

All you need to know about Japanese Knotweed

Awareness of Japanese Knotweed has increased in recent years, but many landowners do not fully understand what their responsibilities are if it's found on their property. Our managing partner Kathryn Taylor, who specialises in Residential Conveyancing, explains the ins and outs of this seemingly innocuous plant.

What is Japanese Knotweed?

Japanese Knotweed (*Fallopia Japonica*) is an invasive plant species that can cause devastation if left unchecked. It is believed to have been introduced to the UK in the 19th Century for ornamental purposes, but due to a lack of natural predators it has become widespread.

Knotweed can grow extremely quickly, in some cases up to a metre a month, engulfing other plants; restricting visibility; and increasing the risk of flooding. The plant is so strong it can rupture tarmac, concrete and damage buildings, while its underground stems, known as Rhizomes, can reach a depth of three to seven metres.

Areas of high foot traffic, such as golf clubs, can be prime locations for knotweed to thrive and grow. The constant movement of golfers around the playing areas has the potential to increase the risk of knotweed spreading from one part of the course to another in a relatively short space of time. Cutting, spraying, mowing or digging out knotweed is likely to cause it to spread further rather than help deal with the issue.

Is there any legislation relating to Japanese Knotweed?

There are several pieces of legislation that govern Japanese Knotweed, which landowners should be aware of. The Wildlife and Countryside Act 1981 makes it a criminal offence to plant or otherwise cause Japanese Knotweed to grow. If found guilty the defendant is likely to face heavy fines or in some cases imprisonment.

The Environmental Protection Act 1990, classifies Japanese Knotweed as controlled waste. This means it can only be disposed of in a suitably licenced landfill site – placing it in the general waste or sending it to a regular landfill site is not acceptable. The Environment Agency can take enforcement action against a landowner for failing to dispose of knotweed correctly and the fines are potentially unlimited.

In 2013 the Government went a step further in its attempt to deal with the spread of knotweed and so now a failure to control it is classified as an anti-social behaviour offence, which again can carry large fines for those found to be in breach.

What if Japanese Knotweed spreads?

The issue of Japanese Knotweed can become potentially much more serious if it is established that knotweed has spread from one person's land to a neighbouring property.

Not only would the original landowner face the above criminal sanctions, they could also face third-party litigation from adjacent landowners who will aim to seek damages to recover the costs involved in eradication and in some cases a substantial loss of value to their property.



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If the nearby land affected is residential then its future saleability and ability to be mortgaged is likely to be severely impacted by the presence of knotweed. A claim for damages from a residential landowner could run into tens of thousands of pounds, possibly more.

It's important to note that there is no legal obligation for a landowner to remove or treat knotweed, nor do they have to report it should they discover it. However, it will be absolutely vital for landowners to be able to show that they aren't allowing or encouraging it to grow onto adjacent land.

What should a landowner do if they discover Japanese Knotweed?

Given the potentially serious issues that knotweed can cause it would be advisable for any landowner who discovers the plant on their property to seek expert advice from a knotweed specialist as soon as possible. A specialist is likely to recommend an ongoing management plan for the knotweed so it can be controlled and monitored. An eradication plan might also be recommended.

Having plans in place, with written evidence to support them, is likely to prove extremely useful if a landowner was ever challenged on the point that knotweed was 'being allowed or encouraged to grow'.

The landowner may embark upon the process of eradicating knotweed from all areas of their property. The use of pesticides in treating knotweed is governed under the Control of Pesticides Regulations 1986 and any person using pesticides to eradicate knotweed must ensure they are taking reasonable precautions to protect the health of people; creatures; and plants, while safeguarding the environment.

It is vital to ensure that the chosen company is professionally certified and operates using suitably trained staff. Landowners should insist upon seeing the company's professional certificates and ask for a guarantee for any work. Regular follow up appointments should also be made to check for any regrowth, while the agreement should include follow up treatments on an ongoing basis until all parties are satisfied the knotweed has been fully eradicated.

The presence of Japanese Knotweed shouldn't necessarily mean doom and disaster, as long as the legal rules are followed and expert advice is sought when needed.

For more advice get in touch with our friendly Property team on 0191 388 1778.