

Fly Tipping



A Guide for Landowners in
Cambridgeshire and Peterborough

Fly-tipping in Cambridgeshire and Peterborough

A guide for land managers/owners

Fly-tipping:

- Is a criminal activity that can seriously pollute our environment.
- Can be a risk to human health and harm wildlife and livestock.
- Spoils our local communities and the quality of life for local residents.
- Costs approximately £150m a year in England to clear away.
- Costs local authorities across England £44m each year to clear away.
- Is seen as a major problem by over three-quarters of landowners and affects 67% of farmers.
- Undermines legitimate waste management companies who are undercut by illegal operators

Fly-tipping and the law

Environmental Protection Act 1990

The Environmental Protection Act 1990 is the main piece of legislation in England and Wales which seeks to protect the environment. It includes two key sections relating to the prevention of fly-tipping (Sections 33 and 34).

The revised Act places a duty of care on anyone who produces or deals with waste in any way - which includes the householder. The duty of care includes that we must all take reasonable measures to ensure that our waste is being dealt with by someone who is legally authorised to do so. It is also illegal under this duty of care for anyone to deposit waste on any land without a license and without dealing with the waste in accordance with that license.

If a person found to be illegally depositing waste on any land claims to be acting under employer's instructions, it would not be considered a valid defence.

Clean Neighbourhoods and Environment Act 2005

The Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) gives regulators more powers to tackle fly-tipping and the courts the ability to impose tougher penalties. Fly-tippers can now be fined up to £50,000 and/or be given 12 months in prison in magistrates' courts. In higher courts fly-tippers can face unlimited fines, incur community punishment orders, or be given prison sentences of up to five years.



The Control of Pollution (Amendment) Act 1989

The Control of Pollution (Amendment) Act 1989 sets out the requirement for waste carriers to register with the Environment Agency and gives authorised officers the power to seize vehicles used for illegal waste-related activities.



Supporting land managers, occupiers/owners of private property

The law also supports land managers, occupiers or owners of private property dealing with the effects of fly-tipping and fly-tippers:

- Anyone in the UK can bring a prosecution for fly-tipping under the Environment Protection Act 1990, although most prosecutions are taken by local authorities and the Environment Agency.
- The laws on trespass can also 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.

If you would like to find out more on legislation, please refer to the Defra website: www.defra.gov.uk

Who is responsible?

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

Under Section 89 of the Environmental Protection Act 1990, certain bodies, including local authorities, have a duty to keep land under their direct control clear of litter and refuse, and highways clear of litter, refuse and detritus. Local authorities and other governing bodies therefore have a responsibility for clearing and disposing of fly-tipping on public land.

Local authorities are responsible for dealing with most types of fly-tipping incidents on public land. However, the Environment Agency will deal with larger incidents, incidents involving organised crime, and certain hazardous wastes which have a greater potential to damage the environment.

Local authorities and the Environment Agency in Cambridgeshire and Peterborough have an agreement known as the 'Fly-tipping Protocol', which sets out their individual responsibilities and how they will work together to deal with fly-tipping.

Please note that regardless of whether fly-tipping is found on public or private land you should report it to the relevant authority (see page 9 for details).

Support from Local Authorities in Cambridgeshire and Peterborough

Local authorities in Cambridgeshire and Peterborough provide support to landowners to help them prevent fly-tipping recurring on their land. They can provide advice on how to dispose of waste legally and may also provide support with the investigation and gathering of evidence to help bring about successful prosecution. Support is assessed on a case by case basis and limited to the resources available to an authority.

Local Authorities do not remove fly-tipped waste on private land free of charge.

For more information on the support available from your local authority within Cambridgeshire and Peterborough, please contact the authority directly (contact details can be found on page 9).

Support from the Environment Agency in Cambridgeshire and Peterborough

The Environment Agency will take enforcement action on larger incidents of fly-tipping wherever possible. They will investigate and assist in cases where waste is dumped in water under their control, potentially polluting or impeding its flow. The Environment Agency will also provide advice to victims of fly-tipping on how to handle and dispose of the waste safely and legally, although they are unable to recommend or endorse one particular waste management company/organisation above any other.

Support from the Police in Cambridgeshire and Peterborough

The police will take action when a fly-tipping incident is in progress. If an incident is reported in progress it is treated as a 'crime in action' and will be dealt with appropriately.

If officers catch people in the act of fly-tipping they have the power to gather evidence of the identity of those present, obtain an account under caution and then report for summons. Police officers also have the power to stop, search and seize a vehicle that they believe is being used for the offence of transporting controlled waste without being a registered waste carrier.

If you witness fly-tipping in progress call 999.

What to do with fly-tipping on your land

Important points to remember

- Before you take action please make sure it is safe to do so.
- Be extremely careful. Some fly-tipped waste can be hazardous. If you suspect that the waste may include any hazardous waste contact the Environment Agency for advice on how to deal with it. Do not open bags or drums and be aware that piles of soil may be contaminated or hide dangerous material.
- Remember that fly-tippers are doing something illegal – they are unlikely to welcome people observing them.

Secure the fly-tipping

Make sure that the waste is secure, therefore limiting the harm it could potentially cause to people or the environment. You may want to consider the need for a temporary barrier to secure the waste.

Recording details

If you witness, or, are a victim of fly-tipping, you should try to record as many details of the event as possible. Consider taking photographs of the waste as found; look for any information that may indicate who may be responsible e.g. letters or invoices; talk to your neighbours to find out if they saw anyone or anything suspicious.

Recording details will help authorities in Cambridgeshire and Peterborough take necessary action against fly-tippers and prevent them re-offending. Successful prosecution can mean that the costs incurred for the removal of the waste can also be recovered.

Report the incident

Regardless of whether fly-tipping is found on public or private land you should report it to the relevant authority below.

Environment Agency

Main national number: 0800 807060

www.environment-agency.gov.uk

Local Authorities

Cambridge City Council 01223 458282

www.cambridge.gov.uk

Cambridgeshire County Council 03450455207

www.cambridgeshire.gov.uk

East Cambridgeshire District Council 01353 665555

www.eastcambs.gov.uk

Fenland District Council 01354 654321

www.fenland.gov.uk

South Cambridgeshire District Council 01954 713407

www.scambs.gov.uk

Huntingdonshire District Council 01480 388388

www.huntingdonshire.gov.uk

Peterborough City Council 01733 747474

www.peterborough.gov.uk

It does not matter who you call to report an incident as local authorities and the Environment Agency work very closely together and will pass on details to each other where appropriate.

If you witness
fly-tipping in
progress you
should call 999.



Dispose of the fly-tipping correctly

Land managers, occupiers or owners of private property are responsible for clearing and disposing of fly-tipping on private land and, as a duty of care, must ensure that the waste is disposed of correctly.

Fly-tipped waste must be disposed of at a licensed commercial waste site. Local authority household waste sites (tips) will not accept fly-tipped waste.

You can deliver the waste to a licensed site yourself or have it collected by a licensed operator. In some instances your local authority may be able to assist you, for which there will be a charge.

It is advised that, when arranging for the waste to be removed by an operator, you contact the Environment Agency to check that they are legally registered to do so. Failure to ensure that operators are licensed to carry waste could result in prosecution and a fine

of £5,000 for the land manager, occupier or owner.

Sites and operators can be found in the phone directory or you can go to: www.wastedirectory.org.uk.

Landowners in Cambridgeshire and Peterborough can seek further advice on how to dispose of fly-tipping safely and legally from the Environment Agency, Cambridgeshire County Council or Peterborough City Council. If you think the waste may contain hazardous materials then you should contact the Environment Agency for advice.

Abandoned vehicles

Report any abandoned vehicles to your local district council, with details of where the vehicle is, its colour, registration number, make, condition, how long it has been there and tax details. Vehicles will be assessed by a council officer and, if considered abandoned, will be removed as soon as is reasonably practical.

Abandoned vehicles can be removed from private land if they can be picked up without difficulty and if the landowner does not object.

Preventing fly-tipping

Tips:

- Limit access by installing gates or barriers. Barriers can be erected that are in keeping with the natural environment, for example boulders and bunds. Make sure that when erecting any form of barrier you are not permanently blocking a public right of way.
- Close/secure gates when not in use.
- Improve visibility so that fly-tippers cannot be hidden from view - through limited clearing of scrub or small-scale re-landscaping, which can reduce hidden corners.
- Install or improve lighting.

Useful sources of information

Keep Britain Tidy

www.keepbritaintidy.org

The National Fly-tipping Prevention Group

www.environment-agency.gov.uk

The Environment Agency web site

www.environment-agency.gov.uk

DEFRA

www.defra.gov.uk

National Farmers Union

www.nfuonline.com

Campaign to Protect Rural England

www.cpre.org.uk

Direct Gov

www.direct.gov.uk

Home Office - Crime reduction

www.crimereduction.homeoffice.gov

RECAP (Cambridgeshire and Peterborough Waste Partnership)

www.recap.co.uk



HPS-1144
Produced by HDC Document Centre
Updated: 18 June 2010 10:13 AM