



The
Property
Institute

ADVICE NOTE

JAPANESE KNOTWEED

Advice for dealing with Japanese knotweed in your block



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NOTE

As the leading trade body for residential leasehold management, TPI is also an important resource for leaseholders. Our Advice Notes cover a range of topics on the leasehold system to help leaseholders understand their rights and responsibilities and ultimately get the most out of living in their flat.

SUMMARY

Japanese knotweed, also known as *Fallopia japonica* or *Polygonum cuspidatum*, is a non-native plant introduced by Victorian plant hunters in the mid 19th century. Its popularity grew because of its ability to grow quickly, forming dense screens. However, this characteristic meant it could out-compete indigenous species and it quickly became a problem. Plants were still being sold though until the early 20th century and it can now be found across the country.

Why such a big problem?

It grows and spreads rapidly and is known to penetrate aggregate and concrete through small openings where it can expand with enough force to cause structural damage although the potential for structural damage is more likely in weak or poorly built structures.

Early action is essential on first suspicion of its presence

Its presence on any site should be a concern and you are best advised to call in an accredited member of a recognised trade association

at the earliest opportunity, such as a member of the Property Care Associations Invasive Weed Control section. Early action is essential on first suspicion of its presence as it becomes far more difficult to control once established.

Invasive plants must not be planted intentionally and if you have invasive plants on your property you have a responsibility not to allow them to spread. You should be aware that it is an offence under S.14 of the Wildlife and Countryside Act 1981 to purposefully cause it to grow. If you allow invasive plants to spread on to adjacent land it is possible the owner of that land could take legal action and that insurance companies could pursue for the costs of any damage caused.

Insurance

Although insurance policies may not specifically exclude damage caused by Japanese knotweed, policies may not cover it as the damage is likely to be caused gradually. Also it is impractical to guarantee Japanese knotweed will not return even after treatment, affecting future cover for it and making it more likely to be declined or more expensive. If they offer cover on properties affected in the past, insurers may wish to see long term monitoring and treatment plans in place by accredited bodies.

More recently a number of mortgage lenders have indicated a reluctance to lend on properties affected by Japanese knotweed including where it is present at an adjoining site, somewhat changing the status from a difficult matter to address to one which could detrimentally affect property valuations.

There may therefore be additional concerns to consider where Japanese knotweed has been identified. Removal and eradication can become expensive. It may be difficult to gain the full support of insurers unless an acceptable long-term plan is in place. Early notification to insurers is therefore recommended.

Identification

Japanese knotweed is a vigorous hardy perennial plant that can tolerate harsh conditions such as low temperatures, poor soils, drought, waterlogging and shade. It will die back beneath the ground in winter and come back again in spring.

It looks a little like a bamboo type of plant with hollow red tinged stems that appear fleshy and purplish on new growth. The shield shaped leaves grow in a zigzag pattern direct from the stems and are up to 14cm (5 inches) in length. In late summer and early autumn creamy white tassels of small flowers are produced which are between 8cm and 15cm (6 inches) long.

It will quickly grow in spring by as much as 20cm a day and can reach up to 3m in height by mid-summer.

The stems are robust and the species can also be identified by the dead stems during its dormant period over winter.

If it is being chemically treated, this can deform the growth or even restrict it for some time, making correct identification much harder.

Methods of spread

It spreads through its underground rhizomes (roots), which can rapidly grow into clumps several meters thick, preventing any other species from growing. Perhaps its most significant means of spread is down to the fact that even a tiny fragment of the rhizome is capable of regeneration.

The speed of spread will be affected by the soil composition and density and it will be faster through lighter soils. Much of its spread is down to top soil movement or traffic, including being carried on footwear or by animals, as soil containing rhizomes can be present 7m horizontally and 3m below ground from the plant.

It also spreads along watercourses (you have a responsibility to control it if you own a watercourse /if a watercourse flows through your land) including by flooding, or by people incorrectly disposing of cut or pulled stems. Its seeds however, are not particularly viable in the UK and propagation by seeds is not normally a problem.



Legislation

It is an offence under the Wildlife and Countryside Act 1981 to cause it to grow and soil contaminated by Japanese knotweed is also classed as 'controlled' waste under the Environmental Protection Act 1990 which requires disposal at licensed landfill sites. Under no circumstances should it ever be included with normal household waste.

Handling and disposal

It is always better to call in a specialist at the earliest opportunity. Once identified, you should consider fencing off a large area of at least 7 metres around the plant and putting up restricted access signs so that only appropriate personnel enter to deal with the problem and resultant waste.

You should not attempt to remove it yourself as this can often be counterproductive and lead to further spread. Do not disturb or remove soil around the plant as this can contain rhizomes which you can spread and do not cross land within 7 meters of the plant with tracked vehicles as this too can cause spread. Do not attempt to dig up Japanese knotweed as this will only lead to thickening of the density of the rhizomes.

Under no circumstances trim or hack back the plant. If it is to be cut down, sharp hooks or pulling is recommended to avoid any dispersal of cut fragments and all such material should be carefully handled and correctly destroyed on site. It is possible to lay cut fragments on a membrane, which is not in contact with the ground, to dry out in the sun or they could be burnt.

These methods alone however may not be enough to destroy any ability for regrowth. Even burnt material should be securely segregated, away from contact with any soil and so it cannot be blown away, and monitored for regrowth. Burning may also be classed as waste disposal and if you burn waste material you may need an environmental permit or registered waste exemption.

If any material is to be removed from site it must be done by a licensed waste carrier safely contained and disposed of at a licensed disposal site. It should not be composted or added to recycling as this can cause contamination (and remember you could be guilty of an offence under the Wildlife and Countryside Act 1981 if you allow that to happen).

Cutting Japanese knotweed will weaken the plant over time, but will not kill the rhizomes. It could be a method adopted alongside other control practices and it is possible to treat the plant with herbicides. These may require a COSHH (Control of Substances Hazardous to Health) assessment but specialist advice should again be sought if chemical treatment is to be considered, especially if close to a watercourse or to other plants or trees which you wish to retain. Soil contaminated with some persistent herbicides may itself be classed as hazardous and need to be disposed of as hazardous waste.

In many circumstances, planned long term chemical control may be the most sensible option where space and access are limited.

It may be possible to bury Japanese knotweed on site however you will need lots of space. It should be buried at least 5m below ground and covered or encapsulated in a suitable root barrier membrane before being filled with clean soil. Seek advice from the Environment

Agency to make sure you are allowed to do this. Even then, you must be mindful not to interfere with any ground water levels and to ensure the site is not disturbed. It is believed Japanese knotweed rhizomes can survive buried for up to 20 years.

Trials are also currently underway by the Centre of Agricultural Bioscience to control using a sap-sucking insect however these are at a relatively early stage, may take many years to assess possible use on a wider scale and in themselves are unlikely to offer a permanent solution.

Where damage can occur

- Sewers, drains, other buried services and inspection chambers;
- Footpaths, driveways, car parks, patios and hard standing;
- Walls and boundaries including retaining walls;
- Garages especially if poorly built, sheds, greenhouses and other light buildings including conservatories;
- Gardens and ornamental and water features;
- Disrupting and blocking watercourses and affecting flood defence structures.

Location, location, location

Where it is present only within the boundaries of one property, and less than 7m from the boundary, only the owner and contractors may need to be involved, however if it is present close to or straddling boundaries, the solutions will involve other parties and will not be as simple. If owners of adjoining properties do not cooperate with the treatment, it is possible the problem may reoccur. Vertical root boundaries may assist in these circumstances but are unlikely to offer a long-term solution.

What if it is on adjoining land?

If it is present straddling boundaries or just on neighbouring land, but close to a boundary, co-operation will be required to put in place a viable solution and treatment must be to the whole of the likely affected area, irrespective of boundaries, in order to be effective. The long-term management plan should also encompass access arrangements for the treatment regimes.

If cooperation is not forthcoming, eradication becomes less likely and instead a programme designed to target restriction and control may be the best option until such a time as agreements can be reached to properly address the whole infestation. Alternatively, if access is permitted but the owners of adjoining land will not make payments, consideration should be given to paying for treatments to their land as well which may be more cost-effective in the long term.

If you are the owner of the land where an infestation is close to your boundary, it would be advisable to cooperate with any programme or otherwise seek legal advice on the possibility of action being taken against you for negligence. It is also possible the advisors of the adjacent property where Japanese knotweed is present may wish to put neighbours on notice of the presence and possible consequences of not taking action or joining any management plan.

In July 2018 Network Rail lost a court of appeal case as they didn't take responsibility to treat knotweed present on their land. Further information can be found using the following link: <https://www.judiciary.uk/wp-content/uploads/2018/07/network-rail-v-williams-judgment.pdf>

Building works

Where building works are required, such as extensions, conservatories, garages etc or redesigning parking areas or gardens, in an area where Japanese knotweed is present, these can result in large amounts of contaminated soil being generated along with dead plant material, and costs for its proper removal and disposal by licenced practitioners need to be considered as part of the overall project.

Sources of information and help

- RICS Information Paper – Japanese Knotweed and Residential Property
- DEFRA – Japanese Knotweed, giant hogweed and other invasive plants <https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
- Wildlife and Countryside Act 1981
- Environmental Protection Act 1990
- Property Care Association http://www.property-care.org/Homeowners.Invasive_Weed_Control.asp
- Property Care Association – Code of Practice for the Management of Japanese knotweed
- Environment Agency – Living on the Edge: A guide to your rights and responsibilities of riverside ownership

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Note:

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