



Ashtrees Ltd

Vegetation Management, Habitation Creation

Japanese Knotweed Management Plan

At

Masonic Garden Plot To The Rear Of The Guy Fawkes Inn, York

Prepared by: Ashley Joy

21/10/21

V. II

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Contents

- 1. Introduction**
- 2. Summary**
- 3. Legal Context**
- 4. Assessment Methodology**
- 5. Results of Site Survey**
- 6. Conclusion**
- 7. Working Method Statement & Japanese Knotweed Management Plan**
- 8. Appendix 1 Site Plan: location of invasive plant species within site boundary**
- 9. References**
- 10. Useful contacts**

Introduction

Japanese knotweed (*Fallopia japonica*) is a non-native invasive species of plant. Since it was introduced into the UK as an ornamental garden plant in the mid-nineteenth century it has spread across the UK, particularly along watercourses, transport routes and infested waste areas.

The plant can grow up to three metres in one growing season, usually April to September. The stems are similar to bamboo and form dense thickets that persist when dead, long into winter. The plant has small white flowers that bloom in late summer and produce small triangular seeds that are dark brown in colour. The extensive underground rhizomes produce the new shoots the following spring, this is the main reason why Japanese knotweed spreads, and as such, any soil that is contaminated with its rhizomes must be disposed of appropriately and it is an offence under the Wildlife and Countryside Act 1981 not to do so.



Figure 1. Japanese knotweed growing on another site.

Summary

Ashtrees Ltd has been instructed by Philip Barker to investigate possible solutions for the clearance and control of Japanese knotweed growing in an unused area to the rear of The Guy Fawkes Inn, York. The area is to be used as an outside dining area. At the present time, the space is unusable due to dense growth of Buddleia, Brambles and Japanese knotweed. These are all to be chemically treated and disposed of off-site and a membrane installed to prevent any further regrowth and enable the area to be used in a more productive manner.

The objectives of this report are to:

- Confirm the baseline location and extent of the Japanese knotweed
- Set out the responsibilities of the property owner to manage Japanese knotweed
- Present a means by which the Japanese knotweed will be managed over 5 years

A Working Method Statement for the control of this invasive weed is presented here, and includes the control of the plants in-situ by treatment with an appropriate herbicide over a five-year period. This will be included within an overall Management Plan for Japanese knotweed.

This report has been prepared with due care and attention and in accordance with industry best practice and guidance. The conclusion presented in this report represents our professional judgement based on the information and data either provided to us or available at the time of the investigation.

Whilst every effort has been made to access and assess the site as thoroughly as possible, Ashtrees Ltd cannot guarantee that the full extent of the Japanese knotweed has been identified any further than the boundary of the site or due to deliberate concealment or dense vegetation

Ashtrees Ltd are not buildings inspectors or structural engineers, if further information on potential damage to drains, foundations or the fabric of any building or structure is required, then a suitably qualified surveyor should be sourced for this purpose.

Legal Context

Japanese knotweed is listed on Schedule 9, Section 14(2) of the **Wildlife & Countryside Act (1981)**. This makes it an offence to actively plant or otherwise cause the species to grow in the wild.

Section 23 of the Infrastructure Act 2015 amended the **Wildlife and Countryside Act 1981** by inserting a new Schedule, 9A, to introduce a statutory regime of species control agreements and orders. This schedule ensures that, in appropriate circumstances, landowners take action on invasive non-native species and formerly resident native species, or permit others to enter the land and carry out those operations, to prevent their establishment and spread.

The environmental authorities with the powers to make species control agreements or orders in England are the Secretary of State, Natural England, the Environment Agency and the Forestry Commissioners

The **Environmental Protection Act 1990 (EPA 1990)** contains a number of legal provisions concerning “controlled waste”, which is set out in Part II. Any Japanese knotweed contaminated soil or plant material that you discard, intend to discard or are required to discard is likely to be classified as controlled waste. The most relevant provisions are in: section 33 (1a) and (1b) which create offences to do with the deposit, treating, keeping or disposing of controlled waste without a licence. Exemptions from licensing are available in some circumstances, and are set out in Schedule 3 to the Waste Management Licensing Regulations 1994 as amended (the WMLR 1994) s.33 (1c) which makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health. Section 34 places duties on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Waste must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorised person, in other words a person who is either a registered carrier or exempted from registration by the **Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991**. A waste transfer note must be completed and signed giving a written description of the waste, which is sufficient to enable the receivers of the waste to handle it in accordance with their own duty of care. The provisions concerning waste transfer notes are set out in the **Environmental Protection (Duty of Care) Regulations 1991** (as amended). Failure to comply with these provisions is an offence.

The **Hazardous Waste Regulations 2005 (HWR 2005)** contain provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which include details about the hazardous properties and any special handling requirements. If a consignment note is completed, a waste transfer note is not necessary. Untreated Japanese knotweed is not classed as hazardous waste, but material-containing knotweed that has been treated with certain herbicides, may be classified as hazardous waste.

The Control of Pesticides Regulations 1986 require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water.

Assessment Methodology

The site as indicated in appendix 1 was surveyed on the 24th of May 2021 for evidence of Japanese knotweed by Ashley Joy.

The Results of this 2021 survey can be found on the plan. Follow-up monitoring of the site for new evidence of infestation will, however, take place as a precaution in 2022 – 2025

Results of site survey

Multiple mature stands and numerous sparse stems of Japanese knotweed were found growing within dense growth of buddleia throughout the plot. The majority of the knotweed was observed to be growing to the north east and south west periphery of the site. Exact locations, heights and areas of the knotweed were unable to be recorded due to the restricted access and density of growth of the flora but it is estimated to cover 10% of the plot.

No evidence of the knotweed spreading to neighbouring properties was seen but may require further investigation.

Conclusion

Japanese knotweed was found to be growing adjacent to the above address. It is not present within the boundary of The Guy Fawkes Inn but it is growing within 7 metres. No damage to any structure, associated structures, path or boundary is visible.

The risks associated to the properties can be categorised by using the Royal Institute Of Chartered Surveyors risk assessment. As the Japanese knotweed is not within the boundary of the property but within 7 metres of the boundary this would be classed as category 4 (4 being the highest risk). To reduce the risk factor, a Japanese knotweed Management Plan will be put in place, which includes a series of herbicide treatments and the installation of a membrane after clearance of all the invasive weeds.

Access to the site is restricted to a single narrow gate that will require widening to facilitate machinery required to remove all the invasive weeds and remediate the ground.

Due to the listed nature of the surrounding buildings and timescales involved, compromises in the methods used for the control of the Japanese knotweed and installation of the membrane will extend the period taken to fully eradicate this invasive plant as it is expected to grow in areas where a seal between structures and membrane is constrained.

Working Method Statement

Summary

- A Japanese knotweed Management Plan will be put in place for a period of 5 years.
- All invasive weeds found will be treated in-situ in 2021 with an application of an approved herbicide to reduce its viability, removed off site and a membrane installed.
- Monitoring will be undertaken until 2025 for evidence of any new infestation after the initial herbicide treatment, removal of plant material and installation of a membrane. Any further regrowth will be treated at the appropriate time of year.
- Philip Baker and Ashtrees Ltd will agree the level of control achieved in 2025 and any future treatment schedule required.

Japanese Knotweed Management Plan

Choice Of Control

Of the methods for the control of Japanese knotweed, removal and disposal is considered the most appropriate in this case. The Environment Agency recommend that unless an area of Japanese knotweed is likely to have a direct impact on a development, it should be controlled in its original location with a herbicide. The locations where the Japanese knotweed was found will severely impact any development and it is therefore concluded that the safest form of control will be via in-situ herbicide treatment, removal of plant material and off-site disposal.

Any plant that is large enough will be injected with Glyphosate; the active ingredient found in 'Roundup'. All other plants that are not suitable for injection will have a foliar application of the chemical. The person who will be undertaking the treatment will hold an NPTC certificate of competence for herbicide.

Only the removal of 50 ~ 100 mm of soil will be required to allow remediation of the site and instillation of the membrane.

Schedule Of Works

The first applications of herbicide will start in 2021, a repeat visit will occur 4~6 weeks after the initial treatment to assess if any further applications are required.

Cut back buddleia growth

Undertake preliminary ecological assessment

Undertake site survey

Removal of Japanese knotweed growth and crowns and remedial groundworks

Installation of membrane

Timing of chemical treatments

2021: Autumn – Apply chemical treatment

2021: November – Revisit and apply herbicide if required

2022: July to November – Visit to monitor and treat any knotweed re-growth

2023: July to November – Visit to monitor and treat any knotweed re-growth

2024: July to November – Visit to monitor and treat any knotweed re-growth

2025: July to November – Visit to monitor and treat any knotweed re-growth

Exclusion Zones

Japanese Knotweed (7m)

For Japanese knotweed the polluted zone can extend to 7m from the periphery of the plants due to the extent to which rhizomes can encroach from the parent plant. Japanese knotweed within the site should either be fenced off or access limited to the infected areas prior to removal. Soil from within these areas must not be transferred to other areas of the site, as this soil is most likely to contain viable plant material and must be disposed of off-site.

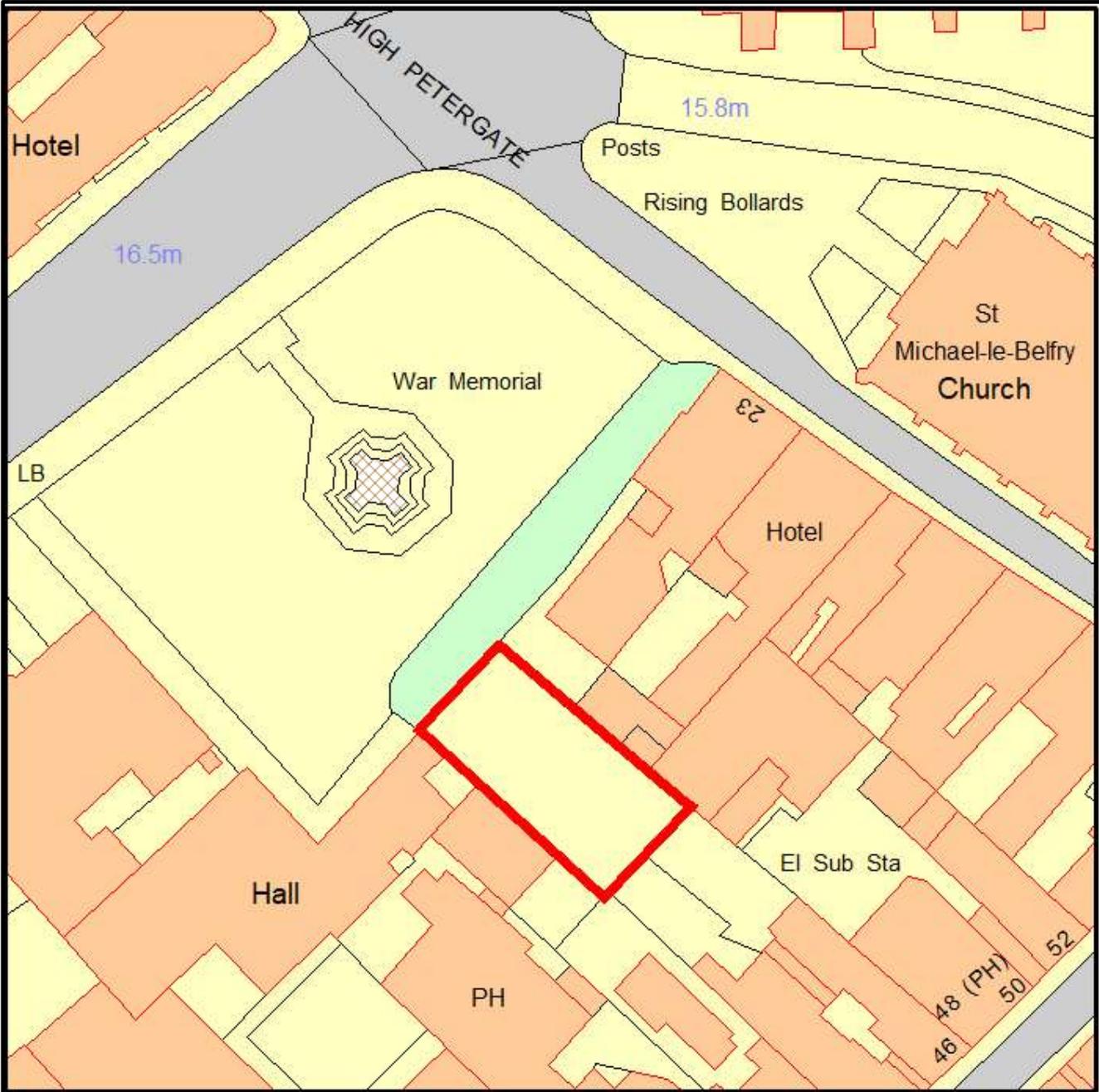
General site rules to be applied when working near to Japanese knotweed

- **Do not move or remove soil within 7 metres of the plant**
- NEVER use a strimmer, mower or chipper on Japanese knotweed.
- After treatment, allow stems to die back naturally.

Training

Everyone on the site should be made aware of the environmental risks associated with Japanese knotweed in order to help limit accidental spread.

Appendix 1 Site Plan: Location of Japanese Knotweed



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Ashtrees Ltd		
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Guy Fawkes Inn		
SCALE : 1 : 500	@ A4	DATE : 07/06/2021
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Area Containing Japanese Knotweed

References

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Environment Agency (2006) The knotweed code of practice. Managing Japanese Knotweed on development sites. (Version 3 Amended 2013.)

RICS (2012) Royal Institution of Chartered Surveyors ~ Japanese Knotweed & Residential Property.

Useful contacts

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