

# What Lies Beneath?

Gardeners beware - the invasive scourge of Japanese Knotweed isn't just happening in gardens across the UK, but right here in our county. The plant is immensely destructive and has caused a number of legal problems for landowners and homeowners too. Battling the weed is Grantham's JMP Solicitors, currently dealing with over 80 cases and pioneering a whole new legal specialism - and one of their first battles has resulted in a 'David & Goliath' style victory over Network Rail... *Words & Images: Rob Davis.*

**Check your garden.** Because the invidious Japanese Knotweed is right here in the county. Grantham's JMP Solicitors is one of just two or three UK law firms pioneering a completely new area of law, helping householders and businesses fight back against the practical and financial repercussions of invasion.

The Grantham firm already has over 80 clients they're representing in the fight against the weed, and in February, won a landmark victory against Network Rail following their client's compensation claim for nuisance, also forcing them to eradicate the blight.

The fast-growing weed can grow through concrete, wood, and is so virulent and destructive that it's impossible to get rid of without professional contractors.

**Nuisance**

The presence of Japanese Knotweed is a nuisance - if it's encroaching on your land, the adjacent landowner has a legal obligation to remove it and perhaps to compensate you for nuisance.

Likewise, if your property has an infestation, failure to embark on an adequate programme of treatment and removal could leave you vulnerable to legal action.

**Loss of Property Value**

As well as ensuring injunctions against the weed's removal, the

presence of Japanese Knotweed can have a significant effect on property values.

Most mortgage companies will not lend on properties when the weed is within seven metres of the boundary. JMP has already achieved compensation for clients towards the deminuation of property value as a result.

**Appropriate Removal**

Unfortunately, eradication of Japanese Knotweed goes well beyond simply cutting it back. Only licensed waste disposal facilities can handle disposal of the cuttings, whilst the seven metre underground spread and three metre depth can necessitate evacuation, or at least the use of very strong herbicides.

Established in 2001 by partners Ian Howard and Yvonne Carratt, the law firm has helped to create a new legal specialism in addition to its range of family, private client and commercial legal services.

JMP's specialist Samantha Towle pioneered a High Court case against Network Rail and says; "The court has ruled that

Japanese Knotweed is an infestation and for other homeowners at risk of losing money on their property, or facing an expensive battle to rid themselves of the weed, it's a fantastic result that we can deliver hope both for the weed's removal, but for fair compensation, too." ■

## Japanese Knotweed

**What is it?** *The blight of Japanese Knotweed is akin to the removal of asbestos - it can only be disposed of by experts and its removal can be expensive.*

**Growing Pain:** *The invasive plant - known as Fallopia Japonica - grows over three metres tall, with lush, green, heart shaped leaves.*

**Time & Space:** *The fastest growth period is in spring - Japanese Knotweed grows at a rate of a metre and a half each month. Its rhizomes extends to a radius of seven metres underground, and to a depth of three metres.*

**Removal:** *Recommended by professionals only. It must be dug out to a significant depth, and/or treated with herbicides, and must not be taken to domestic refuse sites or burned.*

**The Problem:** *Japanese Knotweed can destroy your property, growing through masonry, timber, up through floors and choking other plants, shrubs and trees.*

*Owners of affected land are legally obliged to remove it or risk a custodial sentence. Mortgage companies won't lend on a property within seven metres of infestation and property values can fall by up to half when land or a property is infested.*

**The Solution:** *JMP Solicitors of Grantham has established a new legal specialism, leading the fight against those whose properties or land have been affected by an infestation of Japanese Knotweed. It's headed up by expert Samantha Towle who is already representing over 80 clients.*

**JMP Solicitors is currently helping over 80 clients in the UK - and in Lincoln, Grantham and Rutland - to completely eradicate Japanese Knotweed from their property and to receive compensation for the cost of removing the plant, loss of property value and inconvenience.**

**Call 01476 565295 or see [www.jmp-solicitors.com](http://www.jmp-solicitors.com).**



*Opposite page: Encroachment is a common problem with Japanese Knotweed, as it grows through concrete and timber.*

