

Weeds (April 2016)

Harmful Weeds

The Weeds Act 1959 allows the Secretary of State for Environment, Food and Rural Affairs to take statutory action to control the spread of the following five injurious (harmful) weeds:

- Common Ragwort (*Senecio jacobaea*)
- Spear Thistle (*Cirsium vulgare*)
- Creeping or Field Thistle (*Cirsium arvense*)
- Curled Dock (*Rumex crispus*)
- Broad Leaved Dock (*Rumex obtusifolius*)

The Act does not make it illegal to allow the five weeds to grow and responsibility for weed control rests primarily with the occupier of the land on which the weeds are growing. However, DEFRA via Natural England may serve a notice on an occupier of any land on which the injurious weeds are growing, requiring the occupier to take action to prevent the weeds from spreading. Further details can be found at <https://www.gov.uk/government/publications/weeds-act-1959-complaint-form-and-leaflet>.

Where the specified weeds are growing on the following land, you should contact the relevant authority/agency.

- **Railway land and embankments contact**

Network Rail: 08457 11 41 41
40 Melton Street
London NW1 2EE

- **Motorways and trunk roads contact**

Highways Agency: 0300 123 5000
123 Buckingham Palace Road
London SW1W 9HA
ha_info@highways.gsi.gov.uk

- **All other roads contact**

Local Highways Authority:
Derbyshire County Council on 08456 058058

- **Land owned by Bolsover District Council**
01246 242424 or enquiries@bolsover.gov.uk

Invasive Non native Weeds
(such as Japanese Knotweed and Giant Hogweed)

Under Section 14 of the Wildlife and Countryside Act 1981, it is an offence to plant or otherwise cause to grow in the wild specified plants.

The most commonly found of these specified invasive, non-native plants include:

- Japanese Knotweed
- Giant Hogweed
- Himalayan Balsam
- Rhododendron Ponticum
- New Zealand Pigmyweed (this is banned from sale)

Who's responsibility is it to control weeds like Japanese Knotweed?

The responsibility for control lies with the landowner or tenant of the land and so the existence of the weed should be reported to the landowner or tenant.

Where the specified weeds are growing on the following land, you should contact the relevant authority/agency.

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What if the landowner takes no action?

This Wildlife and Countryside Act 1981 has now been amended by the Infrastructure Act 2015, which covers invasive and non-native plants like Japanese Knotweed and

Giant Hogweed (but not weeds like Ragwort – covered by the Weeds Act 1959). This Act gives powers to the Environment Agency to deal with these non native invasive species. The following options are available to the Environment Agency to deal with these species

- Species Control Agreements – 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

There are also powers to carry out works in default, enter by warrant and recover costs as appropriate.

To report the above non native, invasive weeds contact:

Environment Agency

**National Customer Contact Centre
PO Box 544
Rotherham
S60 1BY**

Email: enquiries@environment-agency.gov.uk

Telephone: 0370 850 6506

Civil Action

Alternatively, the spread of Japanese Knotweed onto neighbouring land can be considered a common law nuisance, so there may be an opportunity to deal with the matter via civil proceedings. A solicitor or the Citizens Advice Bureau will be able to offer advice on how to take such civil action, where the negotiations with the landowner on control or eradication have failed.

How do I control or eradicate Japanese Knotweed on my land?

Eradication is likely to take time and it is important that any cut or pulled stems are kept on site and disposed of by proper composting or burning to prevent further spread or development of roots. Checks should be made to ensure that there is no contamination of watercourses. A programme of treatment should be considered. The following links may be helpful

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