



THE CHARTERED INSTITUTE
OF LOSS ADJUSTERS



Japanese Knotweed

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Background

- Originates in Asia
- Introduced in Europe in 1825
- Three species in UK
- Very invasive and only 'female' plants found in EU and USA
- Can grow 100-120mm per day!
- Can attain a height of 2-3m every season
- No natural control beyond native range
- Rhizomatous perennial plant – less than 1g is sufficient to start a new plant





Habitats

- Railway embankments
- Hedgerows
- Wasteland/brownfield sites – e.g. East London Olympic site
- Rivers
- Gardens
- In Asia –wide spread especially on volcanoes
- Can tolerate poor soil conditions
- Rhizomes can extend to a depth of 3m and 7m horizontally





Structural issues

- Can penetrate concrete and tarmac
- Should be removed from the foot print of a development site prior to building or treated on site
- Can take 3-5 years to treat via herbicides but controlled waters or other vegetation may limit its use
- It can still grow back after treatment!
- Soil containing rhizomes is 'controlled waste'
- Soil containing treated rhizomes will probably be considered a 'hazardous waste'.



Section 14(2) of the Wildlife and Countryside Act 1981 (WCA 1981) states that "if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence." Japanese knotweed is one of the plants listed in the Schedule. Anyone convicted of an offence under Section 14 of the WCA 1981 may face a fine of £5,000 and/or 6 months imprisonment, or 2 years and/or an unlimited fine on indictment.

Legislation

Wildlife and Countryside Act 1981

Wallaby, Red-necked	<i>Macropus rufogriseus</i>
Wels (otherwise known as European catfish)	<i>Silurus glanis</i>
Zander	<i>Stizostedion lucioperca</i>

PART II

PLANTS

<i>Common name</i>	<i>Scientific name</i>
Hogweed, Giant	<i>Heracleum mantegazzianum</i>
Keip, Giant	<i>Macrocytis pyrifera</i>
Knotweed, Japanese	<i>Polygonum cuspidatum</i>
Seaweed, Japanese	<i>Sargassum muticum</i>

NOTE. The common name or names given in the first column of this Schedule are included by way of guidance only; in the event of any dispute or proceedings, the common name or names shall not be taken into account.



Legislation

Environmental Protection Act 1990

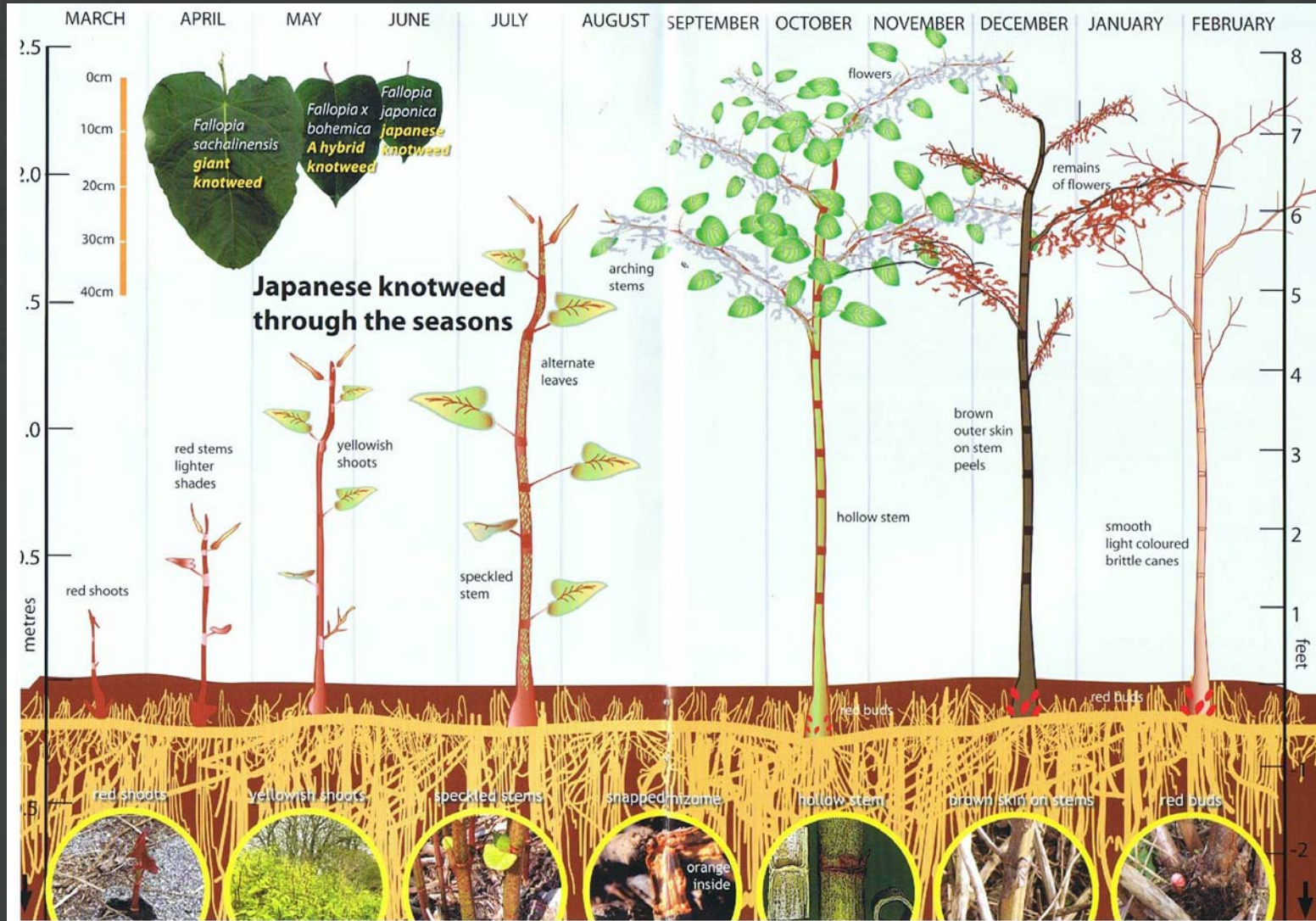
The Environmental Protection Act 1990 (EPA 1990) contains a number of legal provisions concerning "controlled waste", which are set out in Part II. Any Japanese knotweed contaminated soil or plant material that you discard, intend to discard or are required to discard is likely to be classified as controlled 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.



Identification







Publications

- Environment Agency
- DEFRA
- Cornwall County Council
- CIRIA (Management of invasive species due October/November 2008)



Managing Japanese knotweed
on development sites

the knotweed code of practice





Insurance Ramifications

Could be in subsoil 7m from vegetation seen above ground and 3m deep,

- disturbed whilst underpinning,
 - installing a root barrier,
 - excavating to relay drains
 - Debris removal from gardens
-
- Tracked vehicles should not be used on sites containing Japanese Knotweed.
 - If disturbed or excavated it should be taken off site to an approved tip.
 - Horizontal 'root membranes' may be required to prevent rhizomes from becoming caught in tyres of road going vehicles.
 - Flails should not be used to top it!
 - Cost of disposal may/will be high.



General Exclusions

Do they apply?

9 Gradually operating causes

Any loss or damage arising from gradually operating causes including deterioration, wear and tear, corrosion, rot or similar causes.

10 Pollution or contamination

Any loss, damage or liability arising from pollution or contamination unless caused by:

- *a sudden and unforeseen and identifiable accident;*
- *leakage of oil from a domestic oil installation at your home.*

11 Consequential loss

Consequential loss of any kind incurred by you or a member of your household.

12 Communicable diseases

Any liability arising directly or indirectly from the transmission of

- *Human Immunodeficiency Virus (HIV) and/or any HIV related illness including Acquired Immune Deficiency Syndrome (AIDS) and/or any mutant derivative or variations thereof however caused*



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