

JAPANESE KNOTWEED

Japanese knotweed is an invasive non-native weed, mainly in urban areas where it is considered a nuisance in property development, because plants can come up through gaps in flooring in conservatories and patios. The ecological impacts are poorly documented. It usually occurs in highly degraded urban situations where the native flora is already impoverished, but a change to habitat structure and biological communities is known to impact directly on salmonid fisheries.

Managing Japanese knotweed is the responsibility of the owner/occupier of the site. While there is no statutory requirement to control/eradicate this invasive plant, nor is it necessary to report its presence (it is not listed in the Weeds Act 1959), it is advisable to take action quickly to control its spread.

It is an offence under the Wildlife and Countryside Act 1981, as amended, to plant or cause Japanese knotweed to grow in the wild. A magistrates' court can impose a maximum fine of £5000 or a maximum prison sentence of two years, or both.

Allowing Japanese knotweed to spread onto neighbouring land could be considered to be a private nuisance but not a statutory one.

Japanese knotweed must be safely disposed of at an appropriately licensed landfill site. To ensure safe disposal, contaminated soils must be buried to a depth of at least 5m.

Soil and waste containing Japanese knotweed is considered to have the potential to cause ecological harm. This is deemed "controlled waste" or "Directive Waste" (Waste Management Licensing Regulations 1994). It is an offence under the Environment Protection Act 1990 to deposit, treat or dispose of controlled waste without a licence. Exemptions from licensing are available in certain circumstances which are set out in Schedule 3 of the Waste Management Licensing Regulations 1994.

The Environmental Protection Act places a duty of care on any person who imports, produces, carries, keeps, treats or disposes of controlled waste. Breach of the duty of care is a criminal offence. A person found guilty of an offence is liable to a fine not exceeding £5000 in the magistrates' court and to a fine in the Crown Court.

Treatment of knotweed using pesticides requires everyone to follow The Control of Pesticides Regulations 1986 and comply with Control of Substances Hazardous to Health Regulations 2002. All reasonable precautions should be taken to protect the health of human beings and wildlife, animals and plants, safeguard the environment, and to avoid the pollution of water. Approval from the Environment Agency should be sought before the application of pesticides in or near water.

Further information

GB Non-native Species Secretariat (NNSS). [Japanese Knotweed factsheet](#).

GB Non-native Species Secretariat (NNSS). [Horticultural Code of Practice](#).

Defra guidance. [Prevent harmful weeds and invasive non-native plants spreading](#).

Defra guidance. [Prevent Japanese knotweed from spreading](#).