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Consultation Document

A Fly-tipping Free Wales



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Overview

Fly-tipping is the common term used to describe waste illegally deposited on land. Fly-tipping is a highly visual problem that has a negative effect on local communities and their local environment. Welsh Government is committed to tackling fly-tipping.

In 2007 the Welsh Government published its Fly-tipping Strategy and funded a 5 year fly-tipping initiative currently known as Fly-tipping Action Wales (FtAW). The main aims of the initiative are to tackle and reduce fly-tipping.

FtAW is coordinated by Environment Agency Wales and involves regular engagement with a host of interested organisations to develop and plan actions maximising efforts to tackle fly-tipping. A variety of approaches are detailed within the FtAW partnership document "Pride in our Communities". Some of the organisations involved in FtAW include Keep Wales Tidy, the 22 local authorities, Police and Fire services, the Forestry Commission and Network Rail.

Welsh Government's Fly-tipping Strategy and the Fly-tipping Action Wales partnership document "Pride in our Communities" both end in 2012.

Our vision is for Wales to have no fly-tipping incidents and we now have an excellent opportunity to produce a new high level partnership agreement tackling fly-tipping. This is set in the context of wider Welsh Government policies, such as our commitment to work towards an integrated approach to environment improvements in urban areas and wider waste policy work. We also highlight the lessons learned over the last 5 years.

As part of this document Welsh Government and FtAW have produced the following key outcomes.

1. All key organisations in Wales commit to eliminating fly-tipping, a commitment that is embedded in their strategies and day to day operations.

2. Fly-tipping is widely understood as being socially unacceptable.
3. It becomes easier for people to deal with their waste responsibly.
4. Anyone who fly-tips is caught and punished appropriately.

We want your views and comments on our consultation document "A Fly-tipping Free Wales". Your feedback will be used to help shape our next phase in tackling fly-tipping. It will help ensure we develop the necessary actions to achieve the outcomes and work towards achieving our vision of no fly-tipping incidents in Wales.

The next stage will involve further discussions with key partners and communities to determine the actions needed to tackle fly-tipping.

How to respond

Please respond by either

- e-mail to LEQ@wales.gsi.gov.uk
- using the online form available on our webpage
- by post to:
Local Environment Quality Branch
Welsh Government
Cathays Park
Cardiff CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

Local Environment Quality Branch
People and Environment Division
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Telephone: 029 2082 1589

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document.

We may also publish responses in full.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. **This helps to show that the consultation was carried out properly.**

If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

What are the main issues?

Fly-tipping affects us all. It is a serious crime that is visual, spoils our local neighbourhoods and can impact on the local community's quality of life. It also poses a threat to humans and wildlife through disease transmission, pollution, soil contamination, making areas more liable to drainage and flooding problems.

Environment Agency Wales and the 22 local authorities in 2011-12 dealt with fly-tipping incidents costing £2.1 million in clean up costs alone. A cost that is met by the taxpayers.

Fly-tipping incidents, although slowly reducing, are still occurring for a wide range of waste types, but the most common continue to be household waste, construction and demolition waste and green waste.

There are a number of issues highlighted in our consultation document 'A Fly-tipping free Wales' including:

- **A Partnership approach** - considers the level of strategic buy-in, on the part of key organisations, to tackling fly-tipping, differs across Wales. It is important that communities and enforcement practitioners work collaboratively with decision makers to make the necessary improvements.
- **Understanding the scale and nature of the problem** – Flycapture is limited to recording incidents on public land. We need to understand the scale of the problem for private landowners and organisations such as Forestry Commission Wales, the National Parks and Ministry of Defence.
- **Improved education** - many householders and businesses are unaware of their duty of care and their responsibility to get rid of waste safely and legally. In a recent survey in the Valleys Regional Park 42% of householders did not know they had a responsibility to check where their waste was going or that waste carriers had to be registered
- **Appropriate waste provision** - a lack of adequate and affordable waste provision is often cited by the public as the reason why people fly-tip.
- **An intelligence led approach to enforcement** – building a consistent enforcement capability across Wales such that the interpretation of legislation and enforcement action is the same across enforcement bodies.

Where are we now?

Both the Welsh Government Fly-tipping Strategy and the Fly-tipping Action Wales (FtAW) partnership document end in 2012. Although significant successes have been achieved during this 5 year programme of

education, engagement, intelligence and prevention more still needs to be done to ensure a fly-tipping free Wales.

Welsh Government acknowledges that isolated fly-tipping initiatives do not work and it is key to build on the successes and learn from the lessons of what has already been achieved. Our document 'A Fly-tipping free Wales' also recognises the need to develop Fly-tipping Action Wales into a truly collaborative, strategic partnership, with a shared vision, outcomes and governance that delivers even more. 'A Fly-tipping Free Wales' provides the first step towards achieving this.

We recognise that Wales is already seen by other countries as innovative in its existing approaches to tackling fly-tipping. 'A Fly-tipping Free Wales' and further work presents Wales with an opportunity to lead this field and become an exemplar.

Consultation Response Form

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Please enter your comments here

1. Do you agree with the vision set out in the Introduction of the position paper?

2. Do you have any further case studies or good practice you would like to share?

3. Do you agree fly-tipping is a problem in Wales? Do you have any further examples of how it affects wider public services and communities?

4. Do you have any comments on the lessons learned in Section 10 of the position paper, or have you any additional lessons learned that you would like to share?

5. Do you have any comments on the outcomes and how these can be delivered?

6. Would you like to be involved in developing the actions needed to achieve the outcomes?

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

A Fly-tipping Free Wales

1. Introduction

Welsh Government wants communities to be safe, resilient, sustainable and attractive places for people to live, work and play, where people have access to services and enjoy good health. We want Wales to be a fair, just and bilingual nation, in which citizens of all ages and backgrounds are empowered to determine their own lives, shape their communities and achieve their full potential. Too often communities, particularly poorer communities, feel unable to participate in decision making and influence the environmental challenges they face.

It is at the local level where people feel a sense of place and pride in their community and where there are significant opportunities to achieve environmental, social and economic improvements. The Welsh Government wants all residents in Wales, but particularly those exposed to the most degraded local environments, to take action themselves, to be empowered to have pride in their neighbourhood, to help work towards Wales becoming a cleaner, less wasteful, healthier and safer country.

Tackling the issue of fly-tipping in Wales is an important step in achieving this goal, which requires coordinated action by all partner organisations and communities across Wales.

Welsh Government understands that a truly collaborative approach is needed to deal with the causes of fly-tipping. With only 22 local authorities in Wales and a move to get greater community involvement and empowerment, we have an opportunity to be exemplary in effectively tackling fly-tipping. This partnership approach has already begun in Wales through the work undertaken as part of the previous Fly-tipping Strategy (2007 to March 2012), along with the excellent work of *Fly-tipping Action Wales* and its partner organisations. We now need to build on the success of this partnership working.

The time span covered by Welsh Government's Fly-tipping strategy and the *Fly-tipping Action Wales* partnership document "Pride in our Communities" ends in 2012; this presents an excellent opportunity for us to work together to produce a new high level partnership agreement and to co-design and co-deliver future actions.

This work will aim to deliver our vision of:

‘A future for Wales that is free from the unacceptable social, economic and environmental harm caused by fly-tipping. A future in which we all work together to take responsibility for our waste and to take pride in our communities.’

This paper will provide a starting point for further discussions with key organisations and communities. It sets out our high level objectives for tackling fly-tipping, which will be shared with *Fly-tipping Action Wales* and with our partners.

2. What is fly-tipping?

Fly-tipping is the common term used to describe waste illegally deposited on land, as set out in Section 33(1)(a) of the Environmental Protection Act 1990¹. The waste can be solid or liquid and can vary in scale from the size of a bin bag of rubbish to large scale dumping of construction and demolition waste. Fly-tipping may be found anywhere, including on roadsides, in lay-bys or on private land. Fly-tipping differs from littering in that it involves the removal of waste from premises where it was produced with the deliberate aim of disposing of it unlawfully.

There is also an associated offence relating to the unlawful deposit of waste from a motor vehicle, whereby the person who controls or is in a position to control the vehicle shall be treated as knowingly causing the waste to be deposited whether or not instructions were given for this to be done.

3. Regulatory Authority Powers

Local authorities and *Environment Agency Wales* (from April 2013 *Natural Resources Wales*) have powers under the Environmental Protection Act 1990 to investigate fly-tipping incidents and to prosecute those found to have broken the law. *Environment Agency Wales* is responsible for dealing with large scale illegal dumping, including incidents involving organised crime or hazardous wastes. *Environment Agency Wales* will only clear up waste where there is an immediate risk to the environment or human health. Local authorities deal with the majority of incidents, such as abandoned cars, sofas and household waste. Local authorities may also investigate incidents on private land; but they have no obligation to clear fly-tipped waste from private land. Since 2005, the *Environment Agency Wales*, Local Government Association (LGA) and Welsh LGA have had an agreement known as the Fly-

¹ <http://www.legislation.gov.uk/ukpga/1990/43/contents>

tipping Protocol², which lists the types of fly-tipping incident to be dealt with by local authorities or by the Environment Agency.

4. Sentencing Powers

For fly-tipping offences the prosecution case is usually dealt with by the Magistrates Court; but it can also be dealt with by Crown Court (for the more serious cases). The maximum fine for a fly-tipping offence is £50,000 and/or 12 months imprisonment in the Magistrates Court. The fine is unlimited in the Crown Court and/or 5 years imprisonment. The court can grant a compensation order to reimburse costs incurred by the victims of fly-tipping e.g. clean up costs. A Magistrates Court can order a maximum of £5,000 compensation. Some work has recently been done to improve the knowledge of Magistrates in the area of fly-tipping offences and the associated penalties (see section 9).

Case study: Operation Hawk

Operation Hawk is a case that *Environment Agency Wales* brought against two individuals who allowed local tradesmen to fly-tip waste on land in Abercwmboi. This fly-tipping developed into a large scale dumping operation involving several hundred tonnes of waste. The individuals concerned intimidated locals, who were then afraid to give evidence, which made enforcement action difficult. Thanks to joint working between *Environment Agency Wales*, the Police and Rhondda Cynon Taff County Borough Council, both the offenders were prosecuted in 2012. One was fined £4,000 and £1,000 costs and the other received a 12 months community order with 100 hours unpaid work and £1,000 costs

Case study: Local authority enforcement

Enforcement officers at Neath Port Talbot County Borough Council brought a case against an unregistered waste carrier who fly-tipped waste on Bwlch Road between Cwmavon and Cimla, Neath. The individual had charged £80 for a large house clearance indicating that they had no intention of paying the tipping fee's for disposing of the waste legally. The individual was prosecuted and received a prison sentence.

² http://www.environment-agency.gov.uk/subjects/waste/1029679/1032559/?version=1&lang=_e

5. Is fly-tipping a problem in Wales?

Fly-tipping affects us all. It is a serious crime that is visual and that poses a threat to humans and wildlife through disease transmission, pollution, soil contamination and by making areas more liable to drainage and flooding problems. It costs time and money to deal with, spoils our enjoyment of towns and countryside and can make communities unattractive for commercial or residential development. Fly-tipping spoils our local neighbourhoods and can impact on the local community's quality of life.

The causes of fly-tipping are many and varied as are the motivations of the perpetrators, although financial gain or financial savings is clearly a principal reason in the majority of cases. A lack of facilities or access to them, laziness and an attitude that someone else will clear it up also have a part to play. A great deal of fly-tipped waste can in fact be used as a resource: a mindset that needs to be encouraged. The causes of fly-tipping still need to be better understood, particularly at a local level, however a report by the Jill Dando Institute³ that considered why people fly-tipped waste and offered a number of solutions provides a good starting point.

According to the statistics currently available, the majority of fly-tipped waste in Wales is dumped in urban areas that suffer from overcrowding, poverty and unemployment and in remote rural areas where the risks of being caught are perceived as low.

Fly-tipping undermines legitimate waste businesses, with illegal operators avoiding waste disposal costs and undercutting those who abide by the law, e.g. it would cost £256 in landfill tax to dispose of four tonnes of waste; this cost drives fly-tippers to dump waste irresponsibly and illegally.

Many fly-tipping hotspots are subject to arson attacks at an average cost of £2,593⁴ a call out for the Fire Service. These are just two of the wider social and economic costs of fly-tipping that are often overlooked.

"Fly-tipping is completely unacceptable. Not only is it illegal but it causes a danger to our Firefighters and to the public, it drains Fire and Rescue Service resources and harms the land on which it is burnt and the wider environment. What remains is an unsightly and dangerous mess with materials left over, such as LPG cylinders and asbestos, that are hazards to the public. This can be avoided by taking responsibility of our own waste and by ensuring it is removed safely, legally and responsibly."

Dewi Jones, Station Commander, South Wales Fire and Rescue Service

³ Fly-tipping: Causes, Incentives and Solutions (Jill Dando Institute of Crime Science, May 2006)

⁴ Economic Cost of Fire for Wales Report 2006 - Table 7.2 Average consequential and response costs per fire in 2006 (2006 prices)

6. Measuring the scale of the problem

Fly Capture is the national online database of fly-tipping incidents and enforcement action; it was set up in 2004 by the Department for the Environment, Food and Rural Affairs (DEFRA), Welsh Government, Environment Agency and the Local Government Association. *Fly Capture* records the incidents and costs of illegally dumped waste on public land dealt with by both local authorities and the Environment Agency.

Each year the Welsh Government publishes the *Fly Capture* data on the Stats Wales website.⁵

What do the Fly Capture stats tell us?

- The numbers of fly-tipping incidents have reduced by 34% since 2007 from 54,841 in 2006/07 to 36,411 in 2011/12.
- The overall cost of clearing fly-tipping has fallen by 28% since 2007. The total cost of clearing fly-tipping in Wales in 2011/12 was £2,100,000. In 2006/07 the cost of clearing fly-tipping in Wales was £2,900,000. This is a reduction of £800,000.
- In 2006/07, there was 1 prosecution for every 1306 incidents. In 2011/12 the number of prosecutions has increased to 1 prosecution for every 344 incidents.

Although these statistics look positive and much has already been achieved in Wales to tackle fly-tipping, *Fly Capture* does not reveal the true extent of fly-tipping in Wales as it excludes fly-tipping on private land. Local authorities may investigate incidents on private land but have no obligation to clear this fly-tipped waste. When fly-tipping occurs on private land, it is up to the landowner to pay the clean up costs and these can be significant. Many landowners therefore choose not to report the fly-tipping to the local authority for this reason. Fly-tipping on private land is considered a major issue for landowners and farmers.

“Farmers rightly feel that they are the victims of fly-tipping which costs them both time and money. Farmers need to report fly-tipping so that we get to see the real picture of how serious this problem is for farmers and landowners across Wales. We need a shared solution to reduce the burden on private landowners and to help them deal with fly-tipping. If they do have to clean up after those who have no respect for the countryside, there should be a support mechanism in place so that they can deal with the problem with minimal disruption and cost.”

Trefor Hughes, NFU Cymru Meirionnydd County Chairman

⁵ <http://statswales.wales.gov.uk/index.htm>

The Report of the Farming Regulation Task Force for DEFRA, published in May 2011,⁶ expressed concern about the extent of fly-tipping on agricultural land and the associated clearance costs. It also recommended that fly-tipped material on farms should be reclassified as household waste and should be eligible for disposal at no cost at civic amenity sites.

We need to further consider how to reduce the risk of fly-tipping on private land, for example by working with landowner organisations, such as the NFU Cymru, FUW, CLA and the National Trust, to increase the reporting of fly-tipping incidents and the sharing of best practice on how to reduce the risk of fly-tipping. This may also require a change in policy allowing enforcement officers to examine the fly-tipped waste for evidence and to sanction the use of a civic amenity site to accept the waste.

It should also be noted that not all the local authorities in Wales record their public land *Fly Capture* data in a consistent way. Some progress has been made to ensure that there is better consistency in how data is measured and collected; however there is now an opportunity to review how we capture data in Wales, to better focus our efforts and to more reliably map the trends (see also section 9).

7. Problem wastes

The Fly Capture data for 2011/12 shows that over 60% of fly-tipped material is household waste. The second most common type of fly-tipped material is construction and demolition followed by green waste, white goods and tyres. The majority of incidents are the size of a small van load. Analysing this data gives a good indication of problem wastes across Wales and where resources need to be concentrated.

The recent Waste Crime Report 2011-12 for England and Wales⁷ produced by the Environment Agency indicates that similar types of waste are being fly-tipped in the larger incidents dealt with by the Environment Agency as well as in smaller incidents reported by local authorities.

There are obvious links with the overarching waste strategy for Wales – Towards Zero Waste – that describes a framework for resource efficiency and waste management between now and 2050. The aim of the strategy is to change the way that we deal with waste in Wales resulting in a huge benefit for the environment, economy and our wellbeing.

The amount of fly-tipped material found is one of the litmus test as to whether we are on track to achieving this aim and developing the policies, markets and waste facilities needed to deal with our waste. Looking at the type of material that is being fly-tipped is a consideration when developing sector plans that

⁶ <http://www.defra.gov.uk/food-farm/farm-manage/farm-regulation/>

⁷ <http://www.environment-agency.gov.uk/business/142136.aspx>

outline the action needed to deliver the Towards Zero Waste Strategy⁸. As discussed in section 5 there are many potential drivers that lead people to fly-tip, but it is also true that what gets fly-tipped is an indication of how our waste strategies are working.

“In 2007 our Waste Management and Pollution Control teams jointly targeted all commercial car and tyre traders in the Newport area. Firstly, we sent out questionnaires to 203 businesses asking how they disposed of their waste tyres. The questionnaires were followed up by joint site visits where we checked if their paperwork was in order. Enforcement action was taken on a number of these garages.

Further joint visits were undertaken with officers from Environment Agency Wales. As a result of our efforts the numbers of tyres fly-tipped in Newport fell by 83%.”

Christine Thomas - Streetscene Enforcement & Community Engagement Manager, Newport City Council

Case study: The problem of dumped tyres

The scale of the problem of dumped tyres can escalate and there is a concerted effort to tackle this ongoing problem across all organisations, to remove the threat of tyres to local communities and to encourage the use of tyres as a resource.

As part of a Wales wide campaign, Environment Agency Wales have been investigating four separate illegal deposits of waste tyres in the Newport area since February 2012. Two of the sites had in excess of 5000 tyres and were cleared by Environment Agency Wales at a total cost of £20,000; they will seek to claim this money back at conviction. The tyres were cleared as they posed a significant fire risk to local communities and services such as the M4. These two main sites started as fly tipping and have grown into Illegal Waste Sites that are being investigated by Environment Agency Wales. The other sites involved two farms where the farmers have been duped into renting out land to the individual who has then dumped the tyres and disappeared.

8. What are we doing about fly-tipping?

Legislation and Government policy

The introduction of the Clean Neighbourhoods and Environment Act 2005 (CNEA)⁹ signalled the UK Government and Welsh Government’s tougher

⁸http://wales.gov.uk/topics/environmentcountryside/epq/waste_recycling/publication/towardszero/?lang=en

⁹<http://www.legislation.gov.uk/ukpga/2005/16/contents>

stance on the environmental crime of fly-tipping. The CNEA provided the Environment Agency Wales and local authorities with more powers for fly-tipping offences and provided courts with the ability to impose tougher penalties.

Following on from the CNEA the Environment Strategy for Wales, published in May 2006,¹⁰ detailed how Welsh Government's policies would tackle the environmental challenges facing Wales over the next 20 years. The strategy set out how Wales will implement its obligations under Welsh, UK, European and international legislation.

The strategy recognised the importance of partnership working in achieving the desired results for a better environment in Wales that included adopting appropriate measures to discourage fly-tipping and illegal dumping. The importance of partnership working was further reinforced through the Welsh Government's Fly-tipping Strategy 2007-12, which encouraged local authorities and other partners to work together to tackle fly-tipping problems on a national and local basis. Our Fly-tipping Strategy 2007-12 provided specific funding to Environment Agency Wales and its 50 partner organisations to tackle fly-tipping as part of the Fly-tipping Action Wales initiative. It supported a work programme of actions including business engagement, education, publicity campaigns, preventative measures, use of intelligence, surveillance and enforcement actions to tackle fly-tipping.

National Fly-tipping Prevention Group

In addition to working with partners in Wales, Welsh Government is also an active member of the National Fly-tipping Prevention Group (NFTPG), which is a UK wide group led by DEFRA and which includes a wide range of organisations including national and local government, Environment Agency, landowners and businesses. The group seeks to share and identify good practice in preventing and tackling fly-tipping and it seeks potential solutions for fly-tipped waste. The NFTPG has produced publications relating to tackling fly-tipping such as guides for landowners and land managers.¹¹

Cleaner Wales Summit

The Cleaner Wales Summit organised by Welsh Government in 2009 collected ideas on how the local environment could be improved to achieve a cleaner Wales. Many of the actions identified by partners during the summit are being delivered through projects and initiatives sponsored by Welsh Government. The main suggestions relating to fly-tipping were:

- ensuring that waste sector plans incorporated fly-tipping,
- removing inconsistencies in enforcement,
- increasing the numbers of those who can use enforcement powers,

¹⁰ <http://wales.gov.uk/topics/environmentcountryside/epq/envstratforwales/?lang=en>

¹¹ available at: www.tacklingflytipping.com

- improving intelligence Wales wide,
- working with Magistrates - as fines for fly-tipping are generally low,
- promotion and consistent provisions at Civic Amenity sites,
- supermarket trolleys having preventative electronic/magnetic mechanism to prevent them being removed and subsequently dumped.

Grant funding

In addition to providing funding to *Fly-tipping Action Wales*, Welsh Government has provided grant funding since 2006 to community groups and local authorities to improve local environment quality. The Tidy Towns initiative was launched in 2008 and, since its introduction, we have awarded over £16 million to projects throughout Wales. Funding local authorities, Keep Wales Tidy and community groups to take action in their localities has allowed many areas affected by fly-tipping to be improved.

Welsh Government also provides annual grant funding to Keep Wales Tidy to manage the Eco Schools programme. This encourages pupils to engage in decision making on environmental and sustainable development issues, some of which relate to litter and waste minimisation.

Case study: Fern Hill - Community Project

The Fernhill Association of Residents has undertaken work to improve a river embankment that is being used to fly-tip household waste. The project was successful in applying for Tidy Towns funding to clear fly-tipping and improve access to the green space that was inaccessible due to poorly maintained paths and overgrowth.

A survey was carried out in the area and residents were asked how they disposed of waste and whether they faced any problems in using the services available to them. The findings of the survey identified that waste awareness was an issue and a Waste Awareness Community Day was planned along with clean-up events.

It was agreed that, as well as clearing the fly-tipping and encouraging walkers to use the area, the waste ground should be given a community use to help prevent further fly-tipping. With demand high for community allotments, the project would create a much needed growing area using an area on the estate that was lying dormant. The project would also deliver a programme of training to equip the community with the skills to maintain the area.

A major benefit to the community and local area is that not only will the project create a much needed resource for residents and the local school but an area identified as a hot spot for fly-tipping will be adopted.

Future policy direction

Future and current work on tackling fly-tipping will need to be in line with the current policy goals of Welsh Government. This includes embedding fly-tipping objectives in Welsh Government's work to take a place based approach, using all current resources to work in a more integrated way, to create a sense of pride amongst people for the place in which they live, along with greater community safety, improved health, economic, environmental and social gain. Communities will be empowered to have greater access to services and a voice in the decisions that affect them. This will in turn lead to a sense of happiness and wellbeing for residents and their families, supported by a deeper appreciation of safe, "liveable" places.

The proposed Sustainable Development Bill is likely to place a duty on organisations delivering public services (including the Welsh Government) to ensure that their strategic decision making processes consider economic, social, environmental and long term wellbeing. This will also be of significance when considering actions to reduce fly-tipping in the future.

The current 'Sustaining a Living Wales' consultation paper sets out the Government's proposed approach to the management of natural resources. The main thrust of this approach is that the benefits to people and to businesses are realised alongside environmental benefits. It will do this through the application of the "ecosystem approach" which is a way of looking at all the things that the environment does for us and reflecting that in our decision making. Tackling fly-tipping is a prime example of this as we know the damage it can do is not only from an environmental point of view, but also to people's physical connection with a place, to their pride in their community, and to the impression given to businesses and visitors, which can have negative social and economic consequences.

9. Fly-tipping Action Wales

Fly-tipping Action Wales is the main vehicle for delivering against Welsh Government's Fly-tipping Strategy in Wales (2007-12). It is a Welsh Government sponsored partnership that aims to reduce fly-tipping. It is coordinated by Environment Agency Wales but has a unique identity and way of working that allows partner organisations to work better together, to share resources and achieve results.

How does it work?

Research and evidence based approach

Fly-tipping Action Wales and its Partnership Document 2007-12¹² are built on the research findings of the Jill Dando Institute of Crime Science, University College London, 2006. The Institute recommends a series of measures to

¹² The Partnership Document 2007-2012 can be found on www.flytippingactionwales.com

prevent fly-tipping and to ensure successful prosecution of fly-tippers. The research recognises that there are no quick fixes and that behavioural change is needed through education, enforcement and community involvement. It also recognises that fly-tipping is not confined to organisational or geographical boundaries and cannot be tackled by one organisation acting alone. Having a strong research and evidence base is a guiding principle for the partnership and strong links have been fostered by *Fly-tipping Action Wales* with academic establishments such as the Cardiff Business School of Economics and the Cardiff School of Social Science.

Working in partnership to achieve results

Effective communication amongst partners is key to the success of the initiative. Three fly-tipping fora are run across Wales to facilitate partnership working and the sharing of good practice between a wide range of organisations and interested parties. The fora meetings ensure a consistency across Wales and, collectively, members are able to better influence the actions of partners and policy makers and ensure that resources are targeted where needed.

How is Fly-tipping Action Wales funded?

By working in partnership, the initiative is able to secure funding that would not be accessible to one partner acting alone. Environment Agency Wales fund four coordinators in Wales to lead the initiative and bids are made to the Welsh Government Local Environment Quality branch to carry out the partnerships work programme. In recent years, European funding has also been secured through the Valleys Regional Park ERDF Regeneration Programme. This has allowed a targeted two year clean up campaign to prevent and remove environmental blight and eyesores with a view to increase visitor numbers in the Valleys Regional Park area.

Here are examples of what the *Fly-tipping Action Wales* partnership achieves by fighting fly-tipping on all fronts through education, community action and enforcement:

Education

The partnership shares one logo and one voice ensuring consistent messaging and coverage in the Welsh media. The aim is to encourage the behavioural change needed to tackle fly-tipping and to demonstrate to the public that fly-tipping will not be tolerated and is being tackled on all fronts.

Fly-tipping Action Wales organised a high profile media campaign in January 2010 to highlight the scale of the problem and to inform householders and businesses of their legal duty to get rid of their waste responsibly. The launch gained extensive media coverage including television, radio and press and has served as a launch pad for subsequent campaigns.

Increasingly, the public look to information online. A dedicated *Fly-tipping Action Wales* website¹³ provides businesses, householders and landowners with access to what they need to know to minimise the likelihood of fly-tipping along with information on how to report an incident. It offers the opportunity of signing up for waste clean up action in your local community and also provides an area for partners to share information and good practice.

Case study: Educating future trades people

Construction and demolition waste is amongst the most commonly fly-tipped material in Wales. It is important that trades people of the future know how to deal with the waste they produce. Construction colleges have therefore been targeted in the fight against fly-tipping. Amongst the target audience are 720 students at Pencoed College, Bridgend who are now aware of their duty of care responsibilities.

Community Action

The partnership supports community action through its Total Focus campaigns. The aim of such campaigns is to focus on one geographical area and to devote a large amount of effort and partnership resource to tackling fly-tipping in that area. Face to face community engagement is combined with mail shots, local publicity as well as enforcement campaigns. Businesses and householders become aware of their duties of care in the context of visible and effective partnership action. They are left in no doubt as to what facilities for legal disposal are available and they will be fully assisted in any attempt to clean up and improve their local environment. Total Focus aims to foster a sense that the whole of society in a given area is pulling together to clean up, reduce, reuse and recycle and take pride in our communities.

Case study: Total Focus in the Valleys Regional Park

Partners work with local communities to identify priority areas that are suffering from fly-tipping. Data collected from GPS units is also analysed to identify fly-tipping hotspot areas. Partners including Police, Fire Service, Communities First, Keep Wales Tidy and Forestry Commission are involved from an early stage in order to identify fly-tipping problems in the area; any previous projects carried out and lessons learned. A multi agency approach is used to explore possible solutions that will meet the objectives of all partners. Meetings are then held to plan initiatives that can be delivered to tackle fly-tipping: initiatives that are appropriate, achievable and sustainable. Action

¹³ www.flytippingactionwales.org

plans detailing events, partners, resources etc are prepared and distributed to all involved.

Total Focus events covered:

- Waste Carrier stop checks
- “Butty Van” morning engagement of building and allied trades at builders merchants
- Waste surveys of businesses and residents
- Local radio adverts
- Community skips and clean-ups
- Roadshows in supermarkets and DIY Superstores
- River, canal and cycle route cleans
- Mailshots to businesses
- Additional bulky waste skips
- Articles in local press
- Enforcement operations and surveillance

Intelligence led enforcement

Taking an intelligence led approach is important in the fight against fly-tipping and the partnership has adopted a number of approaches to improve the collation, sharing and analysing of intelligence in Wales.

As part of the Valleys Regional Park project, a Global Positioning System (GPS) project has been piloted to map the true scale of fly-tipping in the region. This system will be an invaluable tool in the intelligence led approach to waste crime. It is the first mapping project anywhere in the UK that covers all fly-tipping incidents, putting Wales at the forefront of modern enforcement. Sharing intelligence is also important in the fight against fly-tipping. Secured local authority access to the Memex Intelligence database (as used by Trading Standards) is also being trialled through the Valleys Regional Park project.

Specialised surveillance equipment is shared amongst partners and helps in the gathering of intelligence needed to prosecute fly tippers. ‘No Fly-tipping’ signs have been provided to each local authority in Wales, again ensuring consistent messaging in the fight against fly-tipping.

Case study: It is difficult to catch fly-tippers.

Training sessions have been delivered for local authority and Environment Agency Wales enforcement officers to increase the consistency of enforcement capability and skills across Wales.

The courses have benefited over 100 enforcement practitioners and have covered:

- Surveillance,
- Regulation of Investigatory Powers Act 2000,
- Collecting Photographic Evidence,
- Legislation and preparing witness statements.

Case Study: Working with magistrates.

Many partners raise the problems that they have in securing successful prosecutions and enforcement outcomes when taking fly-tipping cases to the Magistrates Court. It was generally felt that magistrates sometimes lacked understanding of the full impact of fly-tipping and the tools available to them when sentencing. Taking on board advice from magistrates and solicitors serving both the local authorities and Environment Agency Wales, the partnership distributed a factsheet for magistrates on dealing with fly-tipping cases in conjunction with the Magistrates Association and the Justices' Clerks' Society. Recognising the benefit of this approach the then Environment Minister wrote to Lord Leveson requesting that the Sentencing Council consider supplementing the Magistrates Court sentencing guidelines with specific guidelines relating to crimes such as fly-tipping. The Sentencing Council is currently reviewing these guidelines to include environmental offences, such as fly-tipping.

10. What have been the difficulties and lessons learned from the work programmes delivered through the Fly-tipping Strategy?

Results have been delivered through the Fly-tipping Strategy 2007-12 and the work of *Fly-tipping Action Wales* but there is more that can be done. Listed below are the main challenges that continue to lie ahead.

The Partnership approach

- The level of strategic buy-in, on the part of key organisations, to tackling fly-tipping differs across Wales. It is important that communities and

enforcement practitioners work collaboratively with decision makers to make the necessary improvements.

- In a difficult economic climate it is even more important to work together and build on a partnership approach so that effort is not duplicated and resources are targeted where needed.
- There is a need to work in partnership with communities to co-shape their local area so that they not only take pride in their places but understand the social, economic and environmental benefits needed.

Understanding the scale and nature of the problem

We have some way to go to understand the scale of the problem in Wales and we need to build on the research and evidence based approach.

- Fly Capture is limited to recording incidents on public land. We need to understand the scale of the problem for private landowners and organisations such as Forestry Commission Wales, the National Parks and Ministry of Defence.
- We need a better understanding of the wider environmental, economic and social impact of fly-tipping on a community.
- It is also important to have a better understanding of the behaviour changes needed to stop fly tipping and of how the “hidden resources” of the tipped goods can be reduced through positive recycling.
- This wider understanding will support the intelligence led approach needed to catch fly-tippers; to understand the gaps in waste disposal services that lead to fly-tipping; to help influence the solutions and to support communities and landowners in tackling the problem.

Education

- Many householders and businesses are unaware of their duty of care and their responsibility to get rid of waste safely and legally. In a recent survey in the Valleys Regional Park, 42% of householders did not know they had a responsibility to check where their waste was going or that waste carriers had to be registered.
- There is a need to better support and promote those legitimate businesses who do register as a waste carrier.
- It is important to remove inconsistency amongst enforcement bodies across Wales in the way that they implement the Duty of Care Regulations.

- We need to support the ‘reduce, reuse, recycle’ agenda to help people think of waste as a resource.

Waste Provision

A lack of adequate and affordable waste provision is often cited by the public as the reason why people fly-tip.

- It is important that we continue to develop the waste provision agenda and that we focus on problem wastes such as household, construction and demolition wastes and tyres.
- We must ensure early identification of problem wastes that could occur if there is a change in legislation.
- We must work to address a lack of consistency in the provision of waste amenities across Wales, in an effort to make it less confusing for those trying to get rid of their waste legitimately.

An Intelligence led approach to enforcement

The number of prosecutions against fly-tippers across Wales is low. It is difficult to catch these criminals and bring them to justice. Things that can be improved include:

- Building a consistent enforcement capability across Wales such that the interpretation of legislation and enforcement action is the same across enforcement bodies.
- Sharing intelligence - the majority of local authorities do not have an intelligence database but feedback suggests they would like one.
- Work to fully inform Magistrates so that fly-tippers are punished appropriately.

11. What are we intending to do next

Welsh Government acknowledges that isolated fly-tipping initiatives do not work. We therefore need to continue to work with *Fly-tipping Action Wales*, all its partners and communities to explore what actions can be taken to more effectively deal with fly-tipping.

We need to work collaboratively and with only 22 local authorities, the wide range of partners already participating and the close links between

communities, practitioners and policy makers, we have an opportunity in Wales to be an exemplary in tackling fly-tipping.

One of the key areas identified in this document is the need to build on what has been achieved; to develop *Fly-tipping Action Wales* into a truly collaborative, strategic partnership, with a shared vision, outcomes and governance that can deliver even more. As part of this Welsh Government and Fly-tipping Action Wales have produced the following high level outcomes that will provide the focus for future work on tackling fly-tipping across Wales.

OUTCOMES FOR THE PARTNERSHIP

1. All key organisations in Wales commit to eliminating fly-tipping, a commitment that is embedded in their strategies and day to day operations.

For example:

- Addressing the causes and taking action to prevent fly-tipping is 'business as usual' e.g. all fire officers know about the hazards of fly-tipping and have informative leaflets to give to members of the public.
- There are clearly understood mechanisms for collaborative working to achieve shared outcomes but not duplicate work on fly-tipping.
- Stakeholders truly understand the scale of the problem and are equipped with comprehensive, regularly updated information on the social, economic and environmental impacts of fly-tipping and on good practice in reducing it.
- Organisations will consider the implications for fly-tipping in all strategies and policy documents.

2. Fly-tipping is widely understood as being socially unacceptable

For example:

- People understand and accept that they are responsible for their waste.
- People understand the environmental, social and economic impact of fly-tipping.
- People know where to go for guidance to tackle and report fly-tipping in their communities.
- There is a good level of education around fly-tipping issues.

- There is a better understanding of why different groups fly tip, what would enable positive behaviour change and what would promote greater understanding and ownership.

3. It becomes easier for people to deal with their waste responsibly

For example:

- Facilities to deal with waste across Wales are easily accessible by all.
- Everyone in Wales knows where they can get advice and information about how to dispose of waste.
- Businesses who dispose of their waste legally are supported.
- Waste is used as a resource where possible - zero waste targets.

4. Anyone who fly-tips is caught and punished appropriately.

For example

- Enforcement is intelligence-led and there is effective collaboration between Natural Resources Wales, Police and local authorities.
- It is easy for members of the public and organisations to report incidents and contribute relevant data.
- The severity of the fines and penalties is an effective deterrent.
- Judges and magistrates apply full penalties because they understand the impacts of fly-tipping and the available penalties.

In order to deliver these outcomes we need to work in collaboration with all partners in Wales to develop detailed actions. These detailed actions will emerge from discussions with individual partners, from the conference workshop outputs of 'A Fly-tipping Free Wales' on 26 November 2012 and from further workshops with partner organisations and communities. The detailed actions and the outcomes above will form the basis of a new fly-tipping strategy for Wales.