



Department for Environment Food & Rural Affairs

Fact sheet: Fly-tipping - Last updated January 2018

Background

Fly-tipping is the illegal deposit of waste on land, contrary to Section 33 (1) (a) of the Environmental Protection Act 1990. Fly-tipping ranges from 'black bag' waste, sofas and mattresses to large deposits of materials such as industrial waste, construction material and liquid waste. Fly-tipping blights communities and poses a risk to human health and the environment, which is why the Government is committed to tackling this anti-social behaviour so everyone can enjoy a cleaner, healthier country. Fly-tipping spoils our enjoyment of our towns and countryside, can harm human health and wildlife, and damage farming and tourism. It also undermines legitimate waste businesses when unscrupulous operators undercut those that operate within the law and is a drain on local authority resources.

The trend in incidents of fly-tipping had been downward until 2013-14 since when there has been an increase to just over 1 million incidents in 2016-17. This represents an increase of 7% from the previous year. This increase may reflect improvements to the capture of fly-tipping incidents as well as genuine increases in the number of incidents. Most of the incidents occurred on public land, the majority occurring on highways, which accounted for almost half (49%) of total incidents in 2016-17. In 2016-17 local authorities spent an estimated £57.7 million clearing and disposing of fly-tipped waste on public land. Local authorities issued 56,000 fixed penalty notices in 2016-17.

The exact scale of fly-tipping on private land is uncertain as there is no requirement for landowners to report incidents, but we are working to increase reporting. Landowners have estimated that fly-tipping on private land costs £50 million to £150 million a year.

Local authorities and the Environment Agency (EA) are responsible for investigating and clearing up fly-tipping on public land, while clearance from private land is the responsibility of the landowner. Local authorities deal with the vast majority of fly-tipping cases while the EA investigates large-scale cases of illegal dumping, particularly those posing an immediate risk to the environment or public health and those involving organised crime.

Government action taken

We are committed to tackling fly-tipping and, as set out in the Government's manifesto, have given local authorities powers to issue £400 fixed penalty notices. New advances in technology, including mobile phone reporting, have all made it easier for local authorities to clamp down on small-scale fly-tipping, and 98% of fly-tipping prosecutions resulting in a conviction is a clear warning to anyone involved in serious waste crime. This builds on other actions the Government has taken, including:

- cracking down on offenders by working with the Sentencing Council to strengthen the Guideline for environmental offences, which came into force on 1 July 2014;
- making it easier for vehicles suspected of being involved in waste crime to be stopped, searched and seized;
- working in partnership with representatives from central and local government, enforcement authorities, the waste industry and private landowners. The Defra-chaired National Fly-Tipping Prevention Group (NFTPG) works to prevent and tackle illegal dumping; and
- the NFTPG has published a series of fly-tipping prevention guides for householders, businesses and landowners. These build on the Partnership Framework published in 2014, which outlines best practice for the prevention, reporting, investigation and clearance of fly-tipping to be adapted to suit local circumstances. See: www.tacklingflytipping.com.

Further Government action

As part of Defra's Resources and Waste Strategy, we are developing further measures to tackle fly-tipping by:

- enhancing coordination between local authorities and other agencies, such as the EA and the police;
- increasing reporting of fly-tipping on private land to better target enforcement;
- clarifying the legal definition of household waste in relation to charging at household waste and recycling centres;
- broadening producer responsibility to a wider range of items, for example, furniture, mattresses; and
- stopping fly-tipping happening in the first place by reviewing the waste carrier licence regime.

What is being done about fly-tipping on private land?

Fly-tipping is unacceptable whether it occurs on public or private land. Local authorities or the EA are not under any legal obligation to clear fly-tipped waste from private property because the responsibility falls to the landowner. Some authorities may offer a clearance service but they are likely to charge for this. We expect all local authorities to investigate fly-tipping incidents on private land - prosecuting the fly-tippers and recovering clearance costs where possible. Local authorities also provide advice and guidance on measures that can be taken to prevent further fly-tipping.

How do I report fly-tipping?

Fly-tipping incidents can be reported at: www.gov.uk/report-flytipping.

Where can I find the latest fly-tipping statistics?

The official fly-tipping statistics for England are published annually and can be found at: www.gov.uk/government/publications/fly-tipping-in-england.

What are the penalties for fly-tipping?

The penalties for fly-tipping are:

- on summary conviction: imprisonment for a term not exceeding 12 months, or a fine, or both;
- on conviction on indictment: imprisonment for a term not exceeding five years, or a fine, or both.

Companies and their directors, officers and senior employees can be imprisoned. There is also the possibility of convicted persons being refused authorisation to operate as a waste carrier or run a waste management site as well as such authorisation being revoked.

What is the fine for a fixed penalty notice for fly-tipping?

The regulations provide a minimum fine of £150 and can be up to £400.

Fly-tipping across the UK

Fly-tipping is a devolved matter and each Devolved Administration will have different policies. For further information on each Administration contact:

Scotland: zero.waste@gov.scot

Wales: customerhelp@gov.wales

Northern Ireland: wru.queries@daera-ni.gov.uk

Contact Details

The Defra helpline can be contacted on 03459 335577.

Alternatively, you can contact us by email at: helpline@defra.gsi.gov.uk, or write to us at:

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Our target is to reply within 15 working days.