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date

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EH/
Environmental Health Division
www.wirral.gov.uk

Dear

JAPANESE KNOTWEED

Thank you for your query regarding land containing Japanese Knotweed. Please see the information below which provides some advice on its legal status and outlines the responsibilities for its management.

There are no statutory powers under Environmental Health legislation to deal with Japanese Knotweed.

Legal Status

Japanese Knotweed is classified as a Non Native Invasive species. It is not an offence to have it on your property but it is against the law to plant it or cause it to grow or spread to other land.

Structural Damage

It has a negative impact on the environment by outcompeting native plants, contributing to river bank erosion and increasing the likelihood of flooding. It can also cause structural damage to property, for example it can grow through asphalt and some other surfaces.

However for your information **Part 4 of the Infrastructure Act 2015** covers the **Environmental control of animal and plant species**. This Act amends the Wildlife and Countryside Act 1981 which covers invasive non-native plants like Japanese Knotweed and Giant Hogweed but not weeds like Ragwort – covered by the Weeds Act 1959.

The 2015 Act covers the duties of an **Environmental Authority** which it defines as:

- the Secretary of State,.
- the Environment Agency,
- Natural England, and.

- the Forestry Commissioners.

These listed authorities have the following options to deal with non-native invasive species:

- Species Control agreement – mutual agreement with the Authority and Landowner to take steps to control the species
- Species Control Order - appropriate where a Species Control Agreement has failed.

The Environmental Authority stated can also carry out works in default, enter by warrant, and recover costs as appropriate.

The link below advises that complaints of weeds/non-native species depending on its location can be referred to Defra or Natural England, or a land owner can take Private Nuisance action against the owner of the land where the weed has come from.

Link to Environment Agency who manage the control of hazardous waste.

<https://www.gov.uk/dispose-hazardous-waste>

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

<https://www.gov.uk/government/organisations/natural-england>

Some do's and don'ts when thinking about treating Japanese Knotweed

Do's

- Do make a plan to eradicate Japanese Knotweed from your site.
- Do follow the Environment Agency's Code of Practice available from their website.
- Do use herbicides safely and effectively.
- Do obtain the approval of the Environment Agency prior to treatment if you intend to use an herbicide in or near water on 03708 506 506 or email to enquiries@environment-agency.gov.uk.
- Do follow the manufacturer's instructions regarding protective clothing and the safe and effective use of herbicides.
- Do take care to avoid drift, and any damage to non-target plants when applying herbicides. Spraying should be performed during still dry conditions, without rain for 6 hours.
- Do check qualifications - spraying on land which is not your own should be carried out by an approved contractor with a National Proficiency Tests Council Certificate of Competence.

Don'ts

- Don't flail Japanese Knotweed as this could cause it to spread. Cutting with sharp hooks, slashers etc. or hand pulling is recommended to avoid any dispersal of cut fragments.
- Don't cause the spread of Japanese Knotweed stem and crowns. If you cut down Japanese Knotweed, it is best to dispose of it on site. Material taken off site must be safely contained and disposed of at a licensed disposal site.
- Don't try to dig up Japanese Knotweed as this will lead to a significant increase in stem density. Even a tiny fragment of the cut rhizome is capable of regeneration.
- Don't spread soil contaminated with Japanese Knotweed rhizome. Any soil that is obtained from ground within 7 m of a Japanese Knotweed plant could contain rhizome. The rhizome is highly regenerative and will readily grow into new plants.
- Don't chip Japanese Knotweed material. Mechanical chippers don't kill Japanese Knotweed. If you spread the chipped material on soil, Japanese Knotweed could regrow.
- Don't add Japanese Knotweed to compost. Compost it separately (preferably on plastic sheeting to prevent rooting) so that you can be sure it is dead before you apply it to land.
- Don't take Japanese Knotweed to recycling centres that receive garden waste as it will contaminate the compost.
- Don't dump garden waste contaminated with Japanese Knotweed in the countryside.
- Don't waste time. If Japanese Knotweed appears on your site, treat it immediately. Don't allow it to become established.
- Don't break the law. Remember, if you cause Japanese Knotweed to spread you are guilty of an offence under the Wildlife and Countryside Act, 1981.

I hope this information is of assistance. Queries relating to Japanese Knotweed should be directed to the above bodies for their consideration.

Yours faithfully,