



# JAPANESE KNOTWEED

## LEGAL DECISION SPECIAL



# Landscape Planning



## LEGAL DECISION

### The latest decision in *Waistell v Network Rail*

Announcing the decision, Master of the Rolls Sir Terence Etherton said: "Japanese knotweed, and its roots and rhizomes, does not merely carry the risk of future physical damage to buildings, structures and installations on the land.

"Its presence imposes an immediate burden on landowners who face an increased difficulty in their ability to develop, and in the cost of developing, their land, should they wish to do so, because of the difficulties and expense of eradicating Japanese knotweed from affected land."

He added that Japanese knotweed "can fairly be described as a natural hazard which affects landowners' ability fully to use and enjoy their property and, in doing so, interferes with the land's amenity value".



## WHAT IS JAPANESE KNOTWEED?

Japanese knotweed is an invasive perennial plant of the family Polygonaceae that originated in East Asia but has spread widely over North America and Europe. Its invasive root system and strong growth can cause damage to concrete foundations, buildings, flood defences, roads, paving's, retaining walls and architectural sites.



01206 752539

[info@landscapeplanning.co.uk](mailto:info@landscapeplanning.co.uk)



## JAPANESE KNOTWEED AND THE LAW

Under the Wildlife and Countryside Act 1981, it is an offence to plant or otherwise cause Japanese knotweed to grow in the wild. The species is also classed as 'controlled waste' under the Environmental Protection Act 1990, limiting the disposal options for removed plant matter. If you have Japanese knotweed on your property, you must not allow it to spread into neighbouring properties. It would be classed as a private nuisance and you could be prosecuted under civil law, resulting in financial penalties.

**Legislation:** The Wildlife and Countryside Act 1981 provides the primary controls on the release of non-native species into the wild in Great Britain. **It is an offence under section 14(2) of the Act to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9, Part II. This includes Japanese Knotweed.**



## CONTROLLING JAPANESE KNOTWEED

Regular cutting regimes over a number of years (sometimes more than 10) may successfully kill Japanese knotweed, but this can take a substantial amount of time and the waste matter must be disposed of properly. Alternatively, herbicide treatment over time may also be used to remove the species in some cases.



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## IDENTIFYING JAPANESE KNOTWEED

Japanese knotweed is easiest to spot during mid-summer and early autumn. The mature plants have tall stems (around 2-3 metres) that are hollow and green with red/purple speckles. The younger leaves are purple, but they become green with maturity, and the final leaf shape is heart-shaped with a flat base. The plants flower in late summer, and the flowers are creamy white and form clustered 'spikes' amongst the foliage. If you are uncertain if you have Japanese knotweed on your land, expert advice should be sought.

## JAPANESE KNOTWEED & OTHER NUISANCE VEGETATION ISSUES

Landscape Planning Ltd offer a full spectrum of Japanese knotweed, tree related physical disruption and subsidence investigation consultancy services, from surveying and identification to removal and disposal by licensed contractors.

If you are concerned about Japanese knotweed, please get in touch with us and see what we can do to assist you.

Tel: 01206 752539

Email: [info@landscapeplanning.co.uk](mailto:info@landscapeplanning.co.uk)

