



JAPANESE KNOTWEED

Japanese Knotweed Management Plan:
Land Off Chestnut Court, Summerhill Road, Wrexham

16001-03 REV B

April 2016



Document Control

Client:	SG Estates Limited
Report Title:	Japanese Knotweed Management Plan: Land Off Chestnut Court, Summerhill Road, Wrexham.
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Authorised by:	Richard Newis
Signed:	
Date of Issue:	11/04/2016

Distribution

Steve Griffin

SG Estates

Legal

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1. Introduction

1.1 Authorisation

Ashfield Japanese Knotweed (AJK) has been commissioned by SG Estates (the Client), to prepare a Japanese Knotweed Management Plan (JKMP), for the proposed development at land off Chestnut Court, Summerhill Road, Wrexham (the Site).

1.2 Objectives

The objectives of this JKMP is to provide a methodology for the remediation of Japanese knotweed (JK) and the required biosecurity measures at the Site to satisfy the requirements of the Local Planning Authority (LPA) planning condition as detailed below:

Planning Condition 7 (Reference P/2015/0607) states the following:

Development shall not commence until a scheme of remediation in respect of the presence of Japanese Knotweed within the site, to include a Biosecurity Risk Assessment, has been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall thereafter only progress in accordance with the scheme as approved.

1.3 Report Limitations

This JK Review Report has been prepared with due care and attention, in accordance with proposals presented by Elcot Environmental Limited to the Client, dated 9th March 2016.

2. Legislation Review

2.1 Wildlife and Countryside Act 1981

Section 14(1) of the Act makes it illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 to the Act, including JK. Offences under section 14 carry a maximum penalty of a £5,000 and/or 6 months imprisonment on summary conviction and an unlimited fine and/or 2 years imprisonment on indictment.

2.2 Environmental Protection Act

The Environmental Protection Act 1990 (England and Wales) classifies Japanese Knotweed as a 'controlled waste' and as such if taken off site it must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991. Soil containing rhizome material (even if treated by herbicide) can be regarded as contaminated by JK and, if taken off site, must be disposed of at a suitably licensed landfill site and buried to a depth of at least 5m.

2.3 Anti Social Behavioural Orders (ASBOs)

ASBOs can now be used to serve a Community Protection Order against individuals who refuse to manage JK on their land where it is having a detrimental effect on the quality of life on those in the local area. A recent Home Office briefing note outlined the following actions that could be implemented on a Landowner

The requirement(s) set out in the notice could include a requirement to stop a specified action or behaviour, a requirement to make reasonable efforts to make good any outstanding issues within a specified period of time and/or a requirement to take reasonable steps to prevent future occurrence of the problem. Breach of any requirement of a community protection notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice (which attracts a penalty of £100) or prosecution. On summary conviction, an individual would be liable to a level 4 fine. An organisation, such as a company, is liable to a fine not exceeding £20,000.

2.4 Species Control Provisions

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 to ensure that, in appropriate circumstances, landowners take action on invasive non-native species and formerly resident native 3 species, or permit others to enter the land and carry out those operations, to prevent their establishment and spread.

2.5 Private Nuisance

If it can be demonstrated that JK is impacting the physical condition and /or value of adjacent land, owners of said land can seek costs for the 'making good' of their land under a private nuisance claim. Recent guidance from both the Property Care Association (PCA) and RICS categorise the risk of JK (Table 1) based on its proximity to a site boundary and proximity to a structure.

Table 1 - RICS Japanese Knotweed Risk Categories

Category	Descriptors
4	Japanese Knotweed is within 7 metres of a habitable space*, conservatory and/or garage, either within the boundaries of this property or in a neighbouring property or space; and/or Japanese Knotweed is causing serious damage** to outbuildings, associated structures, drains, paths, boundary walls and fences and so on. Further action is required.
3	Although Japanese Knotweed is present within the boundaries of the property, it is more than 7 metres from a habitable space*, conservatory, and/or garage. If there is damage to outbuildings, associated structures, paths and boundary walls and fences, it is minor. Further action is required.
2	Japanese Knotweed was not seen within the boundaries of this property, but it was seen on a neighbouring property or land. Here, it was within 7 metres of the boundary, but more than 7 metres away from habitable spaces, conservatory and/or garage of the subject property.
1	Japanese Knotweed was not seen on this property, but it can be seen on a neighbouring property or land where it was more than 7 metres away from the boundary.

*The term 'habitable space' refers to those parts of the subject property associated with daily living (including conservatories) and not ancillary spaces (such as outbuildings and/or garages).** The term 'serious damage' refers to a level of damage described in Sections 3.2.1 and costed in 4.6 of the RICS Professional Information Paper: Japanese Knotweed and Residential Property.

In *Flanagan v Wigan Metropolitan Borough Council* (unreported 1995), a private landowner issued private nuisance proceedings against his local council in respect of JK that had invaded his garden from the council's neighbouring land. The court ordered the council to treat a one-metre strip of the plant along the boundary between the properties with glyphosate for three years and to install a below ground reinforced concrete boundary. The council was also ordered to contribute towards the owner's costs of bringing the proceedings.

3. Key Contacts

Table 2 below provides an overview of the key contacts during the implementation of the JKMP.

Table 2 – Key Contacts

Company / Organisation	Key Contact	Contact Number	E-mail
SG Estates	Steve Griffin	07841 372 641	steve@sgestates.co.uk
Ashfield Japanese Knotweed Limited	Richard Newis	07852 972 704	richard.newis@ashfieldsolutions.com
Elcot Ecology	Peter Whiteside	01793 700 100	peterw@elcotenviro.com
Tree Solutions	Alistair Henderson	07766 774 508	alistair@tree-solutions.co.uk
Cyfoeth Naturiol Cymru Natural Resources Wales	Matthew Ellis	03000 653 000 (Buckley Office)	Matthew.Ellis@cyfoethnaturiolcymru.gov.uk
Wrexham County Borough Council Planning Department	Matthew Phillips	01978 298780	Matthew.Phillips@wrexham.gov.uk
Wrexham County Borough Council Tree Officer	Jon Brewin	01978 298763	Jon.Brewin@wrexham.gov.uk

4. Site Survey

AJK's survey report (Reference 16001-01) provides a detailed overview of the extent of JK identified at the Site during our survey, dated 20th January 2016. Table 3 presents an overview of our findings and Drawing 01 details the location of identified JK.

Table 3 – Japanese Knotweed Survey Summary

Identification	Area Impacted (m ²)	Description
01	832	Mature area of JK with a high density of stands within the area. Obvious signs of brush cutting and herbicide treatment in a large proportion of this location.
02	1,800	Mature area of JK with a high density of stands within the area. Obvious signs of brush cutting and herbicide treatment in a large proportion of this location.
03	8	Area of cut, possibly herbicide treated JK, low density of stands within area.
04	7	7 stands of immature JK.
05	42	Area of mature JK with evidence of herbicide treatment and brush cutting. JK right up to boundary fence with residential properties.
06	62	Area of mature JK with evidence of herbicide treatment and brush cutting. JK right up to boundary fence with residential properties.
07	65	Area of immature JK with low density of stands.
08	35	Area of brush cut and herbicide treated JK, high density of crowns noted within this location.
09	19	Area of brush cut and herbicide treated JK, low density of crowns noted within this location.
10	108	Nature area of treated JK with evidence of brush cutting and herbicide treatment. JK to the rear of masonry retaining wall.
11	32	Off site area of mature JK on boundary and adjacent to highway.
Total	3,010	

5. Regulatory Consultation

5.1 Planning Status

Planning permission has been granted for the Site (Reference P/2015/0607) subject to conditions including condition 7 that states the following:

Development shall not commence until a scheme of remediation in respect of the presence of Japanese Knotweed within the site, to include a Biosecurity Risk Assessment, has been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall thereafter only progress in accordance with the scheme as approved.

This document has been prepared by AJK to satisfy the LPA such that they can discharge Condition 7.

5.2 Tree Protection

A tree survey and arboricultural method statement (AMS), reference 14/AIA/WXM/135(A), dated 24th June 2015, has been undertaken for the Site and submitted to the LPA. The report highlights which trees are to be retained and the measures required for their protection during the development. The method statement was undertaken prior to AJK's involvement and had not considered the requirement to excavate JK to facilitate the development. It had also not considered the requirement to retain JK impacted soils at the Site in line with the principles of the waste hierarchy. As such AJK met with Wrexham County Borough Council's Tree Officer and agreed the following (Tree locations can be found on Tree Solutions Drawing 02, Appendix A):

- Tree 44 (Cat A Sycamore) can be felled to facilitate JK excavation.
- Tree 48 (Cat B Yew) can be felled to facilitate JK excavation, however care should be taken to maintain Tree 46 (Cat B Yew), if practicable.
- Tree 22 (Cat A Beech) cannot be removed and advice to be sought from Tree Solutions in managing the tree.
- Tree 31 (Cat B Horse Chestnut); Tree 32 (Cat B Lime); Tree 33 (Cat B Lime) can be removed to facilitate retention of JK impacted soils.
- In lieu of the above felled trees, the area designated as Public Open Space is to be planted with similar species on a rate of 3 planted for every tree felled.
- All remaining trees to be protected at the site in line with the method statement prepared by Tree Solutions.

The AMS will be updated by Tree Solutions to reflect the above and will be issued under separate cover. During the works to remediate JK, the contractor will observe the requirements of the AMS at all times. ***Should JK remediation works be undertaken in advance of the revised AMS being agreed by the LPA, no advanced works will be undertaken within the root protection areas of the trees that currently benefit from Tree Protection Orders including those detailed above.***

5.3 Natural Resources Wales

AJK met with Natural Resources Wales (NRW), dated 4th February to discuss remediation options for the Site. NRW advised that JK impacted materials should be kept on Site as far as practicable and all works would require a biosecurity risk assessment. This biosecurity risk assessment will also be required to form a key part of site induction for any contractor working at the Site.

On completion of the works NRW also required that the area where JK impacted soils are deposited should be monitored annually by a JK surveyor who is independent of the contractor undertaking the works. Survey reports will be required to be issued to NRW.

6. JKMP

6.1 Remediation Design

AJK tendered the works on behalf of the Client to several Property Care Association approved contractors based on the principles of retaining JK impacted soils on site as far as practicable. Through this process Elcot Environmental Limited (Elcot) were appointed as the preferred contractor. At a meeting, dated 9th March 2016 a strategy differing to that originally specified by AJK was presented by Elcot which is detailed in this JKMP.

During the remediation design, consideration had been given to various remediation techniques which are summarised in Table 4 below:

Table 4 – Remediation Strategy Options Appraisal

Strategy	Comments
Herbicide Application	Not a suitable strategy within the excavation area however will be employed to manage JK that will not be excavated.
Stockpiling & herbicide treatment prior to re-use	Insufficient area at the Site for this methodology. Requires 18 to 24 months prior to reuse which can not be accommodated within the programme. Soils would also be unsuitable for reuse geotechnically in the development due to high percentage of residual JK material within the soil matrix.
Root barrier	Vertical root barrier will be implemented on site boundaries. Horizontal barrier separating the JK from the development is not practical due to high likelihood of being compromised during the development and would not allow sufficient drainage of stormwater in gardens.
Screening	Screening of JK materials will reduce the volume of impacted materials being removed off-site and allow for reuse of screened soils at depth.
Burial	Burial will be utilised in combination with screening of JK impacted soils.
Off-site Disposal	Due to the limited space at the Site an amount of off site disposal will be required, however NRW requested this is minimised as far as practicable. Off-site disposal of all materials would also increase wagon movements at the Site.

All works detailed in this JKMP will be undertaken by Elcot who are a Property Care Association recognised invasive weeds contractor.

6.2 Advanced Herbicide Treatment

An advance application of herbicide is unlikely prior to excavation works commencing as insufficient stem/leaf will be available to make treatment viable. It should be noted that herbicide application was undertaken in 2015 after the plant flowering and prior to winter dormancy characteristics being displayed.

6.3 Site Set Up

All areas of JK at the site will be demarked with orange netlon fencing prior to works commencing and a cleaning station set up in accordance with Section 7 of this JKMP. A haul road of crushed stone will be constructed from Chestnut Court to allow access for delivery vehicles, however delivery vehicles will not be allowed to access areas impacted by JK.

Above ground vegetation will be removed with JK waste streams segregated from other plant species. Non JK impacted material will be chipped on site and allowed to rot down in the area of Public Open Space (POS). JK impacted waste streams will be bagged for incineration off-site.

On completion of excavating JK10 a fence will be erected segregating 'clean' and 'dirty' areas such that re-construction of the boundary wall can commence to facilitate the required visibility splays from the junction of Chestnut Court with Summerhill Road. This will also allow construction of the first two dwellings to commence.

6.4 Excavation

JK within the site boundary and outside the POS will be excavated and transported along designated haul routes to a stockpiling/sifting area. Arisings will be separated based on their geotechnical characteristics to ensure correct placement in the proposed burial cells. Excavation will be undertaken by Elcot to ensure all JK is removed from the ground but ensuring non-impacted material is left in-situ to minimise the volume of arisings.

On completion of the excavation and if required, exaction faces will be battered to prevent their collapse and ensure a safe working environment.

6.5 Sifting

Stockpiled material will then be sifted to remove JK material as far as practicable with all JK material bagged on Site for off-site incineration. Sifted material will then be stockpiled separately prior to placement in a burial cell.

6.6 Burial Cell

Burial cells will be excavated to a depth of 5 - 6m at the locations identified in Drawing 02. All works will be undertaken under the supervision of a qualified banksman and 'clean' arisings stockpiled separately for reuse at the Site to achieve finished levels. Works will be fenced off to prevent accidental falls into the excavation and barriers used to prevent plant from entering the excavation or causing its collapse. Sifted soils will then be placed in the burial cells in layers and compacted in agreement with the Client's structural Engineer. Where practicable cells will be excavated and filled in a single shift, however where this is not achieved excavations will be fenced off and sign posted appropriately. If required 24 hour security will be posted at the Site during this phase of the operation.

In the burial cell local to the proposed dwellings, sifted material will be backfilled to a depth 1.5m below finished surface levels.

Local to the POS material will be backfilled 300mm above existing site levels to form a raised contoured feature. Material unsuitable for re-use below housing, as instructed by the Client's structural engineer will be earmarked for this location.

6.7 Root Barrier

Excavation faces on the site boundaries will be inspected for evidence of residual JK and if present a vertical root barrier (Monarflex 750) will be installed to an appropriate depth and width based on ground conditions to be determined by the contractor.

6.8 Disposal

All JK above ground growth and rhizomes bagged during the remediation works will be incinerated off-site under the appropriate duty of care.

Surplus excavated, sifted arisings on completion of the burial cells will be disposed of off site at a suitable licensed landfill under the appropriate duty of care. It should be noted that the requirement for off-site disposal may be required to allow sufficient room for the proposed operations.

All wastes removed from site will be recorded in a waste register in the final verification report, which will be supported by all duty of care documentation.

6.9 Foundation

Elcot have liaised with the Client's structural engineer who has advised that a raft foundation will be suitable for each dwelling local to the burial cell. As part of the foundation design the Client has advised that a Radon protection membrane is required for all properties at the site. Although Elcot are satisfied with their proposed remediation strategy for the Site the membrane Monarflex 750 will be installed which can be used for Radon protection, as advised by PA Geotechnical, and is also commonly used in invasive weeds applications. The Client will be required to liaise with PA Geotechnical on the required installation method.

6.10 Herbicide Application

JK04; JK07; and JK11 are outside of the proposed excavation area as such these areas will be subject to a herbicide treatment programme. Herbicide will be applied during the growing season when sufficient leaf/stem coverage is available, likely to be from May to September.

6.11 Monitoring

On completion of the works Elcot will undertake monitoring of the dwellings where JK has been excavated; burial cells; and where herbicide treatment has been undertaken until a period of two full seasons have elapsed without re-growth.

AJK will also undertake annual monitoring of the POS as NRW have requested independent assessment of this area. Reports will be issued to NRW until they are satisfied that no further monitoring is required.

6.12 Verification Reporting

On completion of the excavation; sifting; and burial phase of the works, Elcot Environmental will prepare a verification report detailing the following:

- GPS locations for the extent of excavation at the site, recorded on a scaled site plan, with the depths of excavation recorded.
- GPS location for each of the boundary root barriers installed.
- GPS location for each burial cell excavated.
- Annotated photographic record of the works.
- Description of the works undertaken in the main text of the report including detail on backfilling operations.
- A concise section within the main report, denoting the waste classification and volume of material removed from site include vegetation.
- A summary table of the hauliers and landfills used with their license references highlighted.
- Appendices, containing all duty of care information, including copies of waste carriers and the landfill's Environmental Permit's.

Further to the above a site visit report will be undertaken for each monitoring visit including details of herbicide treatment undertaken in line with industry guidelines and best practice.

7. Biosecurity Risk Assessment

The risk of cross contamination at a site impacted by JK is high if biosecurity is undervalued as such biosecurity should form a key cog in the development of the Site. Detailed below are the required biosecurity measures.

7.1 Site Induction

Prior to commencing works at the site, the main contractor will induct all site operatives in this biosecurity risk assessment with all operatives signing a register confirming their induction.

7.2 Segregation of Operations

As detailed in Section 6 'clean' and 'dirty' areas will be segregated by means of heras fencing to prevent unauthorised access between the two. All contractors/visitors will be prohibited from accessing the dirty area unless permission and supervision is provided by Elcot.

Once Elcot has completed their works at the Site, the POS will be fenced off for the remainder of the development and access will be prohibited to other contractors, unless permission and supervision is provided by Elcot. The fence will be removed on completion of the development and once the final landscaping scheme has been implemented.

7.3 Clean Down Areas

Where access/egress is required between the Clean and Dirty areas a single point will be provided and managed by the Elcot. Located at the access/egress will be the facility to clean down plant; equipment; boots etc. Clean down should not utilise power washers as this has the potential to spread JK impacted material, as such wire brushes will be utilised for this process.

7.4 Imported Aggregate/Soils

All imported aggregate/soils to facilitate the development will be obtained from a verified clean source. It would be prudent (but not essential) for imported materials to be inspected by the JK contractor prior to their placement.

7.5 Landscaping

All plants scheduled for the final landscaping of the development should be sourced from a competent supplier and be free of disease. No Schedule 9 species of the Wildlife and Countryside Act 1981 should be used in the landscaping scheme. It is worth noting that landscape architects commonly specify plants from Schedule 9 for example Cotoneaster.

7.6 Herbicide Application

As viable JK rhizomes will remain in the area designated as Public Open Space and at JK11, these areas will require herbicide application until no re-growth of JK is observed for a period of two full seasons. Herbicide selection and application will be determined by Elcot but will be sensitive to the end use of the area and the existing/planted scheme.

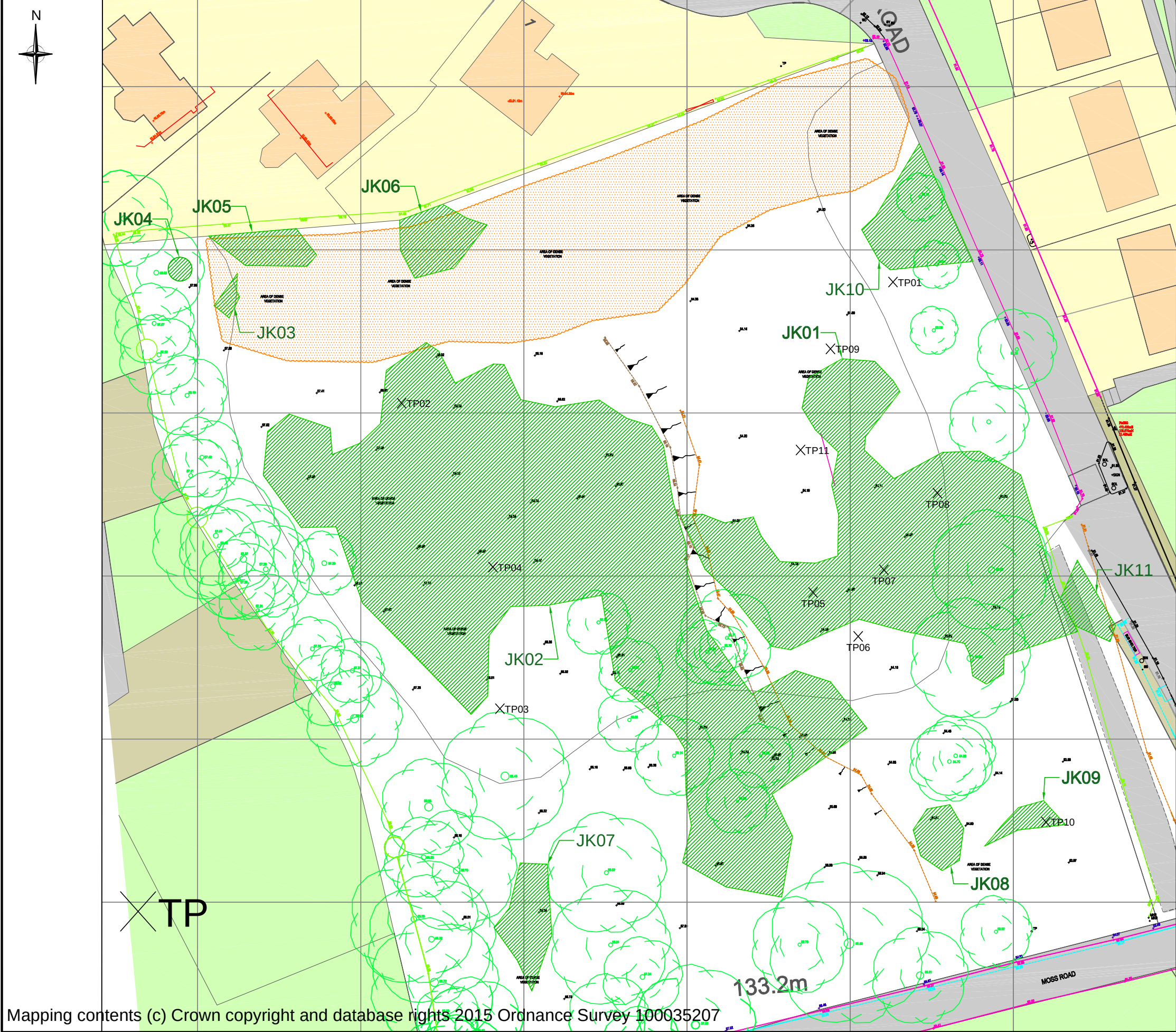
7.7 Remedial Measures

All works undertaken by the Elcot will be supported by a ten year insurance backed guarantee. As such should JK be identified at the site within ten years from the Site having been deemed free from JK growth, Elcot will restart their herbicide treatment programme. Outside of this timeframe any works required within the POS will be undertaken by specialist contractors on behalf of a management company formed to manage this area of the Site and funded by the occupiers of Plots 1 to 20.

Ashfield Japanese Knotweed: Unlocking value through independence

Drawings

Drawing Number:	Drawing Title:
01	Identified Areas of Japanese Knotweed
02	Location of Burial Cell



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Legend

Identified Areas of Japanese Knotweed

Site Boundary

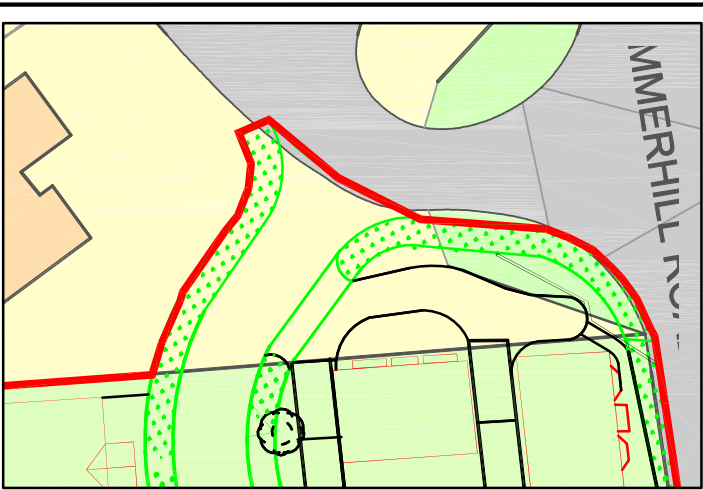
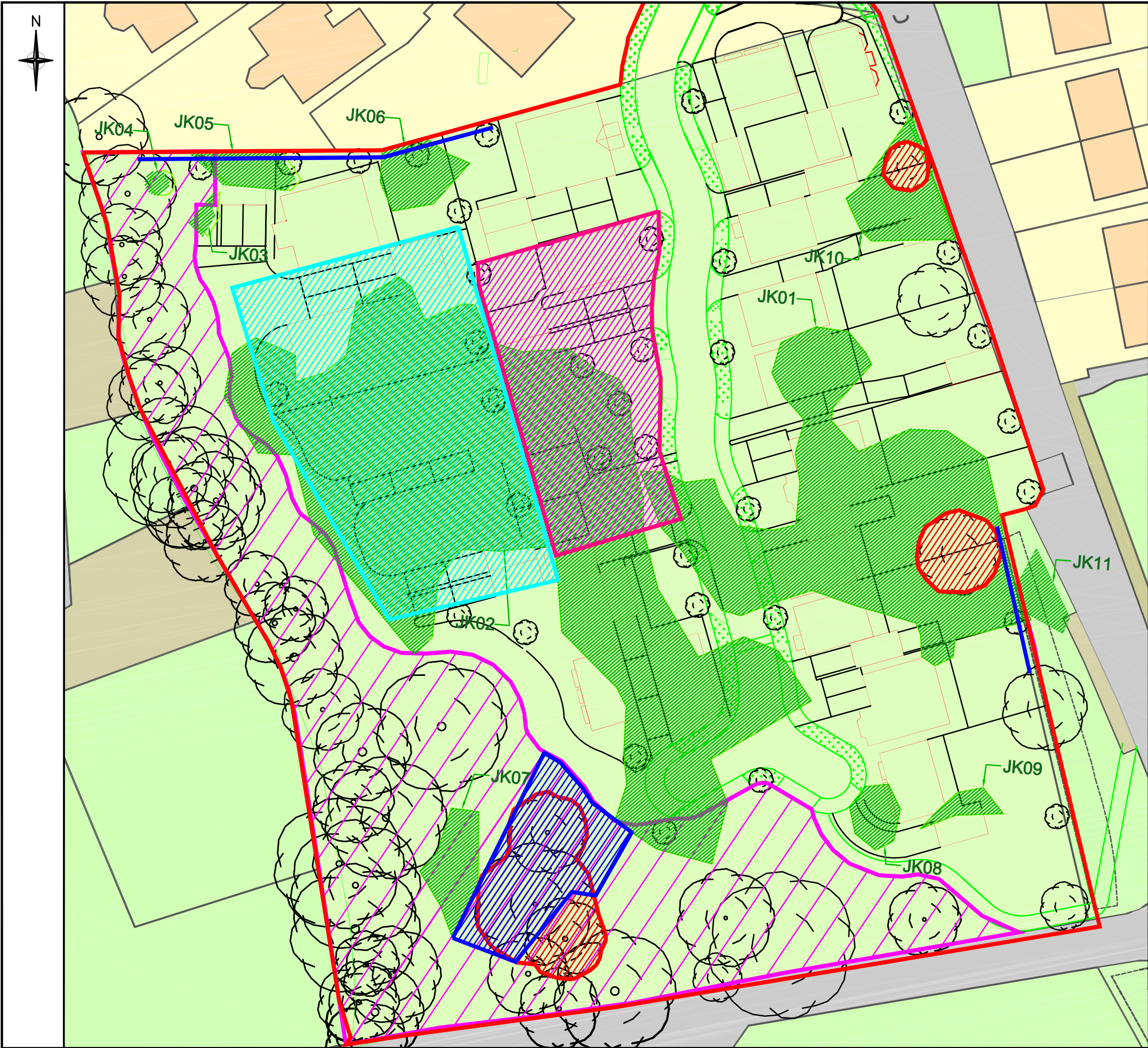
Grid - 20m X 20m

Trial Pit

Note:

Site levels taken from PM Survey Limited's drawing, PMS14022. Survey levels have been scaled in and are for reference only.

	Client	Project	Title	Job No. 16001-03	Dwg No. 01	Revision 01
	SG Developments Limited	Land off Chestnut Court Wrexham	Japanese Knotweed Survey	Scale 1:500	Date 15/03/16	Frame Size (mm) (A3) 398x284
				Prepared by: RN	Drawn by CM	Checked by RN



- Legend
- Identified Areas of Japanese Knotweed
 - Site Boundary
 - Root Barrier
 - Public Open Space
 - Trees to be felled subject to planning approval
 - Burial Cell 1 - Extent and location to be agreed with Tree Consultants Limited or site
 - Site compound and screening/stockpiling area
 - Burial Cell 2

Note:

JK01-03, JK05-06, JK08-10 to be fully excavated

JK04, JK07 & JK11 to be managed with herbicide

Revision Details		By	Date	Sufi
-		-	-	-
Project No. 16001-03	Dwg No. 02	Revision 02		
Scale 1:500	Date 11/04/16	Frame Size (mm) (A3) 398x284		
Prepared by: RN	Drawn by CM	Checked by RN		



Appendices

Appendix A

Tree Solution's Drawing 02



Legend

Root Protection Area
Modified to Account for
Site Features

Category

Root Protection Area

Crown Spread

Tree Number

Category A (High Quality)

Category B (Moderate Quality)

Category C (Low Quality)

Category U (Dead/Dying/In Decline)

AM

PM

Approximate sweep of shade cast by trees in midsummer

Tree Proposed for Removal

Client: Castlemead Group Limited	
Project: Land off Summerhill Road, Gwersyllt, Wrexham	
Title: Arboricultural impact Assessment	
Scale: 1:500 @ A2	Date: June 2015
Drawn By: LI & AM	Revision: E
Job Ref: 14/AIA/WXM/135	Drawing No: 02

Do not scale from this drawing all dimensions to be checked on site.

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