

Science and Technology Committee

Oral evidence: [Japanese knotweed and the built environment](#), HC 1702

Tuesday 22 January 2019

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Members present: Norman Lamb (Chair); Vicky Ford; Stephen Metcalfe; Carol Monaghan; Graham Stringer.

Questions 1 - 154

Witnesses

I: Professor Max Wade, Technical Director (Ecology), AECOM; Dr Daniel Jones, Managing Director, Advanced Invasives, and Honorary Researcher, Swansea University; Sean Hathaway, Environment Officer, Swansea Council; and Ben Lindley, Sales and Marketing Director, Japanese Knotweed Ltd.

II: Dr Mark Diamond, Head of Ecology, Environment Agency; John Baguley, Tangible Assets Valuation Director, Royal Institution of Chartered Surveyors; Matthew Jupp, Principal, Mortgages, UK Finance; and Stephen Hodgson, Chief Executive Officer, Property Care Association.

Written evidence from witnesses:

- [Advanced Invasives](#)
- [Swansea Council](#)
- [Japanese Knotweed Ltd](#)
- [Environment Agency](#)
- [Royal Institution of Chartered Surveyors](#)
- [UK Finance](#)
- [Property Care Association](#)

Examination of witnesses

Witnesses: Professor Max Wade, Dr Daniel Jones, Sean Hathaway and Ben Lindley.

Q1 **Chair:** Welcome, all of you. Thank you very much for coming this morning. Will you introduce yourselves, saying who you are and where you are from?

Professor Wade: Good morning. I am Professor Max Wade. I work for a company called AECOM. I am an ecologist. I am also partly representing the Chartered Institute of Ecology and Environmental Management.

Dr Jones: Good morning. My name is Dr Dan Jones. I am the managing director of Advanced Invasives. I am also an honorary researcher at Swansea University.

Sean Hathaway: Good morning. My name is Sean Hathaway. I am the environment officer for Swansea Council.

Ben Lindley: Good morning. I am Ben Lindley. I am the sales and marketing director at Japanese Knotweed Ltd. We are a national contractor dealing with the remediation of Japanese knotweed.

Q2 **Chair:** This is a panel of four people. If you all answer everything at length, we will be here all day, so will you try to keep your answers succinct? If you feel that somebody else has answered as you would have done, don't feel that you have to add to it. You do not all have to answer every question.

How concerned should a homeowner be if they discover Japanese knotweed in their garden?

Professor Wade: At the moment, they should be seriously concerned. They have a problem, which they need to deal with.

Q3 **Chair:** Is the concern because of a serious problem with the damage that it can do to the building or because of the consequences for the value of their house, owing to the attitudes of mortgage lenders and so forth?

Professor Wade: It will be both. In a way, the one follows the other, because of the belief that the plant will cause damage to the property. Therefore, there is a diminution in the value of the property, which is not worth as much as it would be if you did not have Japanese knotweed.

Q4 **Chair:** You say, "the belief". Does that imply that it may not necessarily do damage to your property—that it is more imagined than real—or are you saying that this is a very real problem people should be concerned about, because of the damage to their property and, therefore, the effect it will have on the property's value?

Professor Wade: Japanese knotweed can cause damage to buildings. Research we have been involved in recently, working with the University of Leeds, has demonstrated that it is no more—in fact, quite a lot less—



than the damage caused by other plants that you may have in your garden and on your property. There is a gradation between, "Yes, it can cause damage," through to, "It won't cause any damage at all."

Q5 Chair: Are there other contributions?

Dr Jones: Japanese knotweed is quite different from other species, in that controlling and managing Japanese knotweed will inevitably be quite a long-term process. Even following successful control, it is not necessarily dead. Once you have killed a tree, for example, it is dead and the problem is removed. Japanese knotweed is quite different in that respect.

If we examine the impacts of Japanese knotweed on the environment or the built environment, we find that there are direct impacts on structures and a series of secondary impacts that relate to amenity and to stigma. When you think that the Japanese knotweed is not necessarily dead, that becomes a stigma effect on the property and its potential resale value.

Sean Hathaway: I think that it is more of a perceived problem with the lenders, as opposed to an actual practical and physical problem caused by the plant. Whether it is within the 7 metres, beyond the 7 metres, near the boundary of the property or near the actual building, lenders take a more over-cautious route than, potentially, they should.

Q6 Chair: Do you agree with Max that it is actually no more damaging than several other species that may appear in your garden?

Sean Hathaway: Yes. Most of the recent research goes along with the idea that it is not quite as bad as people think. Buddleia, tree roots, trees falling down and bamboo probably cause more damage than Japanese knotweed.

Ben Lindley: The sale of existing residential property is the key driver. We see 49% of inquiries from residential property being driven by sale inquiries. The reason they should be concerned about it is, in part, physical damage. That is one of the factors that knotweed presents, and could present, in certain situations, but it has many other impacts on property as well.

There is a loss of amenity use due to the presence of underground rhizomes. The bit of plant that you can see above the ground is only part of it. There is more contaminated ground with rhizome within it that surrounds the plant. Therefore, you have an amenity loss of the property and a restriction of use, which has an ongoing effect.

If you disturb that area, there is also a risk of knotweed spreading. That opens another door, as it is a law of nuisance to have knotweed spread from your property to another property. That is a major concern for property owners.

Q7 Chair: Do you agree with Sean and Max that, actually, it is no worse than



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many other species of plant that may be in your garden?

Ben Lindley: We have done our own study of our surveys. In the evidence that we have supplied, we have come to the conclusion that, if it is within 1 metre of a structure—a wall or hard standing—there is a 29% chance that it will cause some element of damage.

Q8 **Chair:** Would that be the same if it were a buddleia?

Ben Lindley: Yes. There would probably be something similar. What you have to realise is that there is a pathway for this to cause problems. Buddleia and a tree will spread by seed, which has to have light and water to grow, whereas for knotweed the pathway is rhizome. Depending on the size and state of the rhizome, it can produce quite strong growth straightaway. You have to bear in mind that disturbance, and the pathway to having that rhizome on the property, needs to be considered with knotweed.

Q9 **Graham Stringer:** Did I hear you correctly? Did you say that, if it is 1 metre away, there is a 29% chance that it will damage the structure?

Ben Lindley: That is correct.

Q10 **Graham Stringer:** That is a very precise figure. What is the evidence for that statistic?

Ben Lindley: We looked through surveys that we have done—surveys that have just been surveys, and surveys that have turned into contracts. Our surveys are very precise when it comes to measuring the distance to the property. They have to be, because they are based on using information from the RICS to categorise the risk that knotweed presents. Therefore, we know the distance that it is from those structures.

Q11 **Graham Stringer:** And you know the percentage of structures that are damaged.

Ben Lindley: Using the RICS information, we record where physical damage has happened. That is recorded in our surveys.

Q12 **Chair:** This is simply a sample of your customers.

Ben Lindley: That is correct.

Q13 **Chair:** It is nothing more substantial or widespread than that.

Ben Lindley: It is simply using evidence that we have in our records of surveys that we have done.

Dr Jones: There is an issue with the quality of evidence supplied throughout the knotweed management guidance—property assessment, damage and the like. For example, the recent paper by Fennell et al. is based only on three streets of derelict property in the north-east, so it does not apply to new-build properties, other regions of the UK and well-maintained older housing stock.



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There is also quite a limited sample size in the contractor survey undertaken, so it does not quite capture the superficial and the more structural damage caused by Japanese knotweed.

The rhizome extent is reported as being less than 4 metres, but the upper limit is actually just under 6 metres. As it currently stands, best-practice advice is that you should assume that rhizome is 7 metres away from the above-ground knotweed stand. If we take a precautionary approach, the data fulfils that criterion.

Finally, the comparison between Japanese knotweed and trees just is not appropriate. It is a different growth form, a different plant and a different habit. Ultimately, your inability to kill it with a standard course of treatment makes it quite difficult in terms of management. Completely removing—that is to say, eradicating—the Japanese knotweed plant is an order of magnitude greater, in cost, than alternative chemical treatment approaches. That needs to be borne in mind when it comes to its management.

Professor Wade: You have then decided that it is a problem you need to deal with. We need to be careful here. As I mentioned, the study by Fennell, who is a colleague of mine, was some work that we did with Leeds University. There were three parts to it. Dan has referred to two parts. There was quite a significant survey of surveyors, including both those involved in weed control—Ben would be an illustration of that—and surveyors who are out there and are probably members of the Royal Institution of Chartered Surveyors.

We also undertook a fairly substantial literature review for the comparison. I think we need to be careful. Over the period for which we did the search, the insurance claims on trees were in the thousands, whereas there was none in relation to Japanese knotweed.

We should bear something else in mind. Additional to the paper, recently I have had a bit of involvement with colleagues in continental Europe. They do not even have any laws that govern Japanese knotweed. They certainly have not over-reacted in the same way as we have with regard to properties and insurance.

- Q14 **Chair:** I want to pick up on the point that you are making. In a way, my concern is that the identification of knotweed in a garden causes complete misery for the occupiers—the owners of that property. It blights the property. They cannot sell it. It has a massive impact on the value of the property. It has got a lot of companies making quite a lot of money out of all of this—including your companies, I guess. Is it all built on a bit of a fallacy—that it is significantly worse than other potential hazards in the garden? Is it proportionate to the scale of the risk? That is what worries me.

Professor Wade: I think we would all agree that it is disproportionate. We may disagree about the degree to which it is disproportionate, but it



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is interesting that Ben, independently, has presented some very interesting results. They are very similar to the results that we found in our study. They are slightly different, but they indicate that we are over-reacting to this plant.

- Q15 **Chair:** You can come back, if you wish, in response to this question about the prevalence of Japanese knotweed. We hear that 2% of properties have it, but at a roundtable that we had last night I heard that significantly more than that could be affected, if only people knew what they were looking for in their gardens. What do we know about the trend? Is this problem increasing or decreasing?

Dr Jones: It is about understanding the impact on property—the risk and the rate of spread—to manage Japanese knotweed better, and understanding the legal liability arising from this.

In order to interpret risk, you need good data. There is very little empirical evidence underpinning most of these elements. It is mainly contractor case studies or short-term treatment studies, undertaken at a very small scale. Without the appropriate data to inform decision making, risk becomes larger.

That is the contention of our submission. Better evidence-based approaches and better understanding of the issue at hand for a valuer or a lender, for example, will ensure that they make the right decisions, based on the facts at hand.

- Q16 **Chair:** May I get an answer from you about the prevalence of Japanese knotweed?

Sean Hathaway: Swansea is probably quite well known for having a lot of Japanese knotweed. A recent survey, about 20 years ago, revealed about 100 hectares, which is 250 acres, throughout the county. Most of that was in the urban area. In my experience, having dealt with knotweed for a couple of decades, I have seen it inside only three properties in Swansea. It was dealt with quite easily.

- Q17 **Chair:** In how many decades?

Sean Hathaway: In two.

- Q18 **Chair:** In two decades, you have seen it in three properties.

Sean Hathaway: Yes.

- Q19 **Chair:** Yet it has this dramatic impact on anyone's—

Sean Hathaway: Yes. I must admit—

Professor Wade: Just—

- Q20 **Chair:** Hang on. Let Sean finish his point.

Professor Wade: When you say, “in the property,” you mean that it was growing up inside the property, rather than just on the property.



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Sean Hathaway: Yes. One was just inside the wall, by the window, one was up through a cavity wall, and the other was just by a stairway, inside. This was about 10 years ago. It was dealt with very simply, by people using a standard herbicide from a qualified contractor. There were no problems.

Q21 **Chair:** In Swansea, have you seen any evidence of the problem increasing, in its prevalence across the city, or is it going in the other direction?

Sean Hathaway: The only evidence we have from complaints, or problems with customers, is since the mortgage problem came in. The number of phone calls, inquiries and emails has—

Q22 **Chair:** So the mortgage companies are getting tougher with it.

Sean Hathaway: Yes. The number of inquiries has increased dramatically, purely because of the mortgage issue.

Q23 **Chair:** But that is totally unrelated to the scale of the problem.

Sean Hathaway: Yes. The level of infestation is probably as it was.

Professor Wade: I do not think that we know the answer to your question about the prevalence. It is complicated, as Sean has said. Nobody has actually done a study to show that.

You have put your finger on another aspect, which goes a bit wider. Over the last few decades, UK business and industry, residents, homeowners and so on have spent millions and millions of pounds on Japanese knotweed. We have not stopped and said, “How are we getting on with this? What progress are we making? What can we learn about doing it better? Are we making progress? Are we going backwards?” Surely it is time that we thought about that.

Q24 **Chair:** Max, you mentioned that there is not the same issue in other countries. Does Japanese knotweed exist in other European countries, for example?

Professor Wade: Yes. In certain countries, they have a lot.

Q25 **Chair:** Is it completely ignored, effectively?

Professor Wade: It is not ignored. We need to remember that it is a serious problem—for example, along rivers. It finds the river bank environment very good to grow in and can exacerbate flooding in the built environment. If you have a large, dense stand of Japanese knotweed down the side of the river and high rainfall, the water rises in the river and the knotweed will hold it back, which will exacerbate flooding. That occurs across Europe. It is seen particularly as a—

Q26 **Chair:** But it does not have the same impact on house ownership and mortgage accessibility that it has in this country.



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Professor Wade: No, but it is present in people's gardens.

Ben Lindley: On prevalence, it is worth noting how long it has been in the country and the fact that it does not spread generally, or at all, by viable seed. Human-made disturbance is what has caused it to spread to the majority of the UK—in some places, such as south Wales and Cornwall, quite dramatically.

Sean mentioned seeing it in three properties over two decades. It is certainly the case that, left to its own devices, the natural growth of knotweed finds the path of least resistance. Therefore, it will not grow into properties if it can grow into normal soil.

If, as we have done, you look at disturbance of knotweed to make it spread this far, you realise the problem that that causes. We have seen some of the more serious problems—growing into properties through suspended or block-and-beam floors or through air vents—when, on construction sites, they ignore Japanese knotweed and build straight over it. That causes quite a lot of problems. Again, it is about understanding that knotweed is here, that it is an invasive species that has no control, that its rhizome is very capable of reproducing easily and that disturbance can cause it to do so. That is quite a problem.

Q27 **Graham Stringer:** Will you briefly describe the research you have done in this area?

Professor Wade: Specifically in relation to residential properties?

Graham Stringer: Yes.

Professor Wade: The first part of the research was working out what the question was. The question was not, "Does it cause damage to properties?" We recognise that it does. To put it into perspective, we were trying to answer the question, "In relation to other plants, what damage does it cause?"

We divided that into three parts. We had a look at existing information. As I said earlier, that ranged from looking at insurance claims, as an indicator, to looking at the three ways in which a plant can cause damage to a property: indirectly, through subsidence, as you get with trees; directly, when the plant falls on to the property or damages it directly; and directly, when the plant causes damage by growing up against the property. Overall, we found that Japanese knotweed was certainly no worse, and probably quite a lot less damaging, than most other plants.

Q28 **Chair:** You say, "most other plants." That is not an accurate thing to say, is it? There are other plants that have similar root patterns that can also cause damage.

Professor Wade: That is correct—bamboo, for example. That was valuable, as Dan has summarised, in terms of the distances and the proportion of houses that were affected.



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The third part was looking at an actual site where Japanese knotweed was growing in and among a number of properties that had been abandoned. One of the things that struck me from that piece of work was that we have a tendency—you can see a number of photographs on the internet—to see Japanese knotweed as damaging a building because it is growing up through cracks. You think, “Goodness me, that looks terrible.” However, on the site where we were working, you could see a number of buildings that had cracks and were clearly damaged, but that had no Japanese knotweed. Then you saw similar sorts of cracks with Japanese knotweed growing up in them. If you had seen just those, you would have said, “Oh my goodness, it is the Japanese knotweed that is causing the problem.” I think that we have a tendency to see Japanese knotweed in that sort of situation.

Q29 **Chair:** Blame everything on the Japanese knotweed.

Professor Wade: Yes. Blame it on the Japanese knotweed—as we would do with buddleia. You can see buddleia damaging Network Rail properties, for example. In that case, it is almost certainly causing damage, but the masonry was probably not in good shape, as it was quite old and so on. Plants will exploit situations of that sort.

Q30 **Graham Stringer:** There has been some criticism of the work, particularly the property study, as being based on too small a sample. Would you accept that as a criticism?

Professor Wade: No, I do not think so. We had tens of respondents to our survey. Statistically, the data holds up well, in terms of the range of responses that we got. The case study is a case study. Dan’s comments are perfectly valid. Yes, it would be great to have had five case studies, but, in the time that we had, one case study was valuable.

As I said earlier, our data are not exactly the same as Ben’s data. In one of its responses, Japanese Knotweed Solutions Ltd refers to data that it has. We sit on quite a lot of data. I am sure that they will be variable. Whereas at the moment a surveyor will see Japanese knotweed within a particular distance from the property and conclude, simply on that fact alone, that the property is not a safe bet for a mortgage—it does not go any further—this study and Ben’s data say, “Probably, on 70% to 80% of occasions, that is not correct. It would be perfectly reasonable to lend on that property. There should be no diminution of value on the property.”

Q31 **Graham Stringer:** Knotweed has a pretty horrific reputation, particularly with homeowners. Is it possible to draw up a hierarchy of plants, based on how much damage they are likely to do and what threat they pose to property? Can you put knotweed in the context you have hinted at, which includes buddleia and other species? Is it possible to do that?

Professor Wade: I think it is possible. It would be somewhat subjective, but, undoubtedly, trees are much more damaging and costly than Japanese knotweed. In terms of the built environment, buddleia is much more damaging and costly, in my view. I cannot remember the actual



figures for Network Rail and Transport for London, for example, but the cost of active, direct damage to masonry and the control of buddleia that they have to do runs into millions of pounds. I do not believe that that is the case for residential property, for example. I am involved in the Property Care Association. Members have a growing concern about bamboos, which pose a similar problem.

- Q32 **Graham Stringer:** You said at the beginning that the key to any successful research project is asking the right question. I think that that is right. Is it necessary to do more research? Do we need to find out more? What would be the right questions to ask next about Japanese knotweed and other species that may damage property?

Professor Wade: It would certainly be valuable to explore more about the actual damage that Japanese knotweed produces. I agree with Dan that there is quite an urgent need for a risk assessment procedure that we can follow, so that, when we see a property or site with Japanese knotweed, we are able to collect the necessary information to assess the risk that that Japanese knotweed poses to the property. Actually, it applies to buddleia and all the other species as well, but it certainly applied to Japanese knotweed.

A tree specialist, approaching a property in terms of whether there is subsidence and so on, has a protocol that they will go through. What is the soil? What is the condition of the tree? What is the distance, and so on? What are the cracks? Are the cracks diagonal? Does the crack increase in width as you move away from it? All those things indicate that there is subsidence.

Ben Lindley: We would support more evidence-based research. Like other contractors, I am sure, we have a plethora of information and records surrounding Japanese knotweed. It may be useful to have the industry itself provide that record, because it is all there.

As Max said, a risk assessment is what is needed. What may come from this is a revision of how we perceive the risks that knotweed presents. There should be a slight downscaling of the physical impact that it has—a realism about what it causes—but we should also understand that it causes a contaminated ground issue, because of the rhizome and the restrictions and issues that that has. Therefore, a risk assessment would be—

- Q33 **Chair:** On an individual property.

Ben Lindley: For knotweed as a whole, it would be a good thing to have.

Dr Jones: The development of management best practice over the last 30 years has been based on some limited case studies and aggregated over the years. Surveyors and other people looking at this from the outside think that there has been very little clarity about what they can expect in management, control and eradication. Providing an empirical dataset that underpins decision making and looks at rhizome extent,



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growth form, ability to establish and how that interacts with structures is absolutely essential, both for the property valuation community and for others looking at structures and things like that, so that they can really understand the problem at hand.

- Q34 **Graham Stringer:** My final question follows on from those answers. There is obviously a vast amount of information out there within commercial companies involved in remediation. Is it possible to integrate that information into serious scientific papers that would be peer-reviewed?

Professor Wade: Basically, that is what we did in our work with the University of Leeds. It is the only study, really. Clearly, we could learn more. We could change the question slightly, in terms of what we were asking. It is certainly feasible.

Dr Jones: In our client work, case studies and contractor examples are very useful forms of information, but work on reliable empirical datasets that underpin decision making is best conducted in a scientific way.

- Q35 **Chair:** Do you maintain at Swansea Council a database of all the cases you deal with?

Sean Hathaway: Yes.

- Q36 **Chair:** You have built up a body of evidence.

Sean Hathaway: We have a database of all inquiries that come in, whether that is by letter, phone or email—obviously, it is more by email—and probably there have been several thousand over the past couple of decades. Most of them originally were just inquiries—“We’ve got some knotweed. What can we do?” Virtually, all of them were, “We’ve got some knotweed and we’re having a problem selling our house.”

The risk assessment needs to look at the distance from the house and the boundary. We had one recent problem where a local authority was treating knotweed on its land, which was over 60 metres from the property and within a couple of metres of the boundary. The lender still insisted on a guarantee from a professional company, which I and the buyer and seller thought was completely over the top bearing in mind it was 60 metres away from the house.

- Q37 **Chair:** Therefore, that action by the mortgage lender was not based on any evidence of risk but was just a very cautious approach.

Sean Hathaway: They were following guidelines, in that it was within 7 metres of the boundary, but the boundary was 60 metres from the house. The knotweed was on local authority land. The lender knew it had been treated, and was going to be treated in the future, but still took that over-the-top approach.

- Q38 **Stephen Metcalfe:** I want to ask about research into managing and dealing with Japanese knotweed. Is any research going on into how you



treat the plant itself, because some of this might be mitigated by a more effective herbicide?

Dr Jones: Advanced Invasives, Swansea University and Complete Weed Control are undertaking the world's largest field trial on Japanese knotweed control. It is one of the largest invasive species control trials worldwide, and it is now into its eighth year. We have published the first three years of data and are in the process of getting the remainder published over the coming years. That investigates empirically how Japanese knotweed can be managed. It is conducted on a sufficiently large scale that it can be scaled down from a strategic level to residential level, and it is also done in a way that is economically and environmentally sustainable.

Q39 **Stephen Metcalfe:** Is that a combination of new chemical treatments and management?

Dr Jones: We are publishing the results of the initial 19 treatments that were undertaken. All of them were undertaken in triplicate. We are now investigating 26 different treatment protocols across two sites in south Wales. We are looking at how we can optimise herbicide delivery and understand the biology of the plant in order better to manage Japanese knotweed within shorter timeframes.

Professor Wade: As far as I know—Dan, correct me if I am wrong—we are not talking about any new herbicides. Nobody is looking for new herbicides specifically in relation to Japanese knotweed. There is research into biological control agents for Japanese knotweed.

We need to be careful. We are reliant mainly on a single active ingredient, glyphosate. We came very close to losing that as a product that is available to us. I suggest we should be thinking carefully about what we would do if we lost glyphosate, because that would make life very difficult for us.

Dr Jones: We are already into the second year of trials with a number of different active ingredients, because we are well aware that over-reliance on glyphosate could in the first instance cause resistance development, but if there are changes in EU pesticide regulation we could be left without the key tool available for knotweed management.

Q40 **Carol Monaghan:** I have been looking at a map of the spread of knotweed throughout the UK. I am quite surprised to see that it extends as far as the Scottish islands. In your opinion, has it been deliberately planted there, or is the plant able to spread in that way?

Sean Hathaway: It has probably travelled by sea. The barrage in Swansea is often blocked up rhizomes and knotweed plants coming down from the rivers, as it would with many other rivers. It then goes into the sea. We have seen rhizomes ending up on the beach and growing in sand dunes. It is capable of growing in many conditions: dry, wet, acid or alkaline, sandy or not.



Q41 **Carol Monaghan:** That was the next thing I was going to ask.

Sean Hathaway: And in very polluted areas.

Q42 **Chair:** Is it pretty resilient?

Sean Hathaway: Yes. One of the reasons it is so prevalent in Swansea is that it managed to survive the aftermath of the industrial revolution. There are very polluted soils in the middle of the city, and it was one of the first things that could spread there. It would have crossed the sea and landed on a beach and grown. Alternatively, if building and development was going on and materials were brought in, it could have arrived on a lorry or truck.

Q43 **Carol Monaghan:** Perhaps I may first ask a few questions about the 7-metre rule and whether that reflects the latest scientific evidence.

Dan, I believe the University of Leeds has said that 7 metres is not statistically robust. Ben, you have said that, although we often see the plant extending to 4 metres, 7 metres is extremely rare. You have suggested that a well-established growth of 20 by 20 metres further away could pose more problems than a small growth close to a house. I would like some thoughts on that.

Ben Lindley: The 7-metre rule does need an assessment. Where we find Japanese knotweed travelling furthest—it can go way beyond 7 metres—is where there is a path of least resistance: a man-made situation, such as infilled service trenches and service runs. With light, natural sandy soil it can reach its furthest extent.

If you look at all of our records, we would fall in line with the AECOM report, in that the average lateral spread is about 1.5 metres for a small stand and 2.2 metres for larger stands. That is an average. If we are to assess how far rhizomes spread and identify a reasonable risk zone for that, you cannot work on the average but the most common furthest extent.

Q44 **Chair:** You say it needs to be reviewed. Do you have a view about what it should be?

Ben Lindley: We have a view. We would want to put what records we have and our evidence into the pot with other contractors—there is a huge amount of data out there—and come to a reasonable assessment.

Q45 **Chair:** What is your view?

Ben Lindley: If you put me on the spot, I would say it has to come down from 7 metres, not to the average but maybe to 5 metres. You cannot put your finger in the air; it needs proper investigation and a look at the evidence.

Dr Jones: There are two elements to this. The 7-metre rule is one facet of a complex valuation process. Clearly, a sprig of knotweed growing within 7 metres of your house or property boundary is not as problematic



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as 200 square metres of it growing 8 metres away. Given the spirit of the RICS guidance in 2012, I think that was how it was meant to be interpreted. It has not worked out quite like that because of increased legal pressure and the like and a more defensive practice of surveying.

That said, when looking at costing an excavation on a development site and the like, having a cautionary approach and the ability to forward cost that excavation and how far rhizomes are likely to extend is quite a useful tool. There are two elements to it. Stigmatising a property for having a tiny amount of knotweed growing in relatively close proximity either to the boundary or the house is clearly not the intent of the RICS guidance; it is only a part of the guidance process as a whole.

Professor Wade: This brings us back to the risk assessment. Distance is a factor in the risk and we need to pay attention to it and get better at it. There is no harm in reminding ourselves of the quote in the 1998 paper where the 7 metres comes from. It is almost a throw-away remark. It says, "Rhizomes grow down [sic] to a depth of 1 metre, although they have been known to spread up to 7 metres laterally." It does not even tell us whether it is the centre of the stand, the edge of the stand or whatever.

Q46 **Chair:** The whole system has then adopted the 7 metres.

Professor Wade: Yes. As far as I know, that is the earliest mention of 7 metres.

Q47 **Carol Monaghan:** As Sean has already alluded to, it depends very much on the soil in which the plant is growing. Therefore, 7 metres in sand is fair enough.

Dr Jones: Absolutely. If you have a uniform growing medium, the extent will be very different from where you have sub-surface man-made structures. That said, from the amalgamation of case studies, whether it be from the '90s or today, we have to have good evidence-based tools based on good scientific evidence to be able to underpin what we are contending on the extent of rhizomes, depth and the other things that have basically been guestimates to the present day.

Coming back to the issue of impact, treatment and legal liability, the risk is proportionately greater if you are not aware of the underlying data to inform how you make a risk-based evaluation of something.

Q48 **Carol Monaghan:** Ben, you mentioned that you had lots of cases; Sean, you keep a database of the ones that Swansea has dealt with; Dan, obviously you are doing a lot of research on this. Have all of these been amalgamated? Are they building something up so there is an overview of it?

Professor Wade: No. That comes back to the broader issue that we have been doing this for decades and we have not even stopped to work out whether we are winning. That is a very relevant point. Somehow we



need to use this information. As Dan points out, we need to make the most of it.

- Q49 **Carol Monaghan:** There has to be first a proper collation of evidence and then an examination of it. Do we then need to look at revising the RICS paper?

Professor Wade: I would say we have enough information. Let us go back to the beginning. For the RICS paper, we worked with the best information we had and came up with a tool that was widely regarded as very valuable and overcame a particular problem we had at that time.

We have now moved on and have more information. I do not see any reason why we cannot come up with better guidelines and a better risk assessment, but, at the same time, we need to be researching and coming up with more information to refine that. For example, if you look at protected species where we need to go out and assess the risks posed for them, we do the best we can. We do more research; we improve those guidelines and so on. I would argue this is a very similar approach.

- Q50 **Chair:** Whose responsibility should it be, because the sense at the moment is that no one is taking responsibility for getting this sorted out and homeowners suffer as a consequence?

Professor Wade: If you will pardon me, I do not think that is a fair reflection. The emergence of the invasive weed control group of the Property Care Association was a big step forward in terms of responsibility and dealing with quite a tricky situation. People could not get mortgages.

- Q51 **Chair:** We are saying that everything is unsatisfactory at the moment and there is a need for review and change based on better evidence. Who should be responsible for doing that?

Professor Wade: I think it would be a combination of Government and the industry as we have identified it. As an industry we are sitting on a lot of information, some of which we have used and some of which we have not. It is potentially worth exploring whether the GB Non-Native Species Secretariat could have a role. I know that it focuses on national issues. Surely, this is a national issue and we do need an agency that is independent and could help.

- Q52 **Carol Monaghan:** Have any of you made representations to RICS or the Environment Agency about the need to update the guidance?

Ben Lindley: No. The RICS was looking to review its paper, but I do not know whether that has stalled for the time being.

The PCA has brought together a lot of contractors all working together on the problem we face with knotweed. It is galvanised to understand the problem it has. What we are looking at here is realisation of the physical damage it can cause, which is just one of the factors knotweed presents, and whether the current risk assessment we have been working on, the



7-metre zone, stands up. Do we need to reassess that situation? Dan said that a construction site is very different from a residential property and the risks are very different. We know that knotweed is a problem; how easily it can spread; how the rhizome can cause new monocultures through disturbance. It is just a matter of categorising the risk to establish what problem it causes in certain situations.

Q53 Carol Monaghan: With respect, a lot of that has already been said. I am asking specifically about whether you have made representations.

Ben Lindley: We were involved in helping with an assessment to see whether the RICS document needed to be revised. We have not made a direct approach ourselves as a company.

Sean Hathaway: It is a national problem. There is a bit of an evidence gap. Because it is a national problem, I do not think a local authority on its own could deal with the situation; it needs to be on a bigger scale, whether that is the Environment Agency, Natural Resources Wales, Property Care Association or GB Non-Native Species Secretariat.

Professor Wade: There is also a definite willingness out there to collaborate. Ahead of today, I spoke to water companies and Network Rail to ask whether they would be prepared to put forward case studies in their regions on how they have managed to deal with Japanese knotweed and what lessons they have learned. It could be a national project, if you like, where a local authority, water company, the Environment Agency and river catchment put all that together to see what we could learn. There was a positive response. They found it an interesting idea; they would be interested in doing that.

Dr Jones: On whether Japanese knotweed management has worked at UK level, up until recently there was no evidence base to underpin treatment decision making. We have spent a lot of money; we have used a lot of herbicide; and potentially there have been a lot of non-target effects on species that we should not be killing.

Q54 Chair: It has caused misery to lots of homeowners.

Dr Jones: Absolutely. This comes back to the lack of an evidence base. There is a range of legislation, some focused on environmental disposal. The initial tranche of legislation was focused on that to minimise further spread through movement of soil and things like that. The secondary array of legislation is much more focused on property.

Between that case law and lack of guidance you have increasing legal exposure and pressure. That is not just for small landowners; that is also for large landowners managing knotweed at a strategic level. That becomes a serious business risk.

I am not quite clear who should be supplying the guidance, but it needs to be evidence based. All this comes back to a rigorous scientific undertaking to inform best decision making.



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Ben Lindley: I would like to qualify one of my responses. When we say we got together as a company, we got together as members of the PCA. The PCA did work with the RICS to review it and it submitted a revision of the RICS risk assessment.

Q55 **Chair:** When?

Ben Lindley: That was back in 2016.

Q56 **Chair:** But it has not resulted in anything.

Ben Lindley: It has not resulted yet in a final paper.

Q57 **Carol Monaghan:** I think we are hearing loud and clear that a UK-wide evidence base has to be built up. As the Science and Technology Committee we are all for evidence-based decision making and policy making, so that is an important message.

Ben Lindley: What we feel we are able to do as collective contractors is look at the evidence on the ground and try to inform the right bodies of what the real risks are.

Q58 **Graham Stringer:** Is there less risk to properties built before the knotweed invasion, and should that be part of the risk assessment?

Dr Jones: Possibly. If we take the Victorian housing stock, if it was constructed around the time knotweed was imported it is not the same as building a new-build house on top of an existing Japanese knotweed stand. Fundamentally, those two are different in terms of construction and the likelihood of Japanese knotweed either coming up through the foundation or penetrating the structure. Yes, that would be part of the decision-making process.

Q59 **Stephen Metcalfe:** Sean, you mentioned knotweed being less than 7 metres from the boundary of a property but 60 metres away from the property itself. The lender refused to lend on that property until the knotweed had been dealt with. Is that right?

Sean Hathaway: The lender was refusing to lend on the property despite the fact that the knotweed in question was on council land, had been treated by the council and was going to be treated by the council. I do not know the outcome because the member of the public never came back to me. I do not know whether they found another lender. That was probably the option they took, but it seems very unfair to the buyer and seller that an unrealistic proposal was put by the lender.

Q60 **Stephen Metcalfe:** In that case because of the sheer distance involved.

Sean Hathaway: Yes.

Q61 **Stephen Metcalfe:** Would the council have been under any legal obligation to treat the knotweed had it been within 7 metres of the property?



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Sean Hathaway: Generally speaking, if it is on local authority land and it is causing a problem, we will go and look at the situation, discuss it and come up with a solution on a site-by-site basis. For example, if it was in the middle of a country park hundreds of metres away and was never visited and was not a problem, it probably would not be dealt with.

If a problem plant such as giant hogweed—Swansea does not have much of that; other local authorities have a big problem with it—is by a public footpath, playground or where people visit a lot, that would be high risk and would need to be dealt with. If knotweed was not causing a problem, we probably would not deal with it.

Q62 **Chair:** But is there any legal obligation on the local authority if it is growing there?

Sean Hathaway: That is a bit of a grey area. If it is causing a problem and that involves a lending issue, we will deal with it.

Q63 **Stephen Metcalfe:** Councils tend to want to serve the public and their communities more than perhaps two neighbours. My understanding is that at the moment there is not an obligation on one neighbour to treat knotweed in their garden if it is disadvantaging their neighbour. Is that the case?

Sean Hathaway: One of the potential solutions would be for one private landowner to take a private nuisance action against another private landowner, which obviously is quite a long, messy process.

Another option is the antisocial behaviour Act, which I think came in in 2014. The guidance suggested that knotweed or other problems could be one of the antisocial problems included in the Act. It was not actually named. The Act imposes on local authorities an obligation to look at it but not a legal duty to look at it. Some local authorities that do not have a lot of knotweed have probably gone down that route and taken action on behalf of a private landowner. At the moment we and some other local authorities have not done that.

Q64 **Stephen Metcalfe:** At the moment, putting aside the council's involvement, if I discovered that my neighbour had Japanese knotweed in their garden and I was concerned about it, I would have to take them to court to get them to do anything.

Sean Hathaway: Potentially. Normally, we advise them to speak to the neighbour or find out who the owner is, if they can; try to come up with a suitable solution. They may say, "You can do what you want, but you have to pay for it"; they may say, "You can't come in no matter what happens," and then you need to get legal advice.

Q65 **Stephen Metcalfe:** Max, you were nodding. That is the situation at the moment. Do you think the current law needs further clarification? Do we need new law or just a better understanding of what we have got?



Professor Wade: We need a better understanding of what we have got. I do not think we need a new law. We have valuable instruments to work with. When it becomes a community problem, community protection notices would come in, but we need to be working in the other direction and put it into perspective. As we found out, probably about 60% to 70% of these would fall away because the Japanese knotweed in your garden is not a problem. We have applied a new risk assessment and the problems have been put into proportion.

Dr Jones: In all the recent legal court cases involving Network Rail and lineside neighbours and *Smith v. Line*, if effective treatment had been undertaken, those cases would not have gone to court. If it had been resolved between them by use of herbicides, which we have found to be most effective, those cases would not have gone to court.

Q66 **Stephen Metcalfe:** My understanding is that there is a need to declare the presence of Japanese knotweed if you are selling your property, or if you discover it. If you pursue a treatment path and the treatment is seen to be successful, should there be a continuing obligation to declare the presence of Japanese knotweed, or should it perhaps expire after a suitable period?

Chair: On the sale of the property.

Stephen Metcalfe: Yes.

Ben Lindley: We need to review that question on the property information slightly and make it a bit more explanatory. That is the recommendation we would put forward.

The issue there and in the studies Daniel has done is that for Japanese knotweed herbicide is a very effective control agent. We adopt the optimum strategy, which was the result of Daniel's Swansea study, but it cannot be guaranteed to remove viability from every part of an underground rhizome. Herein lies the problem of testing the factors that knotweed presents. After three or four years you could find no regrowth, but if you disturb the ground there could be elements of that underground rhizome that retain viability and, therefore, it could regrow.

Q67 **Stephen Metcalfe:** Potentially, even after 10 years.

Ben Lindley: Even after successful herbicide treatment.

Q68 **Chair:** At the roundtable yesterday evening we were told that a homeowner had dug out the area where the plant had been growing to a very large radius and years on still had no idea whether they were under an obligation to declare the problem if they sold their property.

Ben Lindley: Yes, because an underground rhizome potentially retains viability. In relation to the waste duty of care regulations, the presence of that rhizome in the ground, be it dead or alive, is classified as control



waste if removed from site. It has a cost and obligation to that property owner and, therefore, there is an impact on that property.

Dr Jones: In terms of chemical control methods, we are talking about long-term sustainable control, not eradication. At a large landscape level, that is not necessarily a problem. For property owners, if 25% of the back garden has got Japanese knotweed, or Japanese knotweed rhizomes are present, if they want to build a garden shed or other outbuildings, that has a direct impact on the buyer. We would argue that mapping and being able to tell the purchaser where exactly that knotweed is so they can evaluate the risk to themselves when they undertake that transaction would be beneficial.

We would argue that, although some physical eradication methods promise complete eradication of all knotweed present on the site, there are omissions and errors and it would be worth declaring that there are limitations involved even with those treatment methods. It is about ensuring that the person buying the property is fully aware of the risks involved in the purchase.

Professor Wade: We need to learn more, but we are falling into the Japanese knotweed trap again. We have just spent quite a lot of money and have a piece of paper to say somebody is satisfied that the Japanese knotweed has been killed, but there is a chance that it might come back. If it does come back, we will assess the risk and deal with it again. You might want to get a view from the Property Care Association in the next session about how we deal with damp, timber rot and so forth. Do we have to declare all that again as an ongoing thing? I do not know the answer. I suspect not. I think the answer is no; you would not need to put it down as part of the ongoing record.

Dr Jones: Form TA6 for residential property owners and form LPE1 for leasehold properties are passing the burden of responsibility to private property owners during the transaction process that does not exist if you were to develop a brownfield site on top of an existing Japanese knotweed stand. If you are talking about loopholes in the legal system, it is inherently unfair that private property owners are subject to legal restrictions, whereas the developer of a large site that may have been previously subject to knotweed invasion is not.

Q69 **Stephen Metcalfe:** They would not have to declare it.

Dr Jones: No.

Q70 **Stephen Metcalfe:** My final question is in two parts. First, I think you have already heard that, internationally, this is not seen in the same way as it is seen here in the UK—correct me if I am wrong. The second part of the question is: how have we arrived at this situation? Is it that mortgage lenders have been over-cautious in regard to the risk Japanese knotweed presents, or is it a reaction to buyers who have seen Japanese knotweed as a concern and have not wished to purchase properties where it is



present and mortgage companies are reacting to that?

Professor Wade: I think the story goes back further to 1981 when the Wildlife and Countryside Act came in and we were told we must not spread it. We were then told that, if you had rhizomes in any soil, because there was a risk you might spread it, that gave rise to a duty of care and you had to take it to a special place, and then contractors started to appear who would deal with that for you. Developers in particular were concerned about their properties because they were at risk if they caused it to spread, and so the business grew and it became a bit of a gravy train. You only have to look at some of the adverts on the internet showing plants growing through concrete and so on. Jeffrey Archer in one of his books has a wonderful section about Monte Cristo-type revenge where somebody plants Japanese knotweed on another man's property. As you well know, it got the name Japanese knotweed because it brought down a skyscraper in Osaka. Therefore, we have a mythology rapidly building up about the plant, and that was what happened.

Ben Lindley: Part of the written evidence was submitted by Philip Santo and Co. That also explains it very well in answer to your direct question about lending. It boils down to the fact that one of the things we identify here is the need for a risk assessment. Without that risk assessment, lenders have had to take adverse action.

Q71 **Stephen Metcalfe:** What about the international aspects of all this?

Dr Jones: We have a bit of a different situation in the UK in terms of the ecology and biogeography of Japanese knotweed. We have a suitable climate that facilitated early spread; we are an island nation, so we have a limited amount of topsoil; and particularly in the post-industrial landscape there is a lot of movement of contaminated topsoil, which were the initial reasons for the legislative drivers to minimise further spread and dispersal.

We have quite high housing costs and a high degree of home ownership. If we look at Germany, we are not comparing like with like. Consequently, you have a disproportionate impact on property values and a significant economic impact.

Professor Wade: I have to disagree with that wholeheartedly, I am afraid. It is to do with a plant. Does it cause damage to buildings? I am sure the Germans, French and Czechs and so on would have worked this out and decided they needed to do something about it. I do not think we are the only ones to see the logic. You could equally describe conditions in a number of other countries as being ideal for Japanese knotweed. You only have to go to the eastern seaboard of the United States of America and the western coast of Canada to see equal problems where people have it in their gardens; it is down the highways and railroads and so on.

Q72 **Chair:** You are not aware of any mortgage issues in the States.



Professor Wade: They do not have any.

Dr Jones: Europe has re-prioritised invasive plants to focus on early detection and early arrivals. Our experience as a consultancy is that on the east coast there are examples where it is becoming problematic.

Q73 **Chair:** The east coast, my goodness. Is that Norfolk?

Dr Jones: The east coast of North America. It is becoming problematic in terms of property transactions.

Chair: Thank you all very much indeed. It has been a fascinating discussion.

Examination of witnesses

Witnesses: Dr Diamond, John Baguley, Matthew Jupp and Stephen Hodgson.

Q74 **Chair:** Welcome, all of you. Thank you very much indeed for coming along. Will you make brief introductions? I make the point again that there are four of you, so please keep your answers succinct and do not feel you have to answer every question. Let us start with Stephen.

Stephen Hodgson: I am chief executive of the Property Care Association. We run the trade representation for the invasive weed industry in the UK.

John Baguley: I am tangible assets valuation director of the Royal Institution of Chartered Surveyors. Chartered surveyors provide advice on the valuation and condition of property.

Dr Diamond: I am head of ecology of the Environment Agency.

Matthew Jupp: I am principal for mortgages policy at UK Finance. I am responsible for most of our work on the buying and selling process, including valuation issues. UK Finance represents about 250 banks and financial services companies, of which about 150 provide mortgages.

Q75 **Chair:** We had a roundtable yesterday evening, which you might have heard reference to, at which we heard from some people who had suffered the experience of Japanese knotweed being found in their gardens, the sales of their properties being blocked, properties blighted and so forth. A lawyer also talked about the experience of clients. There was the impression that this caused quite a lot of trauma, distress and a significant financial impact on homeowners. How do you judge the scale of the problem now collectively? Is it a significant problem that needs to be sorted out? You heard the first panel talking about the need for updated guidance based on clear evidence that did not overstate the scale of the problem. How do you assess the problem today?

Stephen Hodgson: We are lot better off now than we were 10 years ago. Ten years ago, we had a situation approaching mad panic and you simply could not get funding for affected properties. If you turn the clock



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forward to today, do we have to sort something out? We are in a process of evolution; I do not think we necessarily need revolution. We have seen a rapidly maturing industry and changing market, and everybody is still rushing to keep up.

Have we learned a great deal in the past 10 years of our involvement in this issue? Absolutely. Have we tried to adopt and move with those findings? Yes, we have. There is work to do; there is more knowledge to get; there is more to incorporate into good practice; there is more to learn, but there is no lack of will to get those things done.

John Baguley: I suppose the answer to the question is that it is a problem for those who are directly involved. As Steve said, from the opening position, or the information paper which we produced in 2012, to where we are now and the research we heard about earlier, public perception of the issue of Japanese knotweed is a key factor in the process of valuing property.

Q76 **Chair:** Do you think that perception is inaccurate?

John Baguley: Does the cost of remediation for Japanese knotweed affect value for either lending purposes, for Max's colleagues, or for the buying public? Potentially, yes. When you talk about which part of the property Japanese knotweed affects, we have heard quite a lot about the fact it does not cause physical damage to the core property; it is about damage to more lightweight-type structures, but those structures are still part of the property for the buying public's purpose.

Q77 **Chair:** But, surely, that is not sufficient to blight a property and make it impossible to sell it, which is the story we have heard not from 10 years ago but now.

John Baguley: Potentially, yes. You have to think about the extent of damage, the cost of repair, the cost of remediation and the ongoing nature of that work. When we compare different types of damage caused by trees and invasive species, trees are very much a one-off kind of repair work, whereas Japanese knotweed needs an ongoing plan, so does that have an impact on the buyer's decision to buy a property? The answer from chartered surveyors is that it does, so that translates into a potential impact on value.

Public perception has been growing. That is also put into the mix of the potential impact on value in the buyer's decision to buy a property. That is something we need to have a think about as well.

Q78 **Chair:** Are there any other thoughts?

Matthew Jupp: We do not collect hard data on how many properties are affected by Japanese knotweed and, if so, how many have difficulties accessing mortgages as a result. I agree that there is a lot of new evidence on a fast-moving topic, and obviously it has a significant effect



on properties that have Japanese knotweed close to the actual buildings themselves.

Stephen Hodgson: To come back to the whole issue of blight and whether or not a building is unsaleable, usually, if the right control measures are put in place, a building becomes saleable, but there is a question of blight.

In the previous session, Max alluded to what happens if you get damp in a house. Usually, damp is not too much of an issue; it is the dry rot or fungal decay that follows it. If you get dry rot in your house, does that blight it forever once it is treated? Probably not, but is it just as serious and does it cause vendors and purchasers a problem during conveyancing? It absolutely does because it is a fact of life; it is there and probably needs some degree of management.

Q79 **Chair:** But the question is whether this problem is being overstated. We heard evidence from the first panel that in terms of impact on property structures there is little difference between, for example, buddleia and Japanese knotweed and the impact of trees. I refer to John's comments on that. Does the evidence support the special treatment we are giving to Japanese knotweed? You hear people's stories—perhaps their properties about a railway embankment and they get into a legal dispute with Network Rail, causing deep distress and enormous cost to many of them.

Stephen Hodgson: I am not a valuer; I do not work in the finance world. I agree with some of the previous evidence that talked about a reasonable risk assessment being undertaken to try to understand the impact of any particular growth in any particular area, but completely to disqualify the fact that this plant is there and it either borders your ground or is in your environment is to say that it has no potential to spread and cause nuisance.

Q80 **Chair:** The question is whether we are right to treat this differently from other potentially invasive species that we find in the garden. Max's evidence was that we overstate the scale of the problem caused by Japanese knotweed compared with other species.

Stephen Hodgson: You make a good point; it probably is overstated.

Q81 **Chair:** You are all key players, as it were, who have some role and responsibility in terms of people's ability to buy and sell properties. What are all of you doing to address the current problem? There was a clear call for action from the first group based on evidence and improving the quality of the guidance. What are all of you doing to sort out this problem at the moment?

Stephen Hodgson: I feel I am monopolising it a bit, but the Property Care Association essentially works in a collective way. We produce a vast amount of guidance based on what we believe to be best practice. It is open to scrutiny by anybody and we take advice from anybody.



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Q82 **Chair:** Your members are the people who are doing the leading work.

Stephen Hodgson: Absolutely.

Q83 **Chair:** Therefore, they are making quite a lot of money out of this.

Stephen Hodgson: They are making some money, but they are responding to a need in the market.

Q84 **Chair:** Some would say—Max said it in evidence—it is a need in the market caused by overstating the problem.

Stephen Hodgson: It is not. Whether or not you take that view, the fact is that there is a demand for things to be done. If things are required to be done, does it not follow that that stuff should be done well? The role of a trade association is to ensure that its members and everybody else can do that work well.

Q85 **Chair:** Do you accept the consensus among the first panel on the need to improve the guidance to make it more proportionate and base it on evidence?

Stephen Hodgson: Yes.

Q86 **Chair:** We appear to have a lack of it at the moment.

Stephen Hodgson: As a number have said, there is a lack of empirical evidence.

Q87 **Chair:** To come back to the question I asked, what are all of you doing to address the problem that is still causing significant distress for many homeowners? I am not getting any answers at the moment.

John Baguley: Can I start from the valuation and what it looks at? We can look at the 2012 information paper and have a journey from there to where we are now. That might help.

We have spoken quite a lot about the 7-metre rule and whether it should be reduced, or be there at all. From a valuation perspective, if we look at what the valuation is about, this goes across all types of property. We report as chartered surveyors on the market value. The market value of a property is a defined statement: what would a willing buyer buy the property for and what would a willing seller sell the property for, assuming that willing buyer and willing seller are not acting under compulsion and are fully armed with the facts?

That is an accepted definition of how we value a property. If we look at the valuation part, that feeds into the perception part. Whether you have a 7-metre, 10-metre or 2-metre rule, and whether there is actual damage to the property itself, damage to, say, a garden wall, patio, or just the fact you have Japanese knotweed next to a boundary of your property, the market in some respects is dictating that there is an impact on value and the valuer has to reflect the market.



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Q88 **Chair:** I do not think we are getting anywhere particularly with this answer. You gave your guidance or your explanatory note, or however you describe it, back in 2012. We heard from the first panel that submissions were made in 2016, with a view to updating the guidance. It appears to have been downgraded on your website—it is there for reference purposes only. Why has there been no action since then to update the guidance?

John Baguley: What I was trying to say is that, even without the information paper, the very presence of Japanese knotweed on a site will still potentially affect value, so you still have to factor into a valuation definition the very presence of knotweed.

Q89 **Chair:** But the value is tied into the guidance that has been given.

John Baguley: No, it is not. You are reflecting what the buyer would buy for the property and what the seller would sell the property for.

Q90 **Chair:** But your average buyer is freaked out by the identification of Japanese knotweed, because they know that mortgage lenders will not often lend on the property. It comes back to whether we have an evidence base to the guidance.

John Baguley: If it is after the event, maybe. To go back to the information paper for 2012, which is an information paper, not mandatory guidance, it was designed to provide information for chartered surveyors, and it has been adopted with the 1 to 4 scale. In 2016, as we heard the previous panel say, information was presented—and my understanding is that at that point the University of Leeds research came out of a conversation about data, and whether we can have more sound data on which to base a decision. The University of Leeds paper came out in 2018. The next step now is to review what we have.

Q91 **Chair:** Are you actively doing that?

John Baguley: We will be doing that

Q92 **Chair:** When you say you will be, what is the timescale?

John Baguley: The point is to get everybody together to look at the data.

Q93 **Chair:** Okay. Matthew, are you doing anything to contribute to this process of sorting this problem out?

Matthew Jupp: From a lender point of view, before we can lend on a property, an independent valuation needs to be carried out on that property, which is usually done by a member following RICS guidelines and standards. Lenders base their decisions on the back of that. Obviously, lenders are reliant on guidance from other bodies; we would very much like to see that guidance updated—we support that.

Q94 **Chair:** You heard the call from the first panel for an updating of the approach based on evidence. Are you going to actively participate in a



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process that gets everybody to an agreed place?

Matthew Jupp: There are two things. First, lenders are already looking at the different evidence that is out there at the moment, at new studies and so on, to see whether that should have an impact on their lending decisions and risk assessments. We will be happy to be involved in a group looking at that.

Q95 **Chair:** Thank you. Dr Diamond, what is the Environment Agency doing?

Dr Diamond: Our role in this respect is restricted to the safe disposal of waste, including soil contaminated with Japanese knotweed. Under the smarter environmental regulation review, our code of practice was removed, and our advice was simplified to give just the advice needed for the safe disposal of contaminated soil, with some further guidance. We would be happy to contribute to any review of the existing guidance that has been produced by the sector itself, if we are invited to do so.

Chair: Good. Thank you.

Q96 **Carol Monaghan:** I shall change the topic slightly, and start with you, Matthew. We have been told that the 2012 RICS paper had a positive effect on mortgage lenders' policies relating to knotweed. Could you give us a bit of a feel of the impact that this paper had in the area?

Matthew Jupp: Yes. As I mentioned, before a mortgage lender is able to lend on a property, a valuation needs to be carried out. Often that is done by a physical inspection. If Japanese knotweed is identified, it will be on one of the four levels identified in the RICS paper.

In the run-up to this inquiry, I spoke to a number of lenders about their risk-assessment policies on Japanese knotweed. Most of them came back and said to me that at RICS levels 1 and 2—when knotweed is present at a neighbouring property, or present on the property but a fairly long distance away from the home—that would not be a concern for them at all; they would be happy to lend on that property. If it is at levels 3 and 4, which means that it is closer to the property, they would want to see some management plan in place, often overseen by a member of the PCA or the INNSA.

Q97 **Chair:** We heard about experience in Swansea, where there was knotweed 60 metres away from a property, and the lender is making all sorts of demands.

Matthew Jupp: Very true—but all the lenders that I have spoken to have the approach that I have just described.

Q98 **Carol Monaghan:** Santander in particular caused a bit of a panic, because it refused to lend on anything with any hint of knotweed. That is when a general panic started, before this paper was produced. Do you see that the production of the paper has made a difference in lenders' attitudes towards owners?



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Matthew Jupp: Yes. Lenders are reliant on a third party carrying out the valuation. As part of their internal processes and risk assessment, they need to take into account new information. The paper from the RICS gave that comfort in enabling lenders to take a more understanding approach to Japanese knotweed. I appreciate that there was that one example of a property where the knotweed was not particularly far away, but all the lenders that have given their information say that it is only at levels 3 and 4 that they would be particularly concerned about it, and even then they would lend if a treatment plan was in place.

Stephen Hodgson: To answer your question very directly, it changed everything. Before the publication of the RICS document, there was no framework for procurement. The RICS document set up those risk categories, as have already been described. That process kicked industry up the bum and said that it needed to get some standards around what it did and how it did it, in order not just to be able to follow the guidance but to deliver guidance around how they manage the plan to give consumers some comfort—and, therefore, also to give lenders some comfort that the people doing the work are up to it. That was in part what facilitated our involvement in the process, because we used existing standards and protocols to deliver to the invasives industry.

Santander is a really good example. It was really flighty about the whole issue of Japanese knotweed. Once the paper and protocols were set up, it was one of the quickest organisations to turn its attitude around and say that, if treatment plans were in place and it was properly quantified, it was comfortable to lend. Santander now has a reasonable policy on invasive plants, although that depends on what you call reasonable. But it does not have a no-lending policy any more, as far I am concerned.

Q99 **Carol Monaghan:** So it did improve matters in 2012.

Stephen Hodgson: It changed things out of sight.

Q100 **Carol Monaghan:** I move to John now. We heard from the previous panel—and the Chair has just asked you about this—that they are keen to see your information paper updated and be more evidence based. You have said that it is just an information paper, but I have looked at some evidence from Philip Santo, who I believe was involved in drawing up that paper. He said that typically an information paper that you produced would be downloaded a few hundred times, but this has been downloaded 2,886 times. That would suggest that it is more than just a typical information paper and that it carries a lot more weight.

With that in mind—I am going to push again—have you considered, or would you consider, looking at updating this, based on evidence, rather than on the current information given in it?

John Baguley: I think the current volume of downloads probably reflects where we were before it arrived. As Stephen said, it did provide clarity.



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As for updating, if you look at what the RICS is about, and its public interest mandate, in this context it is fully informed by the buying public, based on fact. It is about providing accurate valuations for our lending community.

The answer to your question is, yes—it is about getting people of relevant experience and knowledge to look at where we are and where we might need to be.

If you look at where a valuation is arrived at, the existence of a rule certainly helps in reporting, and it may help reporting for the lender community. That still may be affected by the blight of Japanese knotweed, the cost of remediation and the length of a plan, which will then feature in valuations. That is something that we still need to consider in the back of our minds. Valuation is a part of that.

Q101 Carol Monaghan: It seems that there is a slight disconnect, though. If I go to buy a house and there is a dirty great hole in the roof, the surveyor will probably say that it has to be dealt with as a matter of urgency—and I think that there are categories 1, 2 and 3 for those types of repair. That gives me an indication of how much I am likely to have to spend in addition to the cost of the house, to deal with it.

But that is pretty evidence based: there is a hole in the roof, and we know what has to happen. This is different. I am pressing you because this paper has been developed not necessarily with the most up-to-date evidence; new evidence is coming to light.

With that in mind, and with the interests of homeowners, sellers and buyers at heart, can a more up-to-date paper be drawn up that actually looks at the reality? As we have heard, the 7 metres is a number pretty much plucked out of the air.

John Baguley: I think that it was developed with the best information at the time.

Q102 Chair: We understand that. We want to know what you are doing now.

John Baguley: I know. To go back to the journey from 2016 to 2018 and the University of Leeds paper, yes, we will review where we are with it.

Q103 Chair: On what sort of timescale?

John Baguley: It would be this year, because we have the University of Leeds paper now.

Q104 Chair: So you hope to publish new guidance by the end of the year.

John Baguley: It is about getting people around the table to see what we need to do and what evidence we have, and whether that evidence suggests a new approach.



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You mentioned categories 1, 2 and 3, which is very much about condition-type reporting. We are midway through revamping the home surveys suite, which has a condition report, a home buyers report and a building survey. That can very much feature as part of a standard behind that as well, which then gives you those categories 1, 2 and 3.

So the answer to your question is yes. We need to get people together to have a look and see where we need to be with it and where it takes us.

Q105 Carol Monaghan: And you are looking at that this year.

John Baguley: It will be this year, yes.

Stephen Hodgson: Can I just add to that? You will have to indulge me with a little bit of a story. The only reason why we are where we are is because, in 2016, at the request of the RICS, the PCA put together a bunch of proposed amendments to the guidance. The RICS looked at the amendments, which reduced that 7 metres down to 3 metres as the first action area. It actually pushed back on that and said, "Where's your scientific evidence to show that that exists?" Mark Fennell, who was the principal author of the paper, took the information from the work that we had done and did some of his own work—Leeds University did some more—and came back with the evidence. Even though there may have been a two-year delay, the point that we are at now is the direct result of that scientific evidence, which should now feed back into the review. A great deal of the work that would be required for the RICS to make that change already exists. The timescales for trying to do something this year, although they are not our timescales, are perfectly achievable.

Q106 Carol Monaghan: I switch to Mark. The Environment Agency previously published a knotweed code of practice, but it was withdrawn in 2016. Could you explain why that happened?

Dr Diamond: As part of the cross-government red tape challenge, we were asked to develop guidance that gave the minimum guidance necessary to comply with regulations with regard to the disposal of waste, in this case; that is the limit of the Environment Agency's duties in this respect.

One principle of the smarter environmental regulation review was that, if more detailed guidance was needed, it was quite right that the sector itself and the industry should produce that guidance. Sure enough, two sets of guidance were produced by the industry.

Q107 Carol Monaghan: We have had submissions suggesting that the withdrawal of this code of practice was not helpful, and people are looking for it to be reinstated or rewritten. Are there any plans to do that?

Dr Diamond: There are no plans to do that. There are plans to update the existing regulatory position statement, and we will do that as more



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evidence emerges. If the sector produces its own guidance, we will be happy to contribute to advice on waste management aspects of it.

Q108 **Carol Monaghan:** So, Stephen, Mark is suggesting that it may possibly happen, while John is saying that they are looking at it this year. If neither of these organisations deals with producing updated guidelines, do you see the PCA doing that, and possibly taking a lead?

Stephen Hodgson: To be fair, we have done it and will continue to do it, but it is not usually the place of industry or a trade association to set lender risk and tell organisations such as UK Finance or the RICS what to do. We will do what we do, and we will put that information out there into the world, but we cannot be presumptuous and say that we can tell them what to adopt.

Q109 **Carol Monaghan:** But it would have the same impact as if the RICS or the Environment Agency produced an updated version.

Stephen Hodgson: The fact is that I would be perfectly happy to use our members' facilities and finances to produce these things. If there is no appetite elsewhere, I would like those organisations at least to endorse, and drive their members towards that guidance with an endorsement. That would be perfectly cool, as far as we are concerned. But would it come with more power if it came from an organisation such as the RICS? Probably.

Q110 **Chair:** There is potentially a conflict of interest, is there not, for the Property Care Association to be responsible for producing the guidance?

Stephen Hodgson: Trade associations by their very nature are conflicted. But that is something that we know. We live and die by what we produce, and it is open to public scrutiny all the time. Even though I cannot tell you that there is no conflict, we do our best to navigate that.

Chair: Sure, I understand.

John Baguley: It is important to clarify that. I am not saying that it is not happening—it will happen. Taking Stephen's point on board, I think there needs to be a collective of all relevant parties. From the perspective of the RICS, we have an information paper from 2012, but there is an evolving position, and we will most happily and definitely take a lead on this and facilitate a getting together of people to see where we need to be with it.

Q111 **Chair:** With a view to trying to get something produced by the end of the year.

John Baguley: I do not want to give a firm timescale, as it depends on what happens, but I can give the reassurance and commitment that we will get people around the table to see what needs to happen and when.

Q112 **Chair:** May I just check something with you, John? Advanced Invasives said to us in its evidence: "Unfortunately, what was clearly intended as a



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descriptive framework”—that is, the 2012 paper—“to better reassure lenders has become a prescriptive label.” Further, it also said that, “the risk framework has been applied by surveyors practising more and more defensively.” Is that a fair reflection from Advanced Invasives?

John Baguley: The framework brought clarity, which was needed, and surveyors will work to that framework in terms of a lending procedure.

Q113 **Chair:** But do you think that there has been a trend, as identified by Advanced Invasives, that surveyors have tended to apply it more and more defensively?

John Baguley: I think that surveyors are reflecting what they see. I do not have any evidence to support that.

Q114 **Graham Stringer:** Mr Hodgson, you said that Santander had gone from being an over-cautious lender to looking more closely at the evidence and becoming a more liberal lender. What is the range of policies by the different banks, building societies and lenders in the market at the present time? Are they all in the same place as Santander, or are there some that are still extremely cautious?

Stephen Hodgson: Again, I am not somebody with a financial background. I do not have an intrinsic knowledge of lender policy, even in Santander. But what we see is that some lenders appear to have a more relaxed approach to Japanese knotweed, while others still take the point of view that it is not something that they want on their risk book, and have either a tight or a no tolerance policy on it.

You started your question by asking whether lenders had taken an over-cautious view. In my experience, lenders have all sorts of different ideas about what constitutes risk, what they actually want to put on their account and how they see that playing out. There is such a wide range of views that it is not fair to say that there is one particular view. This is one extreme and this is the other, and, at one extreme, some people are very risk averse. The amount that you are trying to borrow and your loan-to-value has a great effect on that, too. There are lots of things in the mix.

Q115 **Graham Stringer:** Perhaps this is more in your field, Mr Jupp. Can you help us on the range of lending policies?

Matthew Jupp: Yes. The approach to Japanese knotweed is entirely up to individual lenders; it is their prerogative to make that assessment and decide whether they want to carry that risk. As I said, most lenders—certainly the ones that have given me their lending policies in the approach to this inquiry—have said that, if it is at levels 1 and 2 according to the RICS guidance, they are happy to lend on that. If it is at levels 3 and 4, they are also happy, provided there is a plan in place to have it treated.

Q116 **Graham Stringer:** Right. It is quite clear from the evidence that we have heard that the latest guidance is not based on the latest evidence. I do



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not get any sense of urgency from the panel to get that guidance up to date. What efforts have you made to put pressure on other bodies to bring the guidance up to date, in line with the available evidence?

Matthew Jupp: Two big university studies came out last year, and we disseminated information about those to our members. There have been a number of industry events where representatives of the University of Leeds and the study in Wales have come along and presented that evidence to the lender community. There was one just a couple of weeks ago. You heard today that the RICS is willing to update its guidance this year and look at that evidence. I think that is a fairly good approach from the industry in reacting to academic studies.

Q117 **Graham Stringer:** There are people out there who are suffering unnecessarily from decisions that are being made on out-of-date evidence, or things that were meant originally as rough guidance, not hard guidelines. Do you not think that there should be more urgency and deadlines set to get the policy up to date?

Matthew Jupp: As I think we have just said, there is going to be an update of the guidance this year.

Graham Stringer: We have just been told that it might not happen this year, or in January.

Q118 **Chair:** We have also, incidentally, heard a suggestion that some lenders—HSBC was mentioned—are tightening their approach, so moving in a more challenging direction in terms of the homeowner's position. Have you not picked that up at all?

Matthew Jupp: The lenders' risk approaches are up to them.

Q119 **Chair:** I know—I understand, and you said that. I just wondered whether you had picked that up.

Matthew Jupp: Generally speaking, I think lenders are looking to update their approach based more on the scientific evidence that has come out in the past year.

Q120 **Graham Stringer:** If the guidance was updated, would it have an immediate effect, or would it be a slow one?

Matthew Jupp: Again, it would be up to individual lenders to make their own assessment of that guidance. They are dependent on the independent valuations carried out by members of RICS; if valuations come back and say that Japanese knotweed is not having an impact on the valuation of a property, or is having less of an impact, obviously that has an impact on lending policy.

Q121 **Chair:** Have you picked up that Metro Bank will not lend at all, if knotweed is identified.

Matthew Jupp: Again, that is up to—



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Q122 **Chair:** I know that it is up to them. That is not the question that I am asking you. I am just asking you whether you have heard that.

Matthew Jupp: I have not heard from Metro Bank about that.

Q123 **Chair:** Have you heard it from anyone?

Matthew Jupp: No. Actually, all the lenders I spoke to ahead of this inquiry said that—

Q124 **Chair:** Have you spoken to Metro Bank?

Matthew Jupp: No, not specifically on this issue.

Q125 **Graham Stringer:** Just to go back to the question, I know that it is up to the valuation, but the whole purpose of bringing the guidelines up to date is to get the valuation in line with the risk based on the evidence. It would change. I come back to my original point—that I do not get any sense of urgency, when people's lives are being very badly affected by this. Do you not think that there should be more pressure within the trade bodies to get these policies up to date?

Matthew Jupp: As in pressure from us to ask the RICS to update its guidance?

Q126 **Graham Stringer:** Yes—to put pressure on to update it. Clearly, lending decisions are being made on policy based on out-of-date evidence.

Matthew Jupp: We have spoken to the RICS previously about updating the guidance as one of the areas where—

Q127 **Chair:** Have you encouraged the RICS to do that? I guess that your members want to make rational lending decisions on the best evidence. What pressure are you putting on to get a solution?

Matthew Jupp: Lenders have an interest in lending on properties, and the more properties that there are available to lend on the better, from their point of view. Yes, we have spoken to the RICS in the last six months on a couple of occasions about updating guidance on a number of these issues.

John Baguley: I take up the point that it is not guidance, but it is interpreted by some as such. It is an information paper that was issued based on the guidance at the time, on the best information. You still get back to the point that the value of a property is not dictated by the information available. The valuation of a property is based on what you or I want to buy or sell the property for. You will still have a perception about Japanese knotweed; that will still be made, and the valuation influenced by the damage.

Q128 **Chair:** We are at risk of going round in circles.

John Baguley: I know, but I am trying to make the point that the information paper does not necessarily affect the value of a property. The valuation reflects quite pertinent information, as a perception.



Q129 **Chair:** But if it affects the behaviour of lenders, as it clearly has done, and indeed individual surveyors, who appear according to some evidence that we have received to be interpreting it defensively, it does affect value. That is the point we were making.

John Baguley: It affects the lending decision.

Q130 **Chair:** Which then has an impact on value, if you cannot sell it.

John Baguley: I suppose that, if a lender fundamentally turns round and says that you cannot get a mortgage on it, then, absolutely, that becomes a stop/go scenario.

To reassure you in terms of timescales, and to go back to the information requested to have a look at the request for change in 2016, from that came the University of Leeds paper, so we have more data now—and we have managed to consider that data, as we heard in the first panel.

I think that there may be an impression that we are going to sit back and let time pass by, but we are not. I cannot give you a deadline for the creation, because that will be influenced by several factors, but I can give you the assurance that from the RICS perspective we will absolutely convene meetings to get people around the table to see where we need to be.

To go back to the public interest and the public charter, the general public, buying public and the lending community have to have the best information available to them, so we will absolutely move with this. As I say, the submission date may well change, but it will be implemented by our members on the day it goes out. It is as quick as that.

Q131 **Stephen Metcalfe:** I want to get clarification on valuation, and the impact it has on lending decisions. When you are valuing a property, is the thought first and foremost in your mind the saleability to someone that helps with the value, or is it the actual, technical threat that any material external impact may have? When I know that a property has knotweed, regardless of what the paper says, I know that someone is not going to buy it at a price—or there will be a reluctance to do so.

John Baguley: The answer is, “all of the above.” Perception can impact on value, as can cold, hard facts. If you have a crack in the wall, that may well impact on value or it may not. It is very much about the local market, and what it is saying, and it is the skill of a valuer to interpret that. I have been trying to make the point that, even when you have an information paper with a set rule about 7 or 5 metres, or whatever it may be, the general public may say, in that locality, when there is Japanese knotweed on the other side of the fence, they do not want to buy that property—or they may do, but the market will reflect that, and that is what the valuation will reflect as well.

Q132 **Stephen Metcalfe:** Lenders should try to use valuers with local knowledge of a particular area, and an understanding of that market, to



make sure that we do not get perverse outcomes.

John Baguley: Valuers will take an instruction only when they know their market—so, by extension, lenders instructing valuers will use only valuers who know the local market.

Q133 **Stephen Metcalfe:** Thank you. I want to move on, if I may.

The Property Care Association, I think you said, does not think that the Government are doing enough in this area. Is that right?

Stephen Hodgson: No, I do not think so. Governments do government stuff; they do not get involved in controlling the eradication of Japanese knotweed or other non-native invasive plants. One thread that I picked up from the earlier evidence session was that something should be done to clarify existing legislation, but I do not necessarily think that government needs to do more to legislate against it or shake us into action. The fact that there is now a clear route to updating the RICS paper is great. I am not saying that that would not have happened anyway this year, because the evidence that came out of Leeds should always have been the catalyst to doing that review.

Q134 **Stephen Metcalfe:** I just want to quote what you or your association said when it wrote to us. It said: "There is an impression within the professional Japanese knotweed management industry that Government has not taken the matter of Japanese knotweed seriously." It goes on to say that, "there has been no attempt to determine", followed by a list of things. One of them was whether, "some...agencies, local authorities and industries had more success than others." Could you explain what that means? Then I would be interested to know whether the Environment Agency thinks that it is its responsibility.

Stephen Hodgson: Absolutely. This was touched on in part by Professor Max Wade's evidence. It really is the case that we do not know what policies are working. We do not know whether we are looking at diminishing amounts of Japanese knotweed in the UK environment or we have more of it. We do not know whether the actions taken to make this plant public enemy No. 1 mean that there is lots of irresponsible removal and transportation of this plant, to hide it, or whether professional control is having an effect in reducing the amount that is there. Furthermore, because there is no national plan, we do not know what policies adopted by different local authorities are having positive effects.

From our point of view, there is very little that looks like sharing knowledge and information between stakeholders, who are doing different things in isolation. Bringing together that knowledge to fine-tune best practice to get us to understand what we are doing would be fantastic. I would raise the question whether that is the role of a trade association, which is there for the benefit of its members and therefore conflicted, or for somebody else to at least facilitate funding for research.

Q135 **Stephen Metcalfe:** Dr Diamond, do you see a role for the Environment



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Agency in co-ordinating that and assessing what is going on?

Dr Diamond: There is a role for developing a cross-department partnership with academia and the sector. The Departments that I am thinking of are the DCLG, DEFRA and the Department for Transport, to look at a prioritised research programme to support rapid advance in the knowledge behind this.

Q136 **Stephen Metcalfe:** Who would take the decision to do something about that? Would that be your decision, or would it be somewhere higher up in the Environment Agency? What happens next?

Dr Diamond: I can talk to DEFRA about starting that off, and the GB programme board on invasive non-native species.

Q137 **Stephen Metcalfe:** Very good. At the moment, I think I heard you say that the role of the Environment Agency with regard to knotweed is around the transportation and disposal of contaminated soil.

Dr Diamond: That is right—and the control of knotweed on our own land. We have about 20,000 hectares and, in 2017-18, we treated 1,071 instances of Japanese knotweed.

Q138 **Stephen Metcalfe:** How big is the team dealing with knotweed in the Environment Agency?

Dr Diamond: That is very difficult to say. We have about 7,000 field staff, and some of them will be dealing with Japanese knotweed. Some of that work is delivered by external contractors, so it is difficult to say. I could send you information about how many person hours it is, if you want that.

Q139 **Stephen Metcalfe:** I understand that out in the field people are working on it all the time. I meant more specifically how many people were working at the strategic policy control level internally. Trying to equate the number of staff on it will tell us how seriously it is taken within the agency.

Dr Diamond: We take the control of invasive species generally very seriously. We spend in the order of £3 million a year controlling a range of invasive species. As an example, floating pennywort is causing us a big problem. Last year we removed 1,600 tonnes of floating pennywort from the Cam, the Ouse and the Thames, at a cost of about £700,000. So we have quite a number of staff working in that area. With regard to Japanese knotweed, our main role is in waste regulation, and RICS acts on that, and managing knotweed on our own estate.

Q140 **Stephen Metcalfe:** Thank you. If there is any further information that you want to supply after this meeting, please do.

Finally on this section from me, we heard how glyphosate is the main herbicide used to treat Japanese knotweed. What happens if, for whatever reason, it becomes unavailable or there is a resistance to it? What would happen next? There is some emerging evidence that other



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things could be used.

Dr Diamond: It would cause a big problem to the Environment Agency, because glyphosate is the only pesticide that you can use on or near water. We would have to resort to mechanical management initially, which would cause great problems on river banks—first, because you would destroy the river bank removing the material, and then you would be prone to reinfestation. We understand that CABI is developing a fungus-based herbicide specific to Japanese knotweed and is awaiting permissions for field trials at the moment.

Q141 **Chair:** Is there a timescale on that?

Dr Diamond: I am not directly involved in that, but CABI has put in applications to the relevant bodies and is awaiting a response.

Q142 **Chair:** Does anyone want to add anything?

Stephen Hodgson: I have a couple of things to add. First, the introduction of any new herbicide takes a long time and a lot of money to get registrations through.

Q143 **Chair:** So it is years away still.

Stephen Hodgson: It is very likely to be years away—years and years. Sorry, I have lost my train of thought. The other question was around—

Q144 **Stephen Metcalfe:** Glyphosate, and what happens if it no longer works or we no longer have access to it.

Stephen Hodgson: The resistance issue is not such a big deal, because of the seed issue; it is all one plant. The real danger in respect of the loss of glyphosate is not necessarily to industry but to consumers, because the use of glyphosate means that you can get control without doing excavations. The only alternative at the moment, if you lose glyphosate, is to start removing it, which means digging big holes in people's gardens across boundaries and removing huge amounts of soil to landfill. That is just expensive. It does not mean that it cannot be done, but it is going to be more expensive and involved, and involve an awful lot more carbon in the process of eradication.

The other issue is that, even when you dig it out, you do not just leave the site once it is dug out. You still have to have an element of management of that site for a period to make sure that you have not missed any bits. Even with a dig out, you might have to be in attendance at that site for two years, if you are following our code of practice, even if you have nothing further that grows. If you do, you still have to monitor for two clear years to be able to describe that site as free of knotweed. Loss of glyphosate would have a massive impact.

Q145 **Chair:** Charles Lyndon Solicitors, which represents quite a few people who have experienced problems with Japanese knotweed, tells us that it has had particular issues with situations where the Japanese knotweed is



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in a neighbour's garden, the neighbour refuses to do anything about it, and there is no legal obligation on them to do anything about it. It is not moving into their property, but it is within the distance cited in your explanatory note from 2012, so it causes a problem with the mortgage lender. What can be done about that problem?

Dr Diamond: The Home Office has issued a guidance note on Japanese knotweed and other invasive plants—I do not know whether you have seen it—using the community protection order. It also mentions that the community can trigger such an order; if the community does that—and it could be an individual or an organisation—agencies, including the local authority and the police, must take action.

Q146 **Chair:** So you are saying that, where there is knotweed in a neighbour's garden, they are refusing to do anything about it and it is preventing you from selling your property, you could use that legislation to force them to do something.

Dr Diamond: That is what this mechanism appears to say, yes.

Q147 **Chair:** Is there any other comment?

Stephen Hodgson: Our interpretation is not quite the same. I do not think that that document was ever designed to allow a neighbour to bring a prosecution.

Q148 **Chair:** So you think that it is an unresolved problem, do you?

Stephen Hodgson: Yes, I do. The only real recourse for somebody living next to anyone with rampant Japanese knotweed is through the civil courts.

Q149 **Chair:** Through the nuisance and criminal—

Stephen Hodgson: Absolutely, and in that way lies chaos. We should not be in a position whereby we promote neighbour disputes in that way.

Q150 **Chair:** And if the neighbouring owner is an organisation such as Network Rail, it would have substantial financial means to fund legal cases against people, I guess.

Stephen Hodgson: That is the case, but my knowledge of Network Rail, for example, is that it has learned a great deal from the case in south Wales and is engaging with homeowners and landowners when there are potential neighbour issues; it is trying to take a grown-up view of its responsibilities.

Q151 **Stephen Metcalfe:** To build on that, even when it is not a question of a dispute between neighbours, or about neighbours affecting each other's property, should there just generally be a duty on landowners to treat Japanese knotweed, and do we need primary legislation to enforce that?

Stephen Hodgson: You are asking the man who is most conflicted here. Well, that would be lovely, wouldn't it? I have to qualify this, because I



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am not a lawyer, but the legislation that exists does give routes to remedy. The fact is that you can get stuff done.

Q152 **Chair:** Was that a deliberate pun?

Stephen Hodgson: No. You can get things done under the legislation as it is. But is it right that a disadvantaged homeowner has to spend an awful lot of money to bring a case? That is an issue with the civil court system, not one that is necessarily only related to non-native invasive plants and Japanese knotweed.

John Baguley: I do not really have a solution, but, on enforcement and redress, I spent nine years as the surveyors ombudsman. The ease of redress and access to redress through the civil court system works, but it is expensive and cumbersome. I do not know whether there is a tribunal scenario or some kind of halfway house, but it is about thinking about speed of enforcement, ease of redress and how you achieve that. The court system obviously works, but for the average person in the street to go through the court system is hard work.

Q153 **Chair:** Prohibitive.

John Baguley: Yes.

Q154 **Stephen Metcalfe:** Does anyone else have a view? If there were to be primary legislation, and it allowed someone to report the presence of knotweed, perhaps to someone like the Environment Agency, which could then take action, what enforcement action could be taken against a potential homeowner rather than a corporate body?

Dr Diamond: It would not be the Environment Agency. It would be the local authority, I would expect, or the police.

Chair: Thank you very much indeed. I appreciate your coming along to give evidence.