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CONSERVATION
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RICS Information Paper Japanese Knotweed and Residential Property (IP27 2012) and the new RICS Guidance Note (GN2022).

Going from Risk categories to Management categories.

What is the key difference?

The new RICS Guidance Note (GN2022), published 23rd March 2022, replaces the previous RICS Information Paper (IP27 2012) and the previous RICS Risk Categories (1 to 4), based exclusively on the measured distance of the Japanese Knotweed from a property, has now evolved into Management Categories. The emphasis is now placed on the professional judgement of the surveyor as to what is the most appropriate Management Category for the identified Japanese Knotweed, based on the question – “what is the Japanese Knotweed doing?” - and not the more binary approach of the previous Risk Categories, which were exclusively driven by mere distance of the Japanese Knotweed from any one building.

What has stayed the same?

1. Japanese Knotweed is still on Schedule 9 of the Wildlife and Countryside Act (1981) and acknowledged as a ‘Super Spreader’, that is it displaces native species and has no natural diseases.
2. Material containing Japanese Knotweed still falls under the Environmental Protection Act.
3. Any individual or company will be liable to legal action if Japanese Knotweed is allowed to spread into neighbouring land under the Law of Public Nuisance and the Wildlife and Countryside Act (1981).
4. Mortgage Companies will still require agreed management plans from appropriately qualified professionals to be in place for two of the Management Categories (A and B).
5. The TA6 form will still ask the question about Japanese Knotweed and even though it is possible for an individual to potentially manage the two lower - categories (C and D) themselves, the answer to the TA6 form will require evidence of an appropriately approved management control programme having been conducted, i.e. the sale process will be smoother if the control programme for C and D has been conducted by an approved professional company.

What has changed?

1. The focus is now on Management categories and not Risk Categories, based on structural nuisance and amenity impacts.
2. The new metric (A to C) is based on impacts, that is “What is the Japanese Knotweed doing?” and no longer the more binary question of simply “How far away is the Japanese Knotweed from a building?”
3. The new Management Categories help all those involved with making decisions regarding the control of the Japanese Knotweed by reviewing how much does the Japanese Knotweed need to be managed in the short, medium and long term?

Re what is ‘damage’?

The Court of appeal found that that the fact that Japanese Knotweed had spread into neighbouring property constituted damage

