



Tackling Fly-tipping

A guide for landowners and land managers

**NATIONAL
FLY-TIPPING**
PREVENTION GROUP



The National Fly-tipping Prevention Group (NFTPG) brings together organisations with a common aim: to come up with solutions to the problem of fly-tipping. Chaired by the Environment Agency, its membership includes regulatory bodies, Government departments, and organisations with a wide membership of landowners and land managers. More information about the group and its members can be found at www.nftpg.org

Disclaimer:

The information contained in this document can only serve as a guide to the relevant laws and guidance relating to landowners' and occupiers' rights and responsibilities relating to fly-tipping. It does not constitute legal advice. It may not be comprehensive and it may be misleading if relied upon as a complete explanation of the legal issues involved. Full legislation is available through www.opsi.gov.uk. If you wish to take advice or pursue a case, you must seek independent legal advice.

Guidance applies to England and Wales
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This guide contains advice and information for anyone responsible for dealing with fly-tipped waste on land that they own, occupy or manage. It will also be useful to any individuals, groups or organisations that may be affected by fly-tipping. This guidance applies to England and Wales.

What is fly-tipping?

Fly-tipping is the illegal dumping of waste and is a crime.

All kinds of waste are fly-tipped, the most common being household waste. Other wastes that are fly-tipped include appliances like fridges and washing machines, waste from building and demolition work, animal carcasses, vehicle parts and tyres. Hazardous wastes such as oil, asbestos sheeting and chemicals are also dumped illegally. The types of land most commonly affected by fly-tipping include land near to public waste tips, roadsides and private land, particularly on the outskirts of urban areas, in back alleys and on derelict land.

The impacts of fly-tipping

Fly-tipping:

- is a criminal activity that can cause serious pollution of the environment, can be a risk to human health and can harm wildlife and farm animals;
- spoils our local neighbourhoods and quality of life;
- costs an estimated £100m in total to clean up;
- costs local authorities alone £44m each year to clear up;
- is seen as a major problem by over three-quarters of landowners¹; and affects 67% of farmers;
- undermines legitimate waste management companies who are undercut by illegal operators.



¹ ENCAMS Fly-tipping Survey 2003 www.encams.org



What is government doing about the problem?

The Government has introduced a range of measures aimed at tackling fly-tipping, including the Clean Neighbourhoods and Environment Act 2005 (CNEA) which gives regulators more powers to tackle fly-tipping and the courts the ability to impose tougher penalties.

Fly-tipping is a criminal offence. The CNEA increased the penalties for dumping waste in England and Wales – fly-tippers can now be fined up to £50,000 in Magistrates' Courts and face unlimited fines in higher courts, as well as community punishment orders or prison sentences of up to five years.

Those convicted of fly-tipping offences can now be made to pay the costs of enforcement and investigation, as well as the clean-up costs.

The Government is also keen to build a picture of the scale and cost of fly-tipping. It has funded Flycapture, a system that local authorities and the Environment Agency use to record fly-tipping incidents. Flycapture is managed by the Environment Agency, and the data it provides is allowing government and the authorities to better understand the problem, identify trends and measure the success of policies. You can see the most recent Flycapture information on the website for the Department for Environment, Food and Rural Affairs (Defra), <http://www.defra.gov.uk/environment/localenv/flytipping/flycapture.htm>

Fly-tipping and the law

What is the legislation regarding fly-tipping?

Fly-tipping of waste is illegal and constitutes a serious offence for which a person can be prosecuted. There are several pieces of legislation relating to fly-tipping in addition to the CNEA 2005. In England and Wales the main legislation is the Environmental Protection Act (EPA) 1990, ss.33, 34 and 59. The Control of Pollution (Amendment) Act 1989 sets out the need for waste carriers to register with the Environment Agency and gives the Agency and authorised officers of a Waste Collection Authority power to seize vehicles used for illegal waste-related activities.

Environmental Protection Act 1990 (Part II) s.33

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.*

Controlled waste is any household, commercial or industrial waste. Section 33 also makes it an offence if a person has treated, kept or disposed of controlled waste in or on land that does not have a waste management licence, or that is not in accordance with a licence. It is a defence to prove that all reasonable measures were taken to avoid the commission of the offence or that the act was necessitated by an emergency in order to avoid a danger to the public. It is not a valid defence to claim to be acting under an employer's instructions.

Where a person is convicted under s.33, the court may make an order requiring the offender to pay for the costs associated with the enforcement and investigation of the case, the seizure of any vehicles that were involved in the offence and costs for the removal of the illegally deposited waste. The court may also make an order to deprive the offender of his rights to a vehicle (and its contents) if the court is satisfied that the vehicle was used in or for the purpose of the commission of the offence.

Householders do not need licences for their waste. However, from May 2006 the Waste Management (England and Wales) Regulations 2006 will amend s.33(2) to prohibit the disposal etc. of such waste by private individuals, within the curtilage of their property, in a manner likely to cause pollution of the environment or harm to human health.

Environmental Protection Act 1990 (Part II) s.34

Businesses have certain responsibilities to ensure that waste materials from commercial activities are disposed of with due regard to the law. A Waste Holder (any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste) has a Duty of Care with regard to that waste and it is an offence if they fail to take all reasonable measures to:

- prevent another person from committing an offence under s.33 of the EPA 1990;
- prevent the escape of the waste from his or another person's control; and to transfer the waste to an authorised person or to any person for authorised transport purposes and to provide that person with a written description of the waste.

An authorised officer can issue a Fixed Penalty Notice to any person who has failed to comply with the requirement to furnish documentation as specified under s.34(5). The amount of the fixed penalty is set at £300.

Householders also have a Duty of Care to check that anyone they commission to take away and dispose of their domestic waste is registered. Householders are not required to supply documentation such as a waste transfer note but they could face a maximum fine of £5,000 if they fail to take reasonable measures to ensure their domestic waste is handled by an authorised waste carrier. It will be for the courts to decide what these 'reasonable measures' will comprise on a case-by-case basis.

Environmental Protection Act 1990 (Part II) s.59

This provides powers for local authorities and the Environment Agency to require occupiers and landowners to remove waste they knowingly caused or permitted to be deposited illegally. If the landowner or occupier does not remove the waste, the authorities can enter the land, clean up the waste, and recharge the costs for doing so. They can also enter the land to clear waste if there is no occupier; if the occupier neither knowingly caused nor permitted the deposit of the waste; or in order to prevent pollution.

Control of Pollution (Amendment Act) 1989 ss.1, 2 & 5

It is an offence under s.1 of the 1989 Act for anyone who is not a registered carrier of controlled waste to transport any waste in the course of business or with a view to making a profit.

Section 2 specifies requirements for the registration of carriers of waste, as well as regulations for vehicles used for the transportation of waste to comply with certain conditions.

Section 5 of the 1989 Act gives powers to Waste Regulation Authorities such as waste collection authorities, the police and other enforcement authorities to stop and search any vehicle believed to be used for the transportation of controlled waste without being registered.

Only a constable in uniform can stop a vehicle on a road. It is an offence to fail to assist or to obstruct an authorised officer or a constable.

Where it appears to an authorised officer that a person has failed to produce authority for transporting controlled waste, the officer may issue a Fixed Penalty Notice. The penalty fine for this offence is £300.

Appendix 2 of the Fly-tipping Protocol (see page 7) contains a summary of the duties and powers of the Environment Agency and local authorities in relation to fly-tipping. In effect, it provides a useful summary of the relevant legislation. This can be found at: www.environment-agency.gov.uk/commodata/103599/fly_tipping_protocol_526022.doc.





What to do if you come across fly-tipping

Before you take action, make sure it's safe to do so.

Be extremely careful. Some wastes can be hazardous. Do not open bags or drums. Piles of soil may be contaminated or may be hiding dangerous material.

Remember that fly-tippers are doing something illegal – they are unlikely to welcome people observing them or taking notes or photographs.

Recording details

If you find or witness fly-tipping, wherever it is, record as many details about the incident and the waste as you can. This will help the authorities take action against fly-tippers and stop them fly-tipping in the future. If the waste is on your land and a prosecution is made successfully you may get your money back to cover the costs of clearing up.

Use the form at the back of this guide to help you. This sets out the information the authorities will find useful when you contact them.

If possible take photographs of the waste.

Who to contact (England and Wales)

Under s.89 of the EPA 1990, certain bodies including local authorities, crown authorities, designated statutory undertakers and governing bodies of designated educational institutions, have a duty to keep land under their direct control clear of litter and refuse, and highways clean of litter, refuse and detritus.

Local authorities and other 'duty' bodies therefore have a responsibility for dealing with fly-tipping on public land.

Land managers, occupiers or owners of private property are responsible for clearing fly-tipping on private land.

Regardless of whether land is public or private, if you find fly-tipping you should report it. There is no national single point of contact to report fly-tipping, however. You need to contact either your local authority or the Environment Agency to see if they will investigate or deal with an incident.

Local authorities and the Environment Agency have an agreement, known as the Fly-tipping Protocol, that sets out which types of incident each will respond to. It should be noted that the Fly-tipping Protocol is a framework agreement, which allows local authorities and the Environment Agency flexibility to make arrangements that meet local circumstances.

You can view the full Fly-tipping Protocol at http://www.environment-agency.gov.uk/subjects/waste/1029679/1032559/?lang=_e

The flowchart on page 10 provides a simple guide as to who you should contact.



In summary, **local authorities** are responsible for dealing with most types of small-scale fly-tipping.

The **Environment Agency** deals with bigger incidents (generally those involving more than a tipper load of waste), incidents involving organised crime and certain hazardous wastes which have a greater potential to damage the environment.

You can also report incidents to your local police (you can find the phone number in your local phone directory or on the police website, www.police.uk). Remember, fly-tipping is a crime.

Please note that the NFTP G cannot respond to incidents of fly-tipping.

Local authorities – what the Protocol says:

2.7 Where fly-tipping on private land has an adverse effect on the environment, local authorities are encouraged to take steps to ensure that the waste is removed, appropriate enforcement action taken and costs recharged wherever possible. Many local authorities already do this.

2.8 Local authorities are also encouraged to advise the landowner or their representative of suitable measures to deter further fly-tipping and may get involved in the investigation of repeated incidents of fly-tipping to prevent further occurrences – possibly through partnership working with landowners, occupiers of land and the Agency.

2.9 In summary, local authorities will normally investigate and take appropriate enforcement action against:

- fly-tipping of quantities of waste up to and including a single tipper load of waste deposited at one time (i.e. up to approximately 20m³ in a single deposit)
- accumulations of waste from several small-scale fly-tipping incidents

- householders abandoning or dumping waste
- waste management operations that do not have the appropriate planning consent
- waste producers not complying with their Duty of Care
- waste producers who illegally dump or abandon their wastes
- unregistered waste carriers and brokers (for example through organised vehicle stopchecks)

2.10 Local authorities will normally, remove, investigate and take appropriate enforcement action with regard to:

- illegal dumping and fly-tipping of waste on public land including a road or other public highway
- illegally dumped or abandoned hazardous wastes other than those which the Agency deals with (see s. 3)
- fly-tipped waste (including animal carcasses or remains) on private land or in watercourses that is giving rise to an adverse effect on the amenity or that is impeding the flow of water such as to give rise to an actual or imminent threat of a significant flood risk from an Ordinary Watercourse (see next section for Agency responsibilities)

Environment Agency – what the Protocol says:

3.7 The Agency will normally investigate and take appropriate enforcement action against:

- illegal waste activities such as illegal transfer stations and unpermitted landfill sites
- large-scale fly-tipping i.e. tipping of more than a lorry load (more than approximately 20m³)
- illegal dumping of hazardous waste in drums or other containers with a capacity of 75 litres or greater
- unregistered waste carriers and brokers including those identified through national and local stop exercises
- registered waste carriers and brokers that commit a relevant offence (e.g. those specified in the Control of Pollution (Amendment) Act 1989 and in the Waste Management Licensing Regulations 1994 – as amended)

3.8 The Agency will also normally investigate, arrange for the removal of and take appropriate enforcement action with regard to:

- waste (including animal carcasses or remains) dumped in Controlled Waters that is giving rise to an actual or an imminent threat of water pollution
- waste (including animal carcasses or remains) that is impeding the flow of water such as to give rise to an actual or imminent threat of a significant flood risk in a Main River
- any waste described in 3.7 that is dumped in a way that is giving rise to an imminent threat to human health or of serious harm to the environment

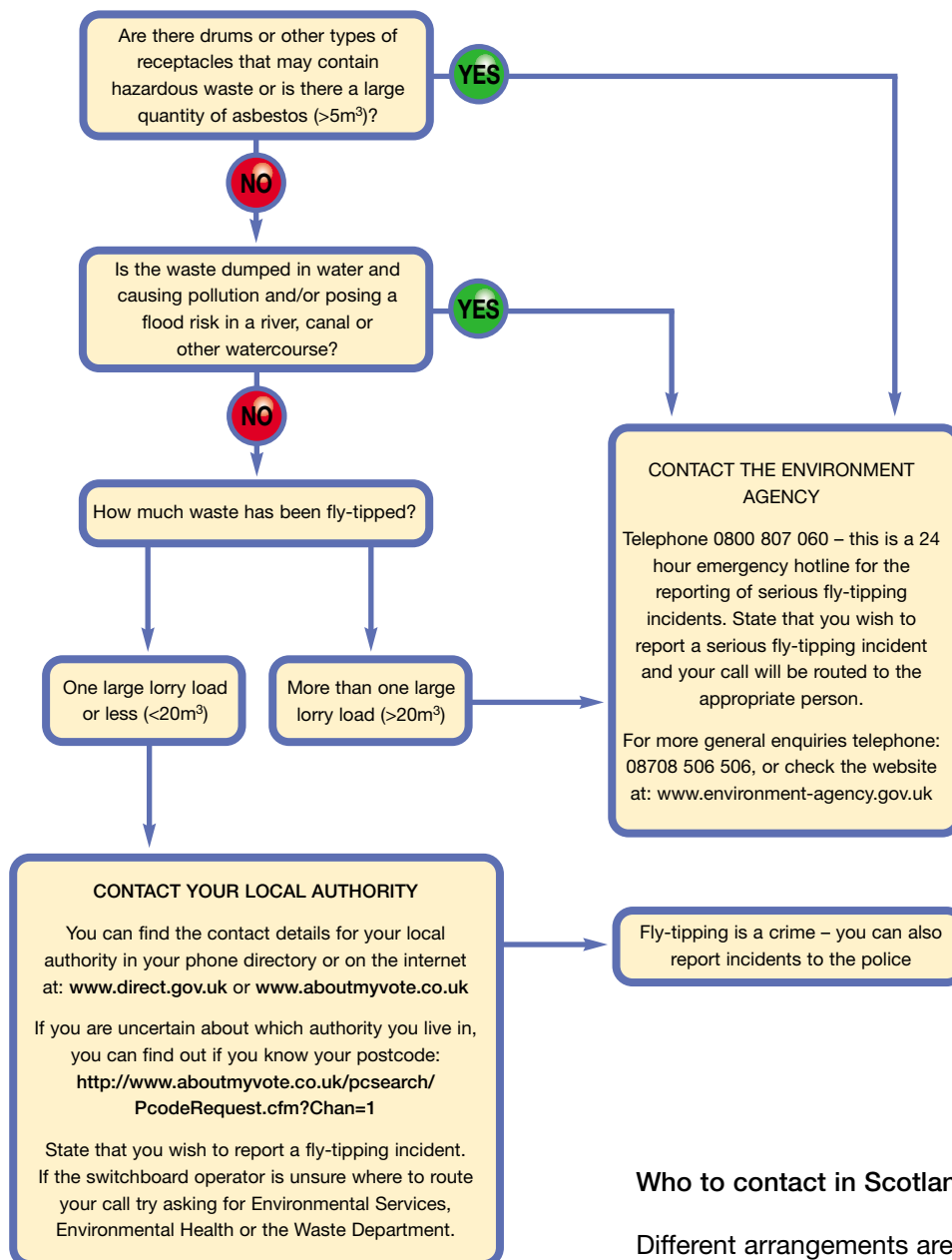
Where the problems identified are not ‘actual or imminent’ the Agency may intervene where to do so will have significant benefits such as preventing future problems arising.



Who should you contact if you have discovered fly-tipped rubbish on your land?

This is a simple summary. If in doubt, consult the Fly-tipping Protocol.

See page 7 for where to access the Protocol.



Who to contact in Scotland

Different arrangements are in place in Scotland. You can report incidents by phone, Dumb Dumpers Stop Line: 0845 2 30 40 90 or online: www.dumbdumpers.org



Fly-tipping on your land

If you are a victim of fly-tipping, you should record as many details as possible and contact the relevant authority as explained opposite. Take photographs of the waste as you found it. Talk to your neighbours to see if they saw anyone or anything suspicious.

You will then need to decide how to deal with the waste that has been dumped on your land and, unfortunately, pay for the cost of disposal. It is unlikely that your local authority or the Environment Agency will clear the waste for you although they may provide other assistance or advice.

Secure the waste

Make sure the waste cannot escape or be interfered with. You may need to erect a temporary fence or bund. As well as protecting people and the environment until the waste can be removed, this will ensure that the evidence is left intact for any investigation.

Dispose of the waste

You are responsible for ensuring that the waste is disposed of correctly.

Before you do this, check with the relevant authority that they have all the evidence they need for any subsequent investigation.

You can seek advice from your local authority or from the Environment Agency. It is most likely to be your responsibility to locate a waste management operator to collect and safely dispose of the waste.

Check that your contractor is operating legally. Call the Environment Agency on 08708 506506 and ask for a waste carrier registration check. Alternatively, you can check online (<http://www2.environment-agency.gov.uk/epr/search.asp?type=register>).

Prevent it happening again

Use our tips to stop fly-tippers returning.





Fly-tipping – legal information for landowners and managers

This section aims to highlight landowners' and managers' legal responsibilities relating to fly-tipping, and to give ideas of options that may be available if you experience fly-tipping on your land. A useful guide to the legislation is provided in Appendix 2 to the Protocol, see page 7.

Every tenant, owner or manager of land has at least some *responsibilities* to maintain their land and to minimise risks to any visitors. Some, like major transport operators, schools, colleges, universities and the Highways Agency, have a legal *duty* to clear fly-tipping.

Local authorities have a responsibility to keep land that is under their control clear of litter and refuse. The Environment Agency has no specific duty to deal with fly-tipping but takes an active role. Together they have developed an agreement, the Protocol, which determines what types of fly-tipping each will deal with, as detailed in the previous section. This tells you who you should contact when you find fly-tipping.

You are responsible for taking action to ensure that any waste that is illegally tipped on your land is taken away and disposed of safely and responsibly. You may need to contact your local authority or the Environment Agency for advice. Local arrangements for dealing with fly-tipping on private land vary around the country – there may be the possibility of further help and assistance in some circumstances. You must make sure that whoever you enlist to collect and dispose of the waste is an authorised waste carrier.

Your responsibilities

- You will typically need a permit or an exemption to allow waste onto your land. If you don't have the appropriate permit you may be breaking the law. Contact the Environment Agency for advice. (EPA 1990 s.33)
- You have a Duty of Care to look after your waste²; this includes storing it correctly and then making sure that your waste is passed on to an authorised person for disposal. You will need to use a registered waste carrier to take away your business waste, including any fly-tipped waste (you do not need one for your own household waste). The Environment Agency website holds an online database where you can check to see if a waste carrier is registered (<http://www2.environment-agency.gov.uk/epr/search.asp?type=register>), or phone 08708 506506 and ask for a waste carrier registration check. (EPA 1990 s.34 and the associated Duty of Care etc, as respects waste; CNEA 2005 s.45)
- Agricultural Waste Management Regulations will be implemented in 2006 after the publication of this guide. The Regulations will prohibit unregulated burning or burying of waste (i.e. operating an unlicensed farm tip is prohibited). The only wastes permitted to be burned in the open air are crop residues (from linseed, cereals, oil seed rape, peas and beans), hedge trimmings and other untreated wood. This activity will need to be registered as an exemption within 12 months of the Regulations being introduced. Further advice is available from the Environment Agency.
- You need to manage waste that is fly-tipped so that you don't run the risk of breaching Health and Safety legislation and endangering visitors onto your land (whether or not you invited them to be there). (Occupiers' Liability Act 1957, 1984; Health and Safety at Work Act 1974)

²see http://www.defra.gov.uk/environment/waste/management/doc/pdf/waste_man_code_leaflet.pdf for more details

Things you can do

The law also provides some ways to help you to deal with the effects of fly-tipping and fly-tippers.

- Anyone can take a prosecution for fly-tipping under the EPA, although in practice most prosecutions are taken by local authorities and the Environment Agency. A good reason for helping the authorities is that if a case goes to court and is successful, you might be able to reclaim these costs as part of the settlement. (EPA 1990 s.33 as amended by CNEA 2005 s.43)
- The laws on trespass can sometimes be used to tackle fly-tipping. The police have powers to remove trespassers, or you can appeal to a Magistrates' Court if you feel that a person is interfering with your use or enjoyment of your land (e.g. by trespassing on it). (Public Order Act 1986; EPA 1990 Part IV)



Tips for preventing fly-tipping

Remember

Before you take action, make sure it's safe to do so.

Be extremely careful.

Fly-tippers are doing something illegal – they are unlikely to welcome people observing them or taking notes or photographs.

These tips can help to prevent fly-tippers abusing your land. Try to work out why your land is being targeted. You can then take steps to make your property less vulnerable. What works will depend on your circumstances.

Physical improvements

- Prevent access by installing gates and barriers. These can be in keeping with the natural environment, e.g. in the form of boulders and bunds. Make sure that you are not permanently blocking a public right of way.
- Make sure gates are closed when not in use.
- Improve visibility so that fly-tippers are not hidden from view - limited clearing of areas or small-scale re-landscaping can reduce hidden corners.
- Install or improve lighting.

CASE STUDIES – Physical improvements

Use of strategic barriers – British Waterways, Smethwick

The site was an access road for motorway maintenance. With fly-tipping occurring every weekend over an eight-month period, British Waterways was clearing up to two or three wagon loads of rubbish every week.

They approached two factories that bordered the site and between the three parties, funding was organised to install a barrier. The barrier still allowed wheelchair access but prevented vehicular access and this completely stopped the tipping. As a result of this success, barriers have been installed at four or five other sites, also reducing fly-tipping in these areas.

Balancing access needs with barriers – Forestry Commission (Scotland)

It is important to ensure that barriers and other types of physical installations do not restrict those with a right of access. One particular gateway was a hotspot for fly-tipping but a right of access was required to be maintained for horses. A metal barrier was installed with the centre section low enough to allow horses to step over but which prevented vehicular access. The cost of the barrier was £350, and fly-tipping incidents have reduced.

At another location where the Forestry Commission in Scotland has had a regular fly-tipping problem, there was a need to allow ample space for a lorry to pull safely off the carriageway, whilst, at the same time, blocking access to a site off a main road that was a fly-tipping hotspot. To achieve this, the Commission installed two sets of gates, one near the roadside edge that is kept locked at all times



except when large vehicles need to enter for specific operations. When access is required, the outer gates are left open whilst the inner gates are locked. The inner gates cost around £250, while the outer gates cost was £450. Small amounts of fly-tipping appear from time to time but the problem is greatly reduced with the double gating system.

Use of a bund to deter fly-tipping – SEPA/South Lanarkshire Council

A secluded lay-by situated next to a steep glen was being targeted for fly-tipping, with the waste (including sacks of chicken entrails) cascading down the hill and into a watercourse at the bottom. The council resolved to build a high earth bund along the lay-by, making it difficult to throw waste onto the adjoining ground and glen. Sheep-netting was also secured by posts around the nearby bridge parapets to make it very difficult to throw waste directly into the burn from the lay-by area. Although some of the view was compromised, the reduction in fly-tipping helped preserve the beauty of the area. The materials cost several thousand pounds, easily recovered in the first year due to the reduced need for strategic waste operations.

Car park and landscaping improvement – National Trust (Little Haldon)

The National Trust's Little Haldon property covers 17.40 ha (43 acres) of lowland heath approximately three miles to the north of Teignmouth in South Devon. Despite not being permitted, HGVs regularly used the car park for overnight parking and a large island in the middle of the car park screened much of the area from the road. Regular fly-tipping of both domestic and commercial waste occurred on the site, and on two occasions, a number of 50 gallon drums of unidentified chemicals were illegally dumped.

The Trust proposed a plan to reduce the car park size to allow for 20 to 30 vehicles, and to ensure that all vehicles and the whole of the car parking area could be seen from the road to discourage anti-social behaviour. Barriers would be installed to prevent HGVs and larger vehicles from entering the car park, as these are frequently the culprits for dumping commercial waste and damaging the surface.

The final scheme reduced the size of the car park by three-quarters to approximately one third of an acre. A shrub bund separated the car park from the road but vehicles were still visible from the roadway. Pinch points were put in to narrow the entrance using earth bunds and two large boulders – still allowing access for cars but not larger vehicles. It was decided to reduce the entrance width rather than use a height barrier to minimise the impact on the landscape. The entire new parking area was resurfaced and bunded with a one-metre earth bund. The bunds dividing off the old car park have had to be reconstructed using demolition waste and concrete with reinforcing rods which bind it all together, as access had been forced by literally digging through the bunds. The bunds have been given a layer of topsoil with enough depth to ensure the reinforcing rods do not protrude. The bunds were then vegetated.

The car park still suffers the odd incident, but the Trust is very pleased to report that both domestic and commercial fly-tipping have been dramatically reduced. The new narrow entrance has prevented any commercial tipping on the site. Anyone parking on the site is now visible from the road and the improved presentation of the site has reduced domestic tipping and the level of litter on the site by approximately 80%–90%. The total cost has been £2,900.



Site management

- Keep areas tidy – untidy areas attract fly-tippers.
- Remove fly-tipped waste quickly before others think they've found a good place to dump their waste as well.
- Supervise any activities on your land involving large deliveries, especially for construction or agriculture. Unscrupulous operators may deliver something you weren't expecting.

CASE STUDIES – Site management

Innovative fly-tipping removal methods – Network Rail

Efforts to clean up a section of railway line in Glasgow have reached new heights, with abseiling equipment being called in to clear waste from an embankment. The £20,000 operation at Bellgrove has removed piles of rubbish including furniture, household waste and drugs paraphernalia since it began. Part of the line embankment is so steep that the clean-up team must use harnesses to climb down and clear it. According to Network Rail:

“The railway in this area has been blighted by fly-tipping, which poses a real health and safety risk to rail passengers, employees and residents,” said David Simpson, Scotland route director. “The job is being made all the more difficult because some of the embankments are incredibly steep.”

Site management and regular clearing of fly-tipping – Forestry Commission (Scotland)

Many of the forest blocks in the Scottish Lowlands Forest District suffer from fly-tipping and litter problems. When the district was initially formed in 1999 a large number of problem areas needed cleaning up. This was done using

contract labour and proved very expensive. The Commission invested in a 7.5 tonne lorry with a hydraulic crane, and later purchased a JCB Fastrac with a 14 tonne trailer to increase the Commission's own capacity to handle fly-tipping clean-ups. The Commission reports that being able to run regular clean-ups has helped to discourage illegal dumping on its land.

Deterrence

- Prosecution – encourage the authorities to take action and help them to do so by collecting evidence. Successful prosecutions are a strong deterrent to potential fly-tippers.
- Consider installing CCTV.
- Consider employing professional security patrols.
- Signage – put up signs to deter potential fly-tippers e.g. ‘CCTV cameras in operation’ ‘This site is protected by XXX Security’ ‘No tipping – Maximum Penalty upon conviction £50,000’. Try moving them around to keep tippers on their toes.

CASE STUDIES – Deterrence

Joined-up enforcement action – British Waterways, Birmingham city centre

An area bordered by up to five scrap yards was taking in ‘end of life’ vehicles but dumping the tyres. British Waterways sent photographs of the dumped tyres to the local authority and assisted the Environment Agency with subsequent investigations. The Environment Agency also carried out ‘sting’ operations which were attended by British Waterways. In court, British Waterways has acted as an independent witness for Environment Agency prosecutions.

Using CCTV to deter and enforce against fly-tipping – Federation of Small Businesses

A local civic amenity site had a big problem with people leaving fly-tipped waste on a lane outside the amenity gates. The local authority installed cameras, and was able to then target its investigations against a few of the culprits, which has largely resolved the problem. Some councils have provided financial assistance for installing cameras at locations where fly-tipping is a problem on private land.

Some members of the Federation of Small Businesses, including hotels and restaurants who have car parks that are troubled by fly-tipping, have installed cameras and signs. This is having a deterrent effect against criminals and has helped to reduce fly-tipping.

Being alert to potential evidence – National Trust

The National Trust does not carry out prosecutions itself but has provided evidence to the Environment Agency, local authorities and the police. On one occasion, a warden filmed a fly-tipping incident and the video footage was used in a successful prosecution. The Trust encourages staff to collect information on any fly-tipping incidents where they can, and has also held training sessions for its countryside staff in connection with the Environment Agency.

The Environment Agency delivered some training to the Estate Team on what they should do if they see someone fly-tipping and the kind of details they should collect in order to document an incident and to support a potential case as evidence. The Estate Team found the training very useful and thought it was good to forge relationships with the Environment Agency to

combat fly-tipping. Staff are now vigilant about noting registration numbers of suspicious vehicles and take photographs where necessary. Every fly-tipping incident is recorded – date, times, location, volume, type of waste, crime numbers, staff time involved etc.

A volunteer found some fly-tipping in a car park near a National Trust visitor centre – it was several huge loads of chalk and clay. An architect's drawing was found near the waste. The findings were passed onto the police who followed it up and the architect associated with the project was fined £1,500.

For the National Trust it is a challenge to implement preventative measures against fly-tippers, while trying not to deter visitors from visiting National Trust countryside.

Local councils have contacted the Trust and offered to install CCTV surveillance if fly-tipping is a regular problem. CCTV has been used in lanes outside an estate and this has led to success in reducing fly-tipping. The Trust has raised the profile of fly-tipping issues locally by holding talks and providing articles in the local paper.

Using CCTV to deter and enforce against fly-tipping – Forestry Commission

Fly-tippers were persistently dumping waste in an area of the Commission's land in Scotland. Erecting a barrier did not deter them and people wanting to dump abandoned vehicles had tried to ram the barrier, damaging it on a number of occasions. The installation of CCTV cameras has been an effective deterrent – since the camera was fitted there has been no further damage to the barrier.

Working with others

- Work with neighbours to monitor fly-tipping in your area.
- Contact your local authority or the Environment Agency and ask if there is a local group trying to tackle fly-tipping in your area. If there is, see if you can get involved. If not, suggest they create one. Within local authorities this work is likely to come under the banner of Environmental Services. Within the Environment Agency ask to speak to your local External Relations Team.
- Raise the issue with your local Crime and Disorder Reduction Partnership. These statutory partnerships aim to tackle a wide range of crime and disorder problems. Details of your local partnership can be found at: www.crimereduction.gov.uk/partnerships.

CASE STUDIES – Working with others

Communicating with neighbouring residents and businesses – Network Rail, Bloxwich

Parts of the area are hotspots for over the fence dumping. Network Rail works in partnership with the local authority, the police, and British Transport Police to resolve this issue. Joint letters from Network Rail and the local authority were sent out to all residents within 250 metres of the site. These letters highlighted the legal implications of fly-tipping and the problems it causes, and informed residents of legitimate waste disposal options and civic amenity sites in the locality.

The press have been involved and articles have featured in the local newspaper. Network Rail undertook recovery operations on the site. This included clearing the tipping, erecting new fencing and ‘caging’ the bridges. British Transport Police has been involved by carrying out

surveillance for anti-social behaviour. CCTV has been installed but is very limited due to the close proximity of private residences and human rights legislation.

It is too early to draw conclusions as to the degree of success that has been achieved and there have been no prosecutions as yet (although there have been in other areas). One aspect of the initiative that has been very effective, however, is the success of the partnership itself – it is clear that partnership working is the way forward in tackling fly-tipping. What is unclear is whether this level of partnership working is possible in the long term as resources and interest can change within organisations, and some of the work has relied on specially diverted resources, such as British Transport Police patrols, that cannot be sustained in the long term.

Joined up working to combat fly-tipping – Network Rail, Walsall

Network Rail and British Transport Police, supported by Walsall Council, are working together to crack down on the local fly-tipping that has been leaving hundreds of tonnes of rubbish dumped next to the track. Fly-tipped rubbish is highly dangerous in the trackside environment – not only does it look unsightly to travellers and commuters, it causes a potential danger and disruption to transport services and carries health and safety implications for the Network Rail staff who have to clear it up.

“It can interfere with track circuits and larger items could even derail a train and we have to spend thousands of pounds clearing up the mess.”



To help keep tracksides clear in Walsall, regular patrols are made by British Transport Police to deter fly-tipping. A confidential phone line is available through which fly-tipping can be reported, which will also help police in seeking prosecutions.

Working in partnership to combat fly-tipping – National Trust, Bedfordshire

Working with the local authority and the police, a National Trust estate in Bedfordshire removed dumped tyres from an area physically accessible only by Land Rover. They saved approximately £500 as the district council, at the request of the police, took all the tyres away.

The National Trust Property Manager identified that builders' rubble and other construction waste has been the most common type of fly-tipped material.

“Our worst experience was when 15 lorry loads of material was dumped in two of our car parks.”

Abandoned vehicles, sometimes the target of arsonists, have also been a problem. However, the Community Safety Partnership was very effective in dealing with abandoned vehicles. As part of their 'Environment Action Days', the combination of police, district council and Fire Service personnel removed and destroyed hundreds, if not thousands, of vehicles which would otherwise have ended up on National Trust sites around Bedfordshire.

In 2002 the National Trust took the decision to erect height barriers and since then has had very little fly-tipping other than small quantities of garden clippings and the occasional dumping of car parts. The three barriers cost £3,000 each to buy and install. The Trust's county council partners have paid for two more barriers to be installed at two other sites.

There is one drawback for the region in that, since the district councils have taken to using CCTV in hotspots, field gates and lay-bys in the immediate area still suffer from fly-tipping with farmers' fields in particular taking the brunt. However, despite there being quite regular fly-tipping in the area up to 2002/2003, the rate of incidence has gone down and this could be attributable to everyone's efforts to deal with fly-tipping quickly and to making the public aware that the dumping of rubbish is unacceptable.

Tackling large-scale commercial fly-tipping – Network Rail/Salford City Council/Police/ Greater Manchester Waste, Salford

Salford City Council identified large-scale commercial fly-tipping immediately adjacent to operational railway land. There was over 225 tonnes present, much of which was the result of a network of professional fly-tippers who were carefully covering their tracks by using fake number plates and removing any evidence of company names. Network Rail and the council were jointly responsible for removing the fly-tipping and operations were commenced to do so. The location is closely monitored by the police and Greater Manchester Waste. The situation has also improved following the installation of bollards and gates.



Birmingham Fly-tipping Partnership – Network Rail / Birmingham City Council / ENCAMS / British Transport Police / Environment Agency

Fly-tipping was having a negative impact on residents' perceptions and the environment, while also representing a considerable health and safety issue on trackside and railway land. The commitment from all of the parties involved meant that the problem could be addressed from a number of different angles:

- Enforcement – Gathering of evidence and deterrence through the use of CCTV and surveillance, taking photographs etc and active enforcement;

- Education – A publicity campaign to raise awareness of Duty of Care for businesses and local waste services for householders as well as to encourage reporting of the problem; the production and distribution of an information leaflet and by actively talking to businesses and local residents;
- Clearance – Establishment of a call-off contract with contractors to quickly clear fly-tipping from Network Rail land.



Fly-tipping – Details to record

Before you take action, make sure it's safe to do so.

Be extremely careful. Some wastes can be hazardous.

Do not open black bags or drums. Piles of soil may be contaminated or may be hiding dangerous material.

Remember fly-tippers are doing something illegal – they are unlikely to welcome people observing them or taking notes or photographs.

What to record

1. Today's date

2. Did you just discover the waste or actually see it being fly-tipped?

3. Day, date and time that you discovered the waste or saw it being fly-tipped.

4. Location (proximity to water, watercourses etc) e.g. place, landmark, street, town, grid reference.

5. A description of the waste e.g. bag, drum, fridge, tyres, building waste. Is there any evidence of pollution etc resulting from the waste? Is it loose and does it need containing?

6. The quantity or volume of waste e.g. number of bags, a van load, multiple loads.

If you saw the waste being fly-tipped

7. Who was with you?

8. Who did you see?

- (a) How many people did you see fly-tipping and what did they look like?
- (b) Did you recognise any of them?
- (c) Can you describe them e.g. sex, hair colour, distinguishing features?

9. What did these people actually do?

10. Was there a vehicle involved? If so:

- (a) What did it look like?
- (b) What was its make, model and colour?
- (c) What was its registration number?
- (d) Were there any distinguishing features or signs on the vehicle?

11. Where were you when you saw the fly-tipping?

- (a) What kind of view did you have?
- (b) How far away were you?
- (c) What was the weather like?
- (d) Was it light or dark?

Other information

Record any other relevant details here, e.g. photographs/video taken, details of phone calls made on site reporting the incident.

NO
TIPPING



**NATIONAL
FLY-TIPPING**
PREVENTION GROUP