



Fly-tipping

Nature's Pest



What is fly-tipping?

“Fly-tipping is the illegal dumping of waste. It can vary in scale significantly from a bin bag of rubbish to large quantities of waste dumped from trucks. Fly-tipped waste may be found anywhere, such as roadsides, in lay-bys or on private land.”

Why do people fly-tip?

Household waste collections are paid for out of the council tax that all householders pay each month. The disposal of all other waste, however, needs to be paid for separately through the payment of landfill tax. To avoid paying for this extra waste to be either picked up or accepted at the local tip some people prefer instead to dump the waste on somebody else's land and leave it for others to deal with.

Why is it a problem?

There are a number of problems associated with fly-tipped waste:

- It can be hazardous to human health, particularly if the waste consists of toxic, chemical or sanitary waste.
- It can be dangerous to the health of the environment causing issues with soil and water quality.
- It can be dangerous to wildlife which might ingest it or become trapped or entangled in it.
- It is unsightly.
- It can affect the economy in the surrounding area e.g. decreased house prices, or a lower tourism value.
- Cleaning up fly-tipping costs a lot of money annually, much of which is paid for by the tax payer.

The Law

Fly-tipping is an illegal activity. There are two main pieces of legislation that you could be prosecuted under if caught fly-tipping in England or Wales:

Environmental Protection Act 1990:

It is illegal for any person to “deposit controlled waste, knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence is in force and the deposit is in accordance with the licence.”

This includes any household, commercial or industrial waste. Householders have a duty of care to check that any waste contractors employed are legally registered to dispose of their waste. There is no need for a waste transfer note to be given but householders must be able to prove they have taken reasonable measures to ensure the waste carrier is authorised. (*See prevention section for more details*).

This act has now been superseded by the Clean Neighbourhoods and Environment Act (2005) which gives authorities more power to enforce this legislation.

The Control of Pollution (Amendment) Act:

It is an offence to “deposit controlled waste on any land or cause or knowingly permit controlled waste to be deposited on any land”

This Act ensures that waste carriers are registered with the Environment Agency. It also allows the Environment Agency and authorised officers from Waste Collection Authorities to seize vehicles used for the illegal collection of waste.

Other legislation that allows enforcement actions to be taken against fly-tipping include: Criminal Justice & Public Order Act, 1994, Part V; Water Resources Act, 1991; Public Health Act, 1961 (s.34); Refuse Disposal (Amenity) Act, 1978 (s.2), Highways Act, 1980 (s.148) and Town & Country Planning Act, 1990 (s.215-9)



Penalties

The illegal fly-tipping of waste carries heavy penalties if caught. It is worth noting that it is not only the rogue waste disposal contractors who face fines but also businesses and householders depending on their involvement in the activity.

- In a prosecution whether hazardous or non-hazardous: fines can be up to £50,000 and/or up to 5 years imprisonment.
- Giving permission to fly-tip on land where a Waste Management License is not held is an offence.
- The Control of Pollution Act allows police to seize vehicles used in illegal waste collection and transfer activities.
- If fly-tipping is traced back to a household that used a waste contractor to dispose of their waste the householders must be able to prove that they took reasonable measures to check the waste disposal contractors they used were authorised to do so. If proof cannot be provided the householders could face up to £5000 fine.

There are ways in which landowners, householders and businesses can protect themselves against fly-tipping. Please see the Prevention section of this booklet for more information.

Don't get caught out- remember:
Ignorance is not a defence.



What to do if you come across fly-tipping.



If you see somebody fly-tipping:

- **Do not approach the offender as they may become violent.**
- **Never touch the waste in case there are any hazardous items present.**
- **Report it to the Local Authority or the Environment Agency.**
- **Do not disturb the scene as there may be evidence that links the offenders to the site.**

When reporting fly-tipping, useful information includes:

- Whether or not you saw it being fly-tipped.
- Day, date & time that you either discovered the fly-tipping or saw it being fly-tipped.
- Location of fly-tipping and description of surrounding area.
- Description of waste (drums, furniture, leaking, etc)
- Quantity of waste.

If you saw the waste being fly-tipped:

- Who did you see?
- How many people did you see?
- Description of each person (gender, clothing, height, etc)
- What was each person doing (driver, dumping waste, etc)?
- Was there a vehicle involved? Description (make, model, colour, registration plates, distinguishing features).
- Where were you when you saw the fly-tipping happen (location, what sort of view did you have, what sort of conditions did you see it in– weather, light levels, etc)

Any other information you may have noticed. You may also like to take some photos if safe to do so.

*You can report the incident anonymously although the more details the better chance of catching the offenders.

Quick facts: Fly-tipping in Wales



In 2008/09 :

- There were 55,300 fly-tipping incidents reported to the Local Authorities in Wales.

⇒ 746 in Flintshire

⇒ 2116 in Wrexham

⇒ 3793 in Denbighshire

⇒ 1580 in Conwy

- There were 20,400 enforcement actions that took place across Wales. Most of these were investigations.
- Fly-tipping incidents mostly involved household waste.
- The estimated cost of clearance was £2.94 million.
- There were 72 prosecutions completed- 58 of which resulted in fines.
- 2 prosecutions resulted in custodial sentences and 2 resulted in community service.

Statistics taken from "Statistics for Wales Report, 'Fly-tipping in Wales 2008-09', 1st Oct 09" and Statistics for Wales website.



Inset pictures: Youth Groups and NEWW staff removing fly-tipping and litter.

Prevention

There are several ways that house owners, landowners and businesses can reduce the risk of fly-tipping occurring on their property. Here are just a few:

- Prevent easy access onto your land by installing barriers, fences and gates. This makes it more difficult for people to dump their waste.
- Make the area more visible to surrounding buildings or roads. Fly-tipping is illegal so the offenders are looking for somewhere that they can dump the waste unnoticed.
- If possible, improve the lighting in the area or add CCTV.
- Remove any fly-tipping from your land as quickly as possible. Waste left on site may act as an advertisement for more fly-tippers.
- If using a contractor to remove waste from your building or business make sure they are carrying a valid waste carriers certificate. They should be able to show you the original copy.
- If using a waste contractor make sure you keep the details of the company, just in case they illegally dump your waste and it is traced back to you.
- If you are a business, make sure you get a waste transfer note with details of the waste you have passed on to the contractor. This will need to be kept in your records for at least 2 years to safeguard yourself.
- If you do not trust a waste contractor do not use them. The likelihood is that if dumped, the waste will be tracked back to you, not the contractor.
- Report anyone seen fly-tipping on your land as soon as possible. However do not put yourself at risk in doing so (*see what to report page*).



More information

More information on Fly-tipping and how to prevent it can be found on the following websites.

- **Environment Agency**
www.environment-agency.gov.uk
- **DEFRA**
www.defra.gov.uk
- **Keep Wales Tidy**
www.keepwalestidy.org

For more information about countryside issues around Wales please see the following websites.

- **Countryside Council for Wales (CCW)**
www.ccw.gov.uk
- **North East Wales Wildlife (NEWW)**
www.newwildlife.org.uk

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