is often much harder to remediate when compared to other plants as it is more invasive, the plant regenerates more readily, so management of the plant has to be more meticulous.

2) The Government Committee admits it is "really hard to eradicate" Japanese knotweed, requiring multi-year treatments or excavation. They say this is not the case with other disruptive plants but I would argue the case on this as many species need more than one season of herbicide treatment.

Confusingly the report states that Japanese knotweed may regrow because it becomes "dormant by herbicides" or because "Fragments of the plant stay in the soil". At PBA we know that Japanese knotweed can regrow after treatment. Rhizome systems can sit in a form of dormancy during or after herbicide control, and which invasive weed specialists seek to manage through rhizome cutting for example. From our experience, when a knotweed plant stops visibly growing it could be described as a state of temporary dormancy. What we do know is that the chemical applied will

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have killed off the young rhizome extension growth and most importantly will have stopped the knotweed stand from spreading. So far as “fragments of the plant staying in the soil” is concerned, this would occur if someone attempts to dig out Japanese knotweed but does not get all the rhizome out of the soil. This is exactly why trained Japanese knotweed contractors are employed to do this work. The other scenario is that viable fragments of rhizome may remain post herbicide treatment which is why accredited specialists correctly recommend multiyear treatments and post treatment monitoring.

3) The Committee acknowledges that it has not done enough in terms of funding for research, probably because they have failed to make funding accessible for investigation in to the physical effects of Japanese knotweed. They have now asked the EA and DEFRA to undertake this in cooperation with contractors such as PBA Solutions.

Non-physical effects of Japanese knotweed

4) The next point is the big one, and the point that PBA Solutions keeps making but gets ignored. However, **finally the Government Committee has now agreed with us. "If nothing else, land affected by Japanese knotweed is contaminated with material that has restrictions on disposal methods, makes development (eg. extensions, garages) on the land more challenging, and comes with a risk of liability [risk of litigation if proven] if the plant spreads to neighbouring properties."** So the implication is that excavation of Japanese knotweed can cost tens of thousands of pounds to remediate. This can represent 5-20% of property value and the owner could face litigation from a neighbour costing the same again.

Lenders and consumers need to be aware of the financial burden that knotweed can have on a property and this should never be ignored. This is not PBA overstating the issue, it is a reality, and the Committee, who clearly wanted to discredit the practices of Japanese knotweed remediation specialists, are clearly still unwilling to truly embrace the magnitude of the problem for the individual, who is financially burdened to deal with this weed.

5) Since the Committee state that they want to compare the Japanese knotweed issue in the UK with Europe it is clear that they still don't understand the issue. Britain is a densely populated island, far smaller than continental Europe where the property market is completely different, therefore the magnitude of an invasive weed infestation is inherently worse in the UK. No wonder they are struggling to grapple Brexit.

6) When a property is being sold there is still very good reason for Japanese knotweed to be declared on the TA6 legal form, in fact the current questions need to be tighter. But the property should not be blighted *ad infinitum*.

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On the question of when *not* to declare Japanese knotweed on the TA6 form our view is as follows: Once a guaranteed, management plan led, excavation based, Japanese knotweed remediation has been completed (that includes two years of post-excavation monitoring with no reoccurrence of knotweed) then there is no need to declare its presence on the form. However, details to prove this remediation has been done properly must be presented to the buyers in the form of management plan style reports.

Information and guidance to support lending decisions

7) The stance the Government have taken, that knotweed treatment is expensive, speaks volumes. A typical treatment program costing £2-2.5k represents 1-2% of property value and allows a property to sell, giving the new owners 10-15 years peace of mind over knotweed management. We think this is a pretty good deal!

There are many issues with property, particularly older ones, where the cost of remediation of these problems (eg. damp, woodworm etc) can be far more costly. The government really need to accept that the industry around Japanese knotweed has done a pretty good job over the years to manage this non-native invasive plant, with little public sector support and negligible research. As an established Japanese knotweed specialist, we suggest that the consumer is now getting good value, largely due to the pressure of competition which has driven the cost of Japanese knotweed control down to an economic price point.

8) PBA are in the process of creating a risk based assessment tool which we believe to be evidence based focusing on Japanese knotweed impact. PBA has presented its tool to the PCA. This got little traction!

So, in a nutshell, the Environment Agency created the problem of the 'seven-metre rule' that the RICS used, and are now (some 20 years later) tasked with resolving the issue.

Having been part of the working group to create the "Information Paper on Japanese knotweed and residential property", we can confirm that the RICS had to make recommendation that were backed up by the then published and accepted information. And in the instance of what has come to be known as the 'seven-metre rule', this came from the Environment Agency's Code of Practice (EA CoP). It appears to us that the instigation of research and the publication of best practise needs to rest with the Government and its agencies. In other words the Government and its agencies have been the catalyst for the 'seven-metre rule' "blunt instrument" that they now need to sharpen.

Helping homeowners

9) It is always sad when situations arrive in court as they are expensive and emotionally challenging. Our recommendation has always been to work with neighbours and our herbicide programs always allow for treatment in a minimum of two properties so a neighbour can help another neighbour deal

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with knotweed with no on cost. However keeping Japanese knotweed cases out of the courts saves the government money, so this response of mediation is expected. Their concern is an influx of rail related claims since Network Rail have failed to take Japanese knotweed seriously, and the ramifications of this failure have consequences such as law courts becoming blocked through an influx of claims.

10) It is interesting to note that Network Rail are in discussions with the PCA and this has been recognised by the Committee. It is understood that as Insurance Backed Guarantees required by certain mortgage lenders insure against the company undertaking Japanese knotweed treatment from going out of business it would be irrelevant for Network Rail to try and offer such insurance. However, if they were able to provide GPS records of treatment and details of management plans for Japanese knotweed on their land, PCA members would be in a good place to treat the Japanese knotweed in the neighbouring properties and provide Management Plans and Insurance Backed Guarantees required.

In Conclusion

From PBA perspective our advice to the Government Committee at the start of the process was that Japanese knotweed management is all about land contamination and encroachment on neighbouring land. We think that the Government Committee have come to the same conclusion. Although the sentiment for blame is frustrating since at the heart of the problem is a lack of research which has resulted from the lack of accessible funding. In line with this the magnitude of the problem of Japanese knotweed came to light with the Network Rail case which could have significant ramification for the Government. It is worth considering that if it were not for the Japanese knotweed remediation industry the problem of Japanese knotweed in the UK would be far worse than it currently is.

Jon Barton May 2019

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