

Japanese Knotweed

Background

Japanese knotweed is Britain's most invasive non-native plant. It was originally brought into Britain from the Far East as an ornamental plant by the Victorians but it has now widely naturalized and occurs across the UK as well as Europe, USA, Canada and New Zealand.

Japanese knotweed has hollow stems with raised nodes which give it a similar appearance to bamboo even though it is not closely related. The plant is lush green in colour with heart shaped leaves and produces creamy white flowers around September or October each year.

The plant grows rapidly at a rate of up to 10cm a day in the growing season and may reach a maximum height of 3-4 metres and spread up to 7 metres from the base of the plant although it is common to see much smaller plants sprouting through cracks in pavements or re-sprouting where they have been cut back.

In its native countries of Japan, North China, Korea and Taiwan, the weed causes nowhere near the same problems that it does in the UK. In Asia the plant's natural habitat is on the slopes of volcanoes; the less harsh climate found in the UK together with the lack of naturally indigenous enemies in the form of insects and fungi, which would commonly live on the plant in Asian countries and check its spread, mean that in Britain the plant is able to flourish and rapidly spread.

Why is Japanese knotweed a problem?

This perennial plant is extremely invasive and thrives on disturbance. Although in Britain the seeds are rarely fertile, the plant spreads easily both by human and natural means as the tiniest piece, as big as a fingernail, can regrow. Its spread prevents native vegetation from growing and is a particular problem to the construction industry as it is capable of causing structural weaknesses in buildings, foundations, concrete and tarmac.

The plant is difficult and expensive to control or eradicate and currently huge sums are being spent in the UK controlling the weed. Because of its invasive nature and regenerative properties Japanese knotweed is listed under the Wildlife and Countryside Act 1981 as a pest species that is not to be planted or otherwise introduced into the wild. The Environmental Protection Act 1990 also lists it as 'controlled waste' to be disposed of properly. You have a legal obligation not to cause it to spread if it occurs on your land.

What are my legal obligations?

In the UK there are two main pieces of legislation that cover Japanese knotweed.

These are:

Wildlife and Countryside Act 1981

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

Environmental Protection Act 1990

Japanese knotweed is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991. Soil containing rhizome material can be regarded as contaminated and, if taken off a site, must be disposed of at a suitably licensed landfill site and buried to a depth of at least 5m.

An offence under the Wildlife and Countryside Act can result in a criminal prosecution. An infringement under the Environmental Protection Act can result in enforcement action being taken by the Environment Agency which can result in an unlimited fine. You can also be held liable for costs incurred from the spread of knotweed into adjacent properties and for the disposal of infested soil off site during development which later leads to the spread of knotweed onto another site.

What should I do if I find Japanese knotweed on my premises?

Landowners are not legally obliged to remove Japanese knotweed, unless it is causing a nuisance to neighbouring property. However it is an offence to plant, or cause Japanese knotweed to grow, in the wild.

All parts of the plant and any soil contaminated with it are classed as controlled waste, so you need to dispose of it carefully to make sure it does not spread. If you are using a contractor to remove the waste for you, they must be registered with the Environment Agency as a waste carrier.

You need to ensure that staff are able to recognise Japanese knotweed and report it accordingly. If Japanese knotweed appears on your site, you need to have a management plan in place to control it.

Prompt action is vital as once it becomes established it is difficult to eradicate from site.

The Environment Agency has published a Code of Practice for the management of Japanese Knotweed and a series of leaflets which provide more in depth guidance on the control and eradication of this invasive plant. These can be accessed via the links below.

Useful information

The Environment Agency has published useful guidance, which can be downloaded **here**.