

Japanese knotweed (*Fallopia japonica*)

on the Isle of Wight



Japanese knotweed is an introduced and invasive plant which can cause damage to property and to wildlife. It is not poisonous but causes damage by smothering natural vegetation and by its rapid and strong growth which can damage structures such as highways, foundations, walls and drains. Japanese knotweed grows very fast, is extremely persistent and capable of regeneration from very small parts of the plant. Roots can remain viable for years without producing shoots above ground.

What to do if knotweed is threatening land you own or manage

- Initially, an approach should be made to the occupier or owner of land on which the knotweed is growing.
- It is best to act soon and agree a plan to eradicate the knotweed. In almost all cases, a commercial herbicide contractor will be needed to do the job properly. Over-the-counter herbicides are rarely effective enough and can make the problem worse if they do not succeed. Cutting, crushing, and especially strimming the plant whilst it is alive is not advised as it scatters fragments and spreads the problem wider.
- If the knotweed is posing a direct risk to your property you may be able to get assistance from your buildings insurer. Some insurers provide help to make a claim against a neighbour in such situations.
- Knotweed is not a weed specified in the Weeds Act so if the landowner refuses to act, your only recourse is to take legal action against them yourself. The Isle of Wight Council or the government has no power to become involved. You should get legal advice from a solicitor before you take any such action.
- Any herbicide use on or near water including streams, rivers, lakes, ponds and any running water must be licensed by the Environment Agency and a certificate issued.

Knotweed and the law

It is an offence to plant knotweed in the wild, but more often the knotweed spreads from somewhere else. Managing Japanese knotweed is the responsibility of the owner or occupier of the site. It is not illegal to have knotweed on your land, and there is no legal obligation on a landowner to control knotweed, although if this is not done and the knotweed causes damage to somebody else's property, the landowner might have to pay compensation for the damage. Allowing Japanese knotweed to spread onto somebody else's land could be considered to be a private nuisance but not a statutory nuisance. Therefore resolving such problems is a private matter between the landowners involved.

Disposing of knotweed once it has been removed is also controlled by law. All parts of the plant (including soil with root fragments in it) are controlled waste and must be disposed of correctly: burning on site is often the best way. On a domestic scale, if burning is not possible, the knotweed material should be put into a polythene sack, which is then put into a further sack & secured. This can then be taken to a Civic Amenity Site with the prior agreement of the site provider. You must tell the staff at the site about the knotweed to ensure proper disposal is carried out. Japanese knotweed should not be put in with other green waste. For commercial operations your waste contractor must be made aware of the knotweed before taking it away. Disregard of the requirements for controlled waste can be a criminal offence.

Notifying the council of knotweed

There is no legal obligation to notify anyone of knotweed. However the council does keep a record of knotweed infestations if they are reported. This does not mean that action will necessarily be taken, but does allow the extent of the problem to be monitored.

Knotweed: The IW Council's Position

The council has no powers to take action against knotweed on land it does not control itself; but the council as landowner recognises the problem posed by knotweed on its own land and does take action against it. The extent of the problem means that there are many places where infestations remain. Knotweed control work is limited by available resources so is prioritised. A high priority is put on areas where knotweed is causing or likely to cause damage to designated nature reserves, or buildings and other structures, but in cases where no such damage is occurring, work does not always take place immediately.

The council is able to give advice on control methods, but will not normally take action against knotweed where it is not growing on or affecting land in which the council has an interest.