

Japanese Knotweed

Japanese Knotweed (*Fallopia Japonica*) grows to a height of two to three metres with spear shaped green leaves up to 12cm in length. Clusters of creamy white flowers appear at the tips of the stems around August/September. It is spread by small pieces of the plant or rhizomes (underground root-like stems) breaking off. It is classed as an invasive non-native species (INNS). For more information, please see the [Environment Agency, Japanese Knotweed Alliance](#) or [Property Care Association](#) websites.

Legal implications

The owner or occupier of land is not obliged to control, remove, eradicate or treat knotweed.

Failure to take reasonable measures to control knotweed that results in the plant spreading to the wild, or being negligent or reckless about that occurring, could amount to the offence of causing it to grow in the wild under the [Wildlife and Countryside Act 1981](#). An owner or occupier may be found not guilty if they can prove that all reasonable steps were taken and all due diligence was exercised to avoid the release or escape of the knotweed.

If knotweed spreads onto neighbouring land then the owner of the neighbouring land may be able to take common law private nuisance proceedings for compensation for the cost of removal/treatment and/or loss of enjoyment or amenity (potentially including reduction in the value of the property).

When knotweed is disposed of as part of the removal process then it is likely to be classified as controlled waste.

What should you do?

If you are then owner or occupier of land affected by knotweed:

Take reasonable measures to control the knotweed and, to prevent it becoming a problem for neighbours.

Do not dispose of knotweed with your normal household waste or put out in the [green waste collection scheme](#).

Information on preventing the spread of knotweed, and how to dispose of it correctly, can be found on [HM Government's website](#) and on the [Japanese Knotweed Alliance](#) website

If neighbouring land is affected by knotweed

Managing Japanese knotweed is the responsibility of the owner/occupier of the site.

If the knotweed is on **land managed by the district council** then please report it to us and we will investigate the problem.

If the knotweed is not on Council land, then a useful first step is to speak to the person who owns or occupies the land if it is safe and appropriate to do so. You can find out information on land ownership on the [www.gov.uk website](http://www.gov.uk).

If you do not receive a satisfactory response, or are unable to contact the landowner, then you can consider speaking to a [solicitor](#) or [Derbyshire Citizen's Advice Bureau](#) for advice on what action you can take.

The Environment Agency, Natural England, Forestry Commissioners, and Secretary of State have the power to make species control agreements (SCAs) and species control orders (SCOs) to control Japanese knotweed under the [Infrastructure Act 2015](#).

High Peak Borough Council has the power in certain circumstances to take action under the Town and County Planning Act 1990 or Anti-Social Behaviour, Crime and Policing Act 2014. The Council will not generally consider such action unless the plants are deemed to be in such a state or proximity to be harmful to health or there is a threat of structural damage or invasion of buildings. All complaints will be considered on a case-by-case basis but the primary responsibility lies with the landowner and it will be expected that anyone concerned about the spread of Japanese Knotweed will have tried all other available options available before action by the Council will be considered.

Key Contacts

[Environment Agency](#) 03708 506 506

[Natural England](#) 0300 060 3900

[Injurious Weeds Complaint Form](#)

[The Forestry Commission](#) 01433 650072