

Rubbish, weeds and the law

GWF428 BLU
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The garden across the road is full of rubbish, and weeds are invading your garden from next door. We tell you what steps you can take to tidy things up.

Q What's the general approach to unsightly land or weedy neighbouring gardens?

A Unless rubbish creates a health risk or a public eyesore, your legal rights are few. An offer to help weed or tidy up, especially with elderly or infirm neighbours, is a constructive way to help resolve the issue. Follow these guidelines to help minimise problems.

- ❖ Contact your neighbour for a discussion as soon as you can; don't let a problem fester.
- ❖ Be reasonable, stick to the point at issue and know the legal position, just in case.
- ❖ Be prepared to compromise, or share costs, to keep the peace.
- ❖ Do your best to keep up a cordial discussion with your neighbours. However, if you cannot reach a solution, get outside help before relations deteriorate irreparably. Visit the Alternative Dispute Resolution website (ADR) at www.adrnow.org.uk for advice.

Q Weed seeds constantly blow over from derelict land nearby. Can I do anything about this?

A Even if you know who owns the land, it's likely to be very difficult to get them to do anything about it. However, all cultivated soil already contains hundreds of weed seeds in every

handful, so a few more blowing in will not make a huge difference. Keep on top of weed seeds by using mulches (black plastic or grass clippings are effective), or hoeing regularly.

Q What about the Weeds Act?

A This legislation aims to control a small number of pernicious agricultural weeds by requiring landowners to prevent them setting seed. The weeds are broad-leafed dock (*Rumex obtusifolius*), curled dock (*Rumex crispus*), creeping or field thistle (*Cirsium arvense*), spear thistle (*Cirsium vulgare*) and ragwort (*Senecio jacobea*).

Inspectors from the Department for Environment, Food and Rural Affairs have the power to inspect the land and serve an order requiring the owner to control the weeds. However, they are unlikely to do this except in agricultural areas, and even these cases are very rare.

Q Are there other illegal weeds?

A Under the Wildlife and Countryside Act 1981 it is an offence to plant, or cause to grow, in the wild, giant hogweed (*Heracleum mantegazzianum*) or Japanese knotweed (*Polygonum cuspidatum*). This means you can legally grow these plants in your garden, but must not allow them to escape.

Q What's the best way to stop bindweed creeping under the fence?

A You can apply a weedkiller containing glyphosate to the foliage, this will kill the roots too. Alternatively, insert a vertical barrier of thick polythene, corrugated iron or similar 15cm deep into the soil along the boundary.

Q Neighbouring tenants have allowed their garden to become a complete tip and I think there may even be rats living there. How can I get it cleaned up?

A With rented property, contact the landlord, who may be able to take action to tidy up unsightly areas. Whoever owns the land, if there is a health risk, or if the mess is destroying the amenity and beauty of the whole area, you may have some legal redress, though only in extreme cases. Under the Town and Country Planning Acts, your local council can remove rubbish which is a public eyesore. Photographic evidence and the support of other residents will help your case. If you suspect rats have taken up residence, contact your local Environmental Health Department. They can serve a notice on the owners to remove the rubbish, if there is a proven health risk.