



Japanese Knotweed, do I need to worry?

Yes and no. Yes because you need to know about it and have a solution in place. No, because once considered there is normally a solution to be had. Read this article and if you are unsure about anything speak to your solicitor about this.

Japanese knot weed is indisputably the U.K.'s most aggressive, destructive and invasive plant. It can grow 3 to 4 m in 10 weeks with the root system damaging concrete foundations buildings and retaining walls. It is an invasive species of plant which can cause damage to properties if left untreated, particularly with drains and other buried services, paths and driveways, boundary/retaining walls, outbuildings, conservatories and gardens. Historically, methods of treating Japanese Knotweed have varied in success. As a result, Japanese Knotweed has caused some problems in the residential housing market because of the concerns about the damaging effects of the plant.

According to official records there is now not a single six-mile area of the country where it is not present, and it is only considered to be absent entirely from the Orkney Islands. Japanese knotweed starts growing from early spring and can reach 1.5m by May and 3m by June, before dying back between September and November. The potential cost of trying to eradicate the plant in the UK has been estimated at more than £1.25 billion; just clearing the weed from 10 acres of the London Olympics site cost more than £70 million.

The presence of Japanese knotweed can make a property un-mortgageable and there is a specific question now about it on the property information form. Remember that the reply of "not so far as the seller is aware" may be seen as a representation that the seller has taken reasonable steps to check the position. If in doubt would it not be better to add the Cavett "no warranty is given and the buyer is recommended to obtain a suitable survey"

What does this mean for you?

Despite the horror stories and what you might hear, Japanese Knotweed is treatable, however it does take time and money. Because of legislation involving its destruction, specialist firms are required. Specialists can conduct a three year plan and visit twice a year to eradicate the presence of Japanese Knotweed, and although it can be costly it is the only solution.

Your legal responsibilities for invasive plants

It is not an offence to have Japanese knotweed on your land and it is not a notifiable weed. However, under Section 14(1) and (2), of the Wildlife and Countryside Act 1981 it is a criminal offence to plant Japanese knotweed or otherwise cause it to grow in the wild. It is a defence to a prosecution to prove that all reasonable steps were taken and all due diligence was exercised by the landowner.

Mortgage Lenders

Mortgage lenders will expect the presence of Japanese Knotweed to be noted on a residential valuation report. RICS Red Book guidance requires the Valuer to indicate the presence of 'invasive vegetation'.

In previous years many lenders have refused to extend money to potential buyers if knotweed is found by a surveyor. Recently, RICS and the Council of Mortgage Lenders have agreed that a less draconian approach is needed. Mortgage Lenders should now no longer turn down an application for a loan solely because the presence of knotweed. They are more likely to insist money is set aside in order to treat it. Individual lenders will take into account a range of factors when considering when to lend on a property, taking into account the specific circumstances and some lenders consider applications on a case-by-case