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Consultation Document

A Fly-tipping Free Wales – Our strategy for tackling fly-tipping



Date of issue: **3 June 2014**

Action required: Responses by **29 August 2014**

Overview

This strategy sets out a series of key actions which, when delivered, will achieve our outcomes and deliver our vision of 'A Fly-tipping Free Wales'.

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.

Since 2007 the Welsh Government has been working with Fly-tipping Action Wales (FtAW) to reduce fly-tipping. FtAW is coordinated by Natural Resources Wales and involves regular engagement with a host of interested organisations to develop and plan actions maximising efforts to tackle fly-tipping. Some of the organisations involved in FtAW include Keep Wales Tidy, the 22 local authorities, Police and Fire services, land owners, landlords and Network Rail.

In November 2012 the Welsh Government consulted on the proposed Fly-tipping strategy 'A Fly-tipping Free Wales'. As part of this document the Welsh Government and FtAW produced the following key outcomes.

1. All key organisations in Wales commit to eliminating fly-tipping and that commitment 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.

These outcomes were widely supported. Feedback and further discussions with key partners have determined the actions needed to tackle fly-tipping that have shaped this draft strategy.

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

For further information please contact:

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

Telephone: 02920 825215

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.

A depleted natural environment blighted by fly-tipping impacts not only on our long-term health and wellbeing, but also on our ability to grow our economy. It can affect both the tourism and inward investment potential of an area. Fly-tipping undermines legitimate waste businesses, with illegal operators avoiding waste disposal costs and undercutting those who abide by the law. Natural Resources Wales and the 22 local authorities in 2012-13 dealt with nearly 35,000 fly-tipping incidents costing nearly £2 million in clean up costs alone; a cost that is met by the taxpayers.

Fly-tipping incidents although slowly reducing, are still occurring and affecting a large number of our communities. The Welsh Government is fully committed to tackling fly-tipping on all fronts. In 2007 we published our first Fly-tipping Strategy and funded a 5 year initiative known as *Fly-tipping Action Wales*. This initiative is coordinated by Natural Resources Wales (formerly Environment Agency Wales) and involves over 50 partners working together to tackle fly-tipping through education, enforcement and community engagement initiatives. This first strategy came to an end in 2012.

Since 2007, *Flycapture* data shows that fly-tipping across Wales has steadily declined and businesses and householders are now more aware of how they can dispose of their waste safely, legally and responsibly. However, we recognise that there is still much work to be done if we are to achieve our long term goals.

In November 2012 we published our position statement on a 'Fly-tipping Free Wales.' This set out our vision and the outcomes we need to achieve to effectively tackle fly-tipping in Wales. Following extensive consultation we have developed, with our partners, a new strategy that highlights where we are now and, more importantly, the actions that need to be delivered in order to achieve our vision.

If we are to achieve our vision of 'A Fly-tipping Free Wales' there are a number of issues that we need to address including:

- **A Partnership approach** – Our work through *Fly-tipping Action Wales* has shown us that we need a truly collaborative approach to tackling fly-tipping.
- **Understanding the scale of the problem** – We need a comprehensive data set that covers both public and private land. This will enable us to effectively target resources to the most affected communities.
- **Improved Education** – Many householders and businesses are unaware of their responsibility to dispose of their waste safely, legally and responsibly. We

want everyone to know how they can value their waste as a resource and what they can do to tackle fly-tipping in their communities.

- **Appropriate Waste Provision** – A lack of adequate waste facilities is often cited as a reason why people fly-tip. We need to collect robust evidence to assess whether this is a problem for Wales.
- **An intelligence led approach to enforcement** – Building enforcement capability across Wales will be key to ensuring that fly-tippers are caught and punished appropriately.
- **Private Land** – Private landowners are currently required to remove fly-tipped waste from their own land. This is seen as an onerous burden and private landowners would like to work together with regulatory authorities to progress a way forward.

Where are we now?

We recognise that partnership working is key to the delivery of this strategy. We understand that a truly collaborative approach is needed to deal with the causes and effects of fly-tipping. No one organisation can effectively tackle fly-tipping alone. With only 22 local authorities in Wales and a move towards greater community involvement and empowerment, we have an opportunity to be exemplary in tackling fly-tipping by working in partnership.

This strategy sets out how we will deliver our vision of 'A Fly-tipping Free Wales'. We will achieve this vision by working towards the following 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.

Through our consultations and workshops to date some common issues were found to impact on our ability to deliver the above outcomes and these have been identified as cross cutting themes and cover the following issues:

Data collection - a robust evidence base will be required to effectively implement this strategy.

Partnership working - no one organisation can tackle fly-tipping in isolation, we need to work together to make a real difference to the lives of the people of Wales.

Communications - consistent and clear messages delivered at a local level are key to influencing the behaviour change we need to achieve our vision.

The draft strategy shows the actions that will be taken by the Welsh Government and our partner organisations to deliver each of the outcomes and to address the cross cutting themes. These actions have been developed in consultation with our partners.

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Please enter your comments here

1. Do you think this strategy will help tackle fly-tipping in Wales?

1. Do you agree with the proposed actions under each section of the strategy?

2. Do you have any further actions you would like to see included and why?

4. Do you have any further comments on how the outcomes can be delivered?

5. Would you like to be involved in the working groups to help deliver 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:

Welsh Government

A Fly-tipping Free Wales – Our strategy for tackling fly-tipping

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1 Introduction

The Welsh Government wants all residents in Wales, but particularly those exposed to the most degraded local environments, to take action themselves, so they can build pride in their neighbourhood and help work towards Wales becoming a cleaner, less wasteful, healthier and safer country. 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.

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

This strategy 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 build pride in our communities.’

Fly-tipping is a blight on our communities. It poses a threat to humans and wildlife, damages our environment, and spoils enjoyment of our towns and countryside. Over 34,000 fly-tipping incidents were recorded in Wales during 2012/13 costing the Welsh tax payer £1.9 million to clear. These incidents varied in size from a bin bag of rubbish to large lorry loads of construction and demolition waste.

A depleted natural environment blighted by fly-tipping impacts not only on our long-term health and wellbeing, but also on our ability to grow our economy. It can affect both the tourism and inward investment potential of an area, not to mention the value of its homes. Fly-tipping undermines legitimate waste businesses, with illegal operators avoiding waste disposal costs and undercutting those who abide by the law. On average, it costs £108 in landfill tax and gate fees to dispose of one tonne of waste. In some cases, this cost may drive businesses to dump waste irresponsibly and illegally. Many fly-tipping hotspots are also subject to arson attacks at an average cost of £2,593 per call out for the Fire and Rescue Services. These are just two of the economic costs of fly-tipping that are often overlooked.

The autumn statement¹ made by the Minister for Natural Resources and Food: ‘*Shaping a more Prosperous and Resilient Future*’ sets out our ambition to tackle poverty in all its many aspects. Deprived communities are often disproportionately affected by fly-tipping² and we understand that a poor local environment is not only a

¹ *Shaping a more Prosperous and Resilient Future (Autumn 2013)* - <http://wales.gov.uk/topics/environmentcountryside/consmanagement/natural-resources-management/policy-statement/?lang=en>

² *Fly-tipping: causes, incentives and solutions*. (2006) - <http://www.ucl.ac.uk/jdi>

symptom of poverty it can also be a cause. That is why in our position paper in 2012:³ '*A Fly-tipping Free Wales*' we set out a strong commitment to tackling the problem in poorer communities and to help "those exposed to the most degraded environments."

Welsh Government is fully committed to tackling fly-tipping on all fronts. In 2007 we published our first Fly-tipping Strategy and funded a 5 year initiative known as *Fly-tipping Action Wales*. This initiative is coordinated by Natural Resources Wales (formerly by the Environment Agency Wales) and involves over 50 partners working together to tackle fly-tipping through education, enforcement and community engagement initiatives.

Since 2007, *Flycapture* data⁴ shows that fly-tipping across Wales has steadily declined and businesses and householders are now more aware of how they can dispose of their waste safely, legally and responsibly.

However, we recognise that there is still much work to be done if we are to achieve our long term goals. The state of our natural resources is the most crucial legacy that we will leave for future generations. To create a more prosperous and resilient future for Wales we must sustainably manage our land, air and water. We believe that everyone in Wales should enjoy and be supported by a clean, healthy and safe environment, and that aim is at the heart of this strategy. This document, developed with our partners, highlights where we are now and the actions needed to achieve our vision.

³ Consultation Document '*A Fly-tipping Free Wales*' - <http://wales.gov.uk/topics/environmentcountryside/epq/cleanneighbour/flytipping/?lang=en>

⁴ <https://statswales.wales.gov.uk>

2 Developing the strategy

This strategy has been developed through extensive consultation with partner organisations and should be read in conjunction with our consultation document 'A Fly-tipping Free Wales'.³ In developing this strategy we have used the feedback given to us via:

- 'A fly-tipping Free Wales' conference held in November 2012.

This conference launched our consultation document 'A Fly-tipping Free Wales' and began the discussions that have helped us to develop this strategy. Over 100 people attended the conference and took part in workshops to help develop the actions that will reduce fly-tipping in Wales.

- The responses received through the consultation on our document 'A Fly-tipping Free Wales' in February 2013.

This consultation ran between November 2012 and February 2013. We received 41 responses and have used the information provided to develop this strategy and shape further workshop events.

- Workshops held with key stakeholders during 2013.

During 2013 we held 4 workshop events to further develop the actions and suggestions that we had received through the conference and the responses to our consultation document. A wide range of organisations from the public, private and voluntary sectors attended these events.

This strategy sets out how we will deliver our vision of a fly-tipping free Wales; how we will work towards the following outcomes:

5. All key organisations in Wales commit to eliminating fly-tipping - a commitment that is embedded in their strategies and day to day operations.
6. Fly-tipping is widely understood as being socially unacceptable.
7. It becomes easier for people to deal with their waste responsibly.
8. Anyone who fly-tips is caught and punished appropriately.

Through our consultation some common issues were found to impact on our ability to deliver these outcomes, those issues have been identified as cross cutting themes as follow:

Data collection - a robust evidence base will be required to effectively implement this strategy. We need a comprehensive data set that covers both public and private land. This will enable us to effectively target resources to the most affected communities.

Partnership working - no one organisation can tackle fly-tipping in isolation, we need to work together to make a real difference to the lives of the people of Wales. It is important that we work both strategically and locally to co-design and co-deliver sustainable measures that ensure fly-tipping no longer degrades our communities.

Communications - consistent and clear messages delivered at a local level are key to influencing the behaviour change that we need to achieve our vision.

Each of the outcomes and cross cutting themes is discussed in detail in section 4 and 5 of this strategy.

2.1 Key issues

Through our consultations with our partners we have identified that to achieve our vision of '*A Fly-tipping Free Wales*' we also need to address the following issues:

Improved Education – Many householders and businesses are unaware of their responsibility to dispose of their waste safely, legally and responsibly. We want everyone to know how they can value their waste as a resource and what they can do to tackle fly-tipping in their communities.

Appropriate Waste Provision – A perceived lack of adequate waste facilities is often cited as a reason why people fly-tip. We need to collect robust evidence to assess whether this is a problem for Wales.

An intelligence led approach to enforcement – Building enforcement capability across Wales will be key to ensuring that fly-tippers are caught and punished appropriately.

Private Land – Private landowners are currently required to remove fly-tipped waste from their own land. This is seen as an onerous burden and private landowners would like to work together with regulatory authorities to design and progress a way forward

3 Background

3.1 What is fly-tipping?

Fly-tipping is the common term used to describe waste illegally deposited on land. The offence of fly-tipping and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping are set out in Section 33(1)(a) of the Environmental Protection Act 1990⁵. 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.

3.2 Is fly-tipping a problem in Wales?

Our partners tell us that fly-tipping is a problem in Wales, despite the good progress made by local authorities and other partners since 2007, and this is backed up by figures from *Flycapture*⁴; the database that is used to collect information about fly-tipping in the UK. *Flycapture* figures show that although there has been a reduction of 36% since 2006/07 there were still 34,876 incidents of fly-tipping reported in Wales during 2012/13. This equates to 4 incidents of fly-tipping taking place every hour of every day. These incidents cost £1,886,783 to clear, money that could have been better spent elsewhere to improve the lives of communities in Wales.

Flycapture only records incidents of fly-tipping that occur on public land so the true scale of fly-tipping is likely to be much larger than that indicated by the *Flycapture* figures alone. Private landowners have told us that fly-tipping is a problem for them and improving data collection to understand the true scale of the problem will be a major part of implementing this strategy.

The majority of waste that is fly-tipped is household waste and most fly-tipping incidents are the size of a small van load. Other commonly tipped wastes include construction and demolition waste and green waste (see Figure 1).

⁵ <http://www.legislation.gov.uk/ukpga/1990/43/contents>

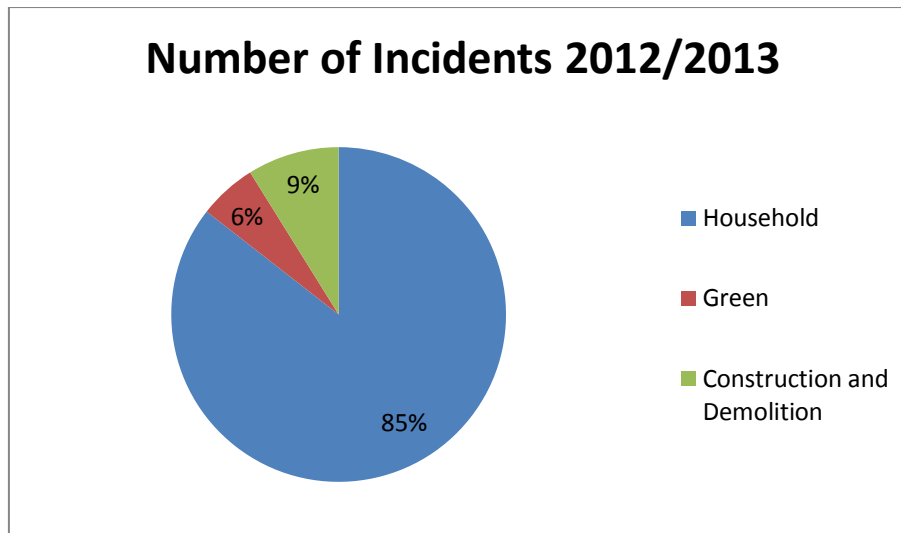


Figure 1

3.3 How fly-tipping is tackled in Wales

A partnership approach

Wales is unique in that it has adopted a partnership approach to tackling fly-tipping. This has been driven through the work of *Fly-tipping Action Wales*, a Welsh Government funded initiative that is led by Natural Resources Wales, which brings together partners to tackle fly-tipping.

Their work has been based on research carried out by the Jill Dando Institute of Crime Science in 2006². The Institute recommended a series of measures to prevent fly-tipping and to ensure the 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.

Fly-tipping Action Wales works closely with the Welsh Government, statutory organisations, voluntary organisations, businesses and local communities to take a holistic approach to tackling fly-tipping. The initiative aims to bridge the gap between these partners and ensure that strategic priorities are linked to on the ground action.

Three fly-tipping fora, coordinated by *Fly-tipping Action Wales*, bring together partners to share best practice and take forward issues at a local level. *Fly-tipping Action Wales* also support focus groups that meet to progress specific issues such as enforcement, fly-tipping on private land and fly-tipping in communities.

More information on *Fly-tipping Action Wales* can be found at:
www.fly-tippingactionwales.org.uk

Regulatory authorities

Local authorities and Natural Resources Wales have powers under the Environmental Protection Act 1990 to investigate fly-tipping incidents and to prosecute those who are found to have broken the law. However the investigation of fly-tipping is not a statutory duty and this means that these bodies are not legally required to investigate incidents of fly-tipping.

Local authorities deal with the majority of incidents such as fridges, sofas and household waste. They are responsible for clearing fly-tipping from public land. Local authorities may also investigate incidents on private land, but they have no obligation to clear fly-tipped waste from private land.

Natural Resources Wales is responsible for dealing with large scale illegal dumping, including incidents involving organised crime and certain hazardous wastes. Natural Resources Wales will only clear up such waste where there is an immediate risk to the environment or human health.

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 most serious offences. The maximum fine in a Magistrates Court for a fly-tipping offence is £50,000 and/or 12 months imprisonment. The fine is unlimited in the Crown Court and/or 5 years imprisonment.

In 2014, the Sentencing Council issued new guidelines⁶ for magistrates on sentencing for Environmental Offences. Importantly, this guidance states that it should not be cheaper to offend than to take the appropriate precautions. Magistrates should ensure that the combination of financial orders imposed (compensation, confiscation if appropriate and fine) remove any economic benefit derived from offending.

We have supported the Sentencing Council in their production of this guidance by providing evidence on the level of fines that have been given for fly-tipping offences in Wales. We hope that when this guidance is implemented fly-tipping offences will be punished appropriately and sentences will act as a real deterrent.

⁶ http://sentencingcouncil.judiciary.gov.uk/guidelines/forthcoming-guidelines.htm#Environmental_offences_definitive_guideline

4 Delivering our key outcomes

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

Where we are now

Support for tackling fly-tipping within local authorities varies across Wales. This is mainly because the investigation of fly-tipping incidents is not a statutory duty for local authorities and therefore the resources they invest in tackling fly-tipping differ across Wales, depending on local priorities. Some areas are well supported and resourced to tackle issues, while others struggle to get the support needed to make a difference. Expertise can also be an issue with some authorities lacking the skills needed to effectively tackle fly-tipping.

It is not only local authorities that have a part to play in tackling fly-tipping. Large landowners such as National Trust, Network Rail and the farming community, together with local businesses, the third sector and communities, can all help. We have learnt that isolated fly-tipping initiatives do not work and that in order to tackle fly-tipping effectively we need a mixture of education, enforcement and community engagement initiatives supported at the highest level by all these organisations.

The issue of fly-tipping on private land is of particular concern as private landowners often feel there is little help for them to tackle fly-tipping. This issue is currently not dealt with on a strategic basis with incidents being dealt with on a site by site basis.

Where we would like to be

To eliminate fly-tipping in all areas of Wales will require support from the top of all key organisations. To achieve this high level “buy in” we will need to have a robust evidence base to identify the problems and then to assess our interventions against that evidence base; this issue is considered as one of our cross cutting themes. We will also need to consider whether it will help to make the investigation of fly-tipping a statutory duty.

Fly-tipping needs to be considered in all key policies and strategies, both at a national level and more locally, in order to ensure that those policies and strategies maximise the potential to reduce fly-tipping and do not unintentionally lead to an increase in it. In these difficult financial times we understand that there are many pressures on resources, by working effectively together, sharing resources, and learning from others, we can achieve our vision.

We would also like to work with private landowners to further understand their issues and to develop new ways of working that will help and support them to tackle fly-tipping.

Case study: Resource Sharing in North Wales

A Prosecution Pilot Scheme is being trialed in North Wales. Solicitors from six local authorities will work together to form a Virtual Team in order to provide prosecution services for the whole of the Principal Counsel’s North Wales region. The aim of the scheme is to provide a consistent, high quality and efficient standard of prosecution service throughout the North Wales region that is both flexible and robust, leading to an improved and more resilient service for client departments.

Case Study: Working with private landowners in Ceredigion

In Ceredigion, clearance work is being carried out in partnership with local landowners with assistance being offered if the land owner can, by agreement, take steps to place fly-tipped waste at a convenient and safe collection point near a public highway. The process is however subject to specific conditions, and landowners must erect warning signs and take steps to improve the security of their land or to carry out other works to restrict access to potential fly-tippers in problem hot-spots.

How we will get there

	Action
1	We will consider the possibility of making the investigation of fly-tipping incidents a statutory duty.
2	We will investigate in further detail the barriers to tackling fly-tipping at a local level and publish our findings.
3	We will trial a working agreement between Natural Resources Wales, local authorities and private landowners. This could outline roles and responsibilities in relation to fly-tipping duties and outline best practice for dealing with incidents.
4	We will promote resource sharing at a local level to enable access to expert support for tackling fly-tipping.
5	We will raise the profile of fly-tipping at the highest level by providing a robust evidence base to identify the problems and provide a measure against which to assess the impact of our interventions.

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

Where we are now

For many of our communities fly-tipping is an everyday occurrence. Fly-tipping by its very nature is a visible crime that can impact on how people feel about their community. 35,000 incidents of fly-tipping take place within our communities each year, many of these incidents take place in the most deprived areas of our country.

People generally view fly-tipping as being socially unacceptable; however, there is still a minority who continue to think that it is OK to dispose of waste irresponsibly. Research⁷ undertaken by *Fly-tipping Action Wales* has shown that 67% of the public think that it is important to report fly-tipped goods, however just 51% of people are aware of their 'Duty of Care'. This is the law that requires everybody to ensure that their waste is disposed of safely, legally and responsibly. We still have some way to go before we can say that fly-tipping is widely understood as being socially unacceptable.

Where we would like to be

We want to remove the excuses for fly-tipping and to empower local communities to take action themselves. We want everybody to know how they can help to prevent fly-tipping. To do this we will work closely with local champions to get our messages heard.

We will also actively promote the use of waste as a resource, giving it a value and making it less attractive to fly-tip. In December 2013 we published our Waste Prevention Programme for Wales⁸, which aims to drive changes that will ensure that householders and businesses in Wales are able to reduce their quantity of waste, through the reuse of products or the extension of the life span of products. This in turn should help to reduce the amount of waste that is fly-tipped.

⁷ *Attitudes to Waste Crime in the Valleys Regional Park* (2013).
<http://www.flytippingactionwales.org/en/our-work/research/blue-marble/>

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

How we will get there

	Action
6	We will liaise with existing networks and 'local champions' to deliver fly tipping messages and advice within the community.
7	We will ensure that people know how they can report fly-tipping and what help there is available to tackle the issue.
8	We will work with Waste Awareness Wales and WRAP Cymru to change the perceptions of waste with the view to it being considered a resource.
9	We will work with major landlords and others to try and eliminate fly tipping at source.

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

Where we are now

It is often cited that a lack of provision of waste facilities is a reason for people fly-tipping. Research (1) carried out by *Fly-tipping Action Wales* found that 9 out of 10 people questioned knew where they could correctly dispose of their waste. However many people complain that restrictions and charges placed on different waste types make it more difficult to dispose of some wastes legally. For example, householders may be charged for bulky waste collections by their local authority or are unaware that this service exists. Some small businesses also report that it is difficult to know where they can dispose of their waste easily. Small businesses can have their waste collected by the local authority for a charge, however they may generate small quantities of waste frequently and be unable to bulk up the waste to make legal disposal in this way cost effective. Also, the rising costs of legal waste disposal (Including the annual increase in landfill tax) can provide a financial incentive for illegal disposal.

A report by the *London-wide Initiative on Fly-tipping* (LIFT, 1984) identified four groups of fly-tippers. These were:

- organised criminal fly-tippers, who fly-tip for financial reward;
- commercial fly-tippers, who fly-tip to avoid disposal charges;
- domestic fly-tippers, who fly-tip to avoid inconvenience; and
- travellers, who, it could be speculated, tip due to not receiving normal waste collection services although many travellers are also involved in money making activities which generate waste e.g. metal recycling.

Our 'Towards Zero Waste' strategy for Wales⁸ was launched in June 2010. The strategy document outlines the actions that we must all take if we are to reach our ambition of becoming a high recycling nation by 2025 and a zero waste nation by 2050. This overarching strategy is being implemented through a series of sector specific plans. The Collection, Infrastructure and Markets (CIMs) Sector Plan covers the management of all waste in Wales. This document sets out Welsh Government's vision for improving waste infrastructure in Wales.

Whilst the focus of the CIMs plan is on delivering infrastructure to enable us to reduce the amount of waste that we all produce and to improve how we manage the waste we do generate, the plan does also include actions for tackling fly tipping across Wales.

Where we would like to be

Everybody in Wales should be able to, and know how to dispose of their waste safely, legally and responsibly. There should be no excuse for fly-tipping waste.

We need to investigate and develop a strong evidence base to demonstrate whether the number of waste facilities and/or the restrictions/charging at these facilities impacts on levels of fly-tipping. We also need to understand all the aspects that drive people to fly-tip. If it is proved that lack of facilities or restrictions at these facilities does impact on levels of fly-tipping then we will explore potential solutions.

How we will get there

	Action
10	We will undertake research to determine if there is a relationship between waste policies and fly-tipping.
11	We will promote engagement with fly-tippers to understand why people fly-tip and what would make them stop.
12	We will work with partners to investigate the benefit of establishing or supporting the production of a trade waste directory for Wales.

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

Where we are now

In 2012/13, there were 86 successful prosecutions against fly-tippers in Wales⁴. This figure is an improvement on the 40 successful prosecutions that took place in 2006/07, but represents just 0.2% of all incidents reported. By its nature, fly-tipping is a difficult crime to detect. Fly-tippers often operate under the cover of darkness and often leave little traceable evidence behind at the crime scene.

Fly-tipping is a Wales wide problem as fly-tippers are not constrained by local authority boundaries. Our partners have told us that successful investigations and prosecutions in one area can lead to fly-tippers moving their operations to neighbouring authorities. Intelligence sharing between local authorities and Natural Resources Wales has historically been limited, reducing the opportunities for authorities to work together to catch offenders. This has started to change with the trial of an intelligence sharing database between six local authorities in Wales.

Our partners have also told us that the punishment of offenders is not always a deterrent to committing the offence. To address this issue we have worked with the Sentencing Council who has recently released new guidance for magistrates on environmental offences⁶. This guidance will be implemented in July 2014 and directs magistrates to ensure that the fine issued for an offence is never less than the benefit gained from committing the offence. We hope that, as this guidance is introduced, sentences for fly-tipping will prove more of a deterrent.

Where we would like to be

With over 34,000 incidents of fly-tipping taking place across Wales each year, we need to build on the good practice that exists to ensure consistency and enable enforcement bodies to catch offenders. The sharing of intelligence will be key to enabling enforcing bodies to effectively work together and target their resources to catch offenders.

Fly-tippers should not be able to commit an offence more easily in one area of Wales than another. We want all enforcement bodies to have the necessary tools and skills to enable them to catch offenders.

Currently the only options for punishing fly-tippers is to either take a case to court or issue a simple caution. Enforcement officers across Wales have told us that they would like the option of being able to issue a Fixed Penalty Notice to punish small scale fly-tipping offences.

Case Study – Prosecuting fly-tippers in Neath Port Talbot

Fly-tippers operating in Neath Port Talbot have been successfully caught and punished. Mr Shane Price was fined £2,615 for fly-tipping in a country lane in Pyle. He had been paid to remove waste from a business in Barry but to save money he fly-tipped the waste instead.

Mr Leon Jones was sentenced to 200 hours unpaid work in the community and £300 costs for fly-tipping two loads of waste. He also had his vehicle seized. He initially denied the offence, but later admitted what he had done.

How we will get there

	Action
13	We will support the establishment of an intelligence sharing database for Wales
14	We will bring together enforcement/legal practitioners to create a pool of expertise.
15	We will seek to develop a standardised national training package for enforcement officers. We will investigate if this can be accredited to a recognised standard.
16	We will facilitate the production of a best practice guide for dealing with fly-tipping on public and private land in Wales.
17	We will investigate introducing a Fixed Penalty Notice or other enforcement tools for fly-tipping incidents.

5 Cross cutting themes

Cross cutting theme 1 - Improving data collection

Where we are now

We do not have a clear picture of the precise number or location of fly-tipping incidents in Wales, or the quantity and types of wastes fly-tipped. Currently information on fly-tipping is recorded on the *Flycapture* database. *Flycapture* is a national online database that records the number and types of fly-tipping incidents on public land together with the cost of clearance and the enforcement action taken. It was set up in 2004 by the Department for the Environment, Food and Rural Affairs, Welsh Government, Environment Agency and the Local Government Association.

Flycapture is a useful tool for demonstrating the numbers and cost of fly-tipping incidents on public land in Wales. However it does not record incidents of fly-tipping on private land and it does not allow the location of an incident to be recorded. This means that we have an incomplete picture of fly-tipping in Wales. We are unable to map where incidents are taking place and we are therefore unable to effectively target resources to the areas of greatest need.

We have begun work on improving our data collection through a system known as *Flymapper*. *Flymapper* is a web based mapping system that allows local authorities and other landowners to geographically plot fly-tipping incidents. *Flymapper* records the location of an incident and will also show the type and volume of the waste that has been tipped.

Where we would like to be

To enable us to effectively tackle fly-tipping in Wales, we need to have robust data on which to base our programmes. We need to know where and when incidents of fly-tipping are taking place and be able to demonstrate whether current practices are impacting on levels of fly-tipping. We need to have the capability to record incidents on both private and public land. We need to be able to identify if particular waste streams are being fly-tipped so that we can act quickly to prevent wide-scale problems developing. *Flymapper*, when rolled out across Wales, will give us this capability.

Case Study – Carmarthenshire County Borough Council

Flymapper has been fundamental in providing on the spot analysis of fly-tipping occurring in Carmarthenshire.

Mike Roberts Environmental Enforcement Policy and Strategy officer from Carmarthenshire County Borough Council said “*It has made it easier for us to identify where the fly-tipping hotspots are and it has helped us to target our resources more effectively. We have been able to use the information to gain approval to carry out surveillance, which has resulted in a successful prosecution. We also use the data from Flymapper to aid the impact statements that we put into our case files.*”

How we will get there

	Action
18	We will work with partners to further develop <i>Flymapper</i> as the system to record fly-tipping incidents in Wales.
19	We will utilise the <i>Flymapper</i> system on public and private land.
20	We will support the creation of a baseline data set for the number, type and location of fly-tipping incidents in Wales.
21	We will ensure that enforcement and other bodies are able to utilise the data held by <i>Flymapper</i> so that they can effectively target their resources.
22	We will regularly interrogate the data to determine whether policies and interventions are impacting on the level of fly-tipping in Wales.

Cross cutting theme 2 - Partnership working

Where we are now

We recognise that partnership working is key to the delivery of this strategy. We understand that a truly collaborative approach is needed to deal with the causes and effects of fly-tipping. No one organisation can effectively tackle fly-tipping alone. With only 22 local authorities in Wales and a move towards greater community involvement and empowerment, we have an opportunity to be exemplary in tackling fly-tipping by working in partnership.

This partnership approach has already begun in Wales through the *Fly-tipping Action Wales* initiative. *Fly-tipping Action Wales* is supported by a wide range of partners including amongst others the 22 local authorities, the national police and fire services and Keep Wales Tidy. By developing their identity as a partnership, *Fly-tipping Action Wales* have been able to tackle fly-tipping by improving consistency in enforcement across Wales; by identifying and tackling fly-tipping hotspots and prolific offenders; by providing clear and consistent messages to the public and by securing additional funding.

Fly-tipping Action Wales run three fly-tipping fora across Wales to facilitate partnership working and the sharing of good practice between a wide range of organisations and interested parties.

In addition to the partnership work of *Fly-tipping Action Wales*, many organisations are working together in smaller ad hoc partnerships based on local needs. Neighbouring local authorities and third sector organisations are already sharing resources and expertise at this local level. For example, Keep Wales Tidy, Groundwork Wales and Communities First often work with local authorities and *Fly-tipping Action Wales* to tackle local fly-tipping hotspots.

Where we would like to be

Collaboration is central to achieving our goals. We intend to build on the success of previous partnership working and promote a more collaborative approach to tackling the problems of fly-tipping. We realised that we needed a pooling of expertise and a collaborative approach to the design and delivery of the actions contained within this strategy; that is why in autumn 2013, we ran Focus Groups to give our partners the opportunity to help us shape this Strategy. These Focus Groups identified key actions around enforcement, waste provision, community engagement and fly-tipping on private land. During 2014/15 the Focus Groups will be further developed to specifically help deliver the actions in this strategy.

Building on our successes, we must continue to work closely with businesses and landowners, but also seek out new partners. We need to work with voluntary and community organisations, charities, co-operatives and social enterprises. Our Focus

Groups identified the social, economic and environmental value generated by these third sector organisations. We believe that the third sector can make significant contributions both to the welfare of communities and in our efforts to fight fly-tipping. For example, they can provide jobs and training in waste management, educate the public in the need for waste minimisation and recycling, as well as providing refurbished household goods. In short, they can be valuable allies in our drive towards a fly-tipping free Wales. If we are to significantly reduce fly-tipping we need to work more closely with this sector to promote waste as a resource and a potential source of income.

Finally, we need to continue to build strong partnerships with our local communities, using the learning from the 'Cynefin' Change Programme. It is important that we involve communities from the outset when we are identifying and delivering solutions to the problem. After all, they are in the best position to address the root causes of fly-tipping in their local neighbourhoods.

Case Study - Tackling fly-tipping in Clydach

Fly-tipping was identified as a problem in Clydach, Swansea. Partners including, *Fly-tipping Action Wales*, Swansea City Council, Keep Wales Tidy, Swansea Canal Society, South Wales Police, Mid & West Wales Fire & Rescue Service, Graigfelen Communities First, local schools and Clydach Community Council worked together to tackle the issue.

Actions undertaken included the following:

- A partnership clean-up of the canal walk and the local industrial estate collected over a tonne of general waste and fly tipping.
- By working together, the police, residents, businesses and the local landowner cleared and secured a fly tipped hotspot preventing future fly-tipping.
- Local residents were advised on the best ways to dispose of their waste.
- Presentations were given to local schools on the dangers and effects of fly-tipping.
- Pupils, school staff, parents, residents, police and a local councillor carried out a litter pick of the area.
- 'No Fly-tipping' signs were erected at fly-tipping hotspots.

PCSO Suzanne Birch said:

"Fly tipping Action Wales have been instrumental in bringing service providers and the community of Clydach together to tackle fly tipping issues and help them to make fly-tipping socially unacceptable."

As a result of this multi-partner initiative the local community are now taking ownership of their area. A growing sense of pride in their community has led to a significant reduction in fly-tipping incidents.

How we will get there

	Action
23	We will develop <i>Fly-tipping Action Wales</i> into a truly collaborative, strategic partnership, with a shared vision, outcomes and governance
24	Through the Fly-tipping Fora we will continue to improve partnership working and the sharing of good practice between organisations and communities. The Fora will collectively design and deliver new approaches to tackling the fly-tipping.
25	We will continue to develop Working Groups to progress the actions identified in this strategy.
26	We will work closely with the third sector and make greater use of their close ties with the community and the work they are doing in waste provision, reusing, recycling and the collection of specific materials.

Cross cutting theme 3 - Communications

Where we are now

At present, *Fly-tipping Action Wales* manages a contract with Equinox communications to deliver clear and consistent messages on behalf of its partners. Equinox Communications provide press, broadcast and online media comment on fly-tipping issues. They also provide partners with a selection of marketing materials to help promote key messages and local campaigns.

At a national level, our messages are reaching the public. In 2013, *Fly-tipping Action Wales* took part in several high profile national television programmes reaching over 14 million viewers across Wales and the UK. Good work is also being done at a local level. Local authorities regularly undertake publicity campaigns reminding residents and businesses of their responsibilities, informing them of legitimate ways to dispose of their waste and encouraging them to report fly-tipping.

Where we would like to be

Good communication is an integral part of this strategy. We must engage with households, private landowners, property landlords, business owners and communities to tackle fly-tipping together. Consistent and clear messaging is the key to influencing the behaviour change we need to significantly reduce fly-tipping.

Our Focus Groups noted that it is at the local level where our messages need to be targeted. Local authorities, housing associations, charities and the third sector are often the first point of contact for the public and are, therefore, perfectly placed to engage communities on their 'duty of care' and how they can dispose of their waste safely, legally and responsibly. Local partners are able to identify specific sectors of the community that could help to reduce fly-tipping and are best placed to address potential obstacles such as language barriers. National messages, therefore, need to be focused locally and tailored for local needs.

We need use a variety of methods to reach the public. Online communication is an effective way of reaching residents and businesses, so it is important that we appropriately use social media. We will build on our successes by increasing our social media reach and by providing clear and accessible content online through the *Fly-tipping Action Wales* website.

How we will get there

	Action
27	To achieve maximum impact we will tailor our national messages to meet local needs. National campaigns will be run in conjunction with local initiatives to target landowners, landlords, businesses and residents.
28	We will highlight the problems of fly-tipping through clear and consistent messaging across Wales and organisations.
29	We will harness the potential of social media to communicate our core messages and to encourage regular communication between partners.

6 Monitoring our Progress

We will ensure that the outcomes of this strategy are delivered by monitoring progress towards implementing the actions as outlined below. We will report on our progress annually.

	Action	Delivery progress	Timescale
1	Consider the possibility of making the investigation of fly-tipping incidents a statutory duty.		End 2015
2	Investigate in further detail the barriers to tackling fly-tipping at a local level and publish findings.		End 2015
3	Trial a working agreement between Natural Resources Wales, local authorities and private landowners. This could outline roles and responsibilities in relation to fly-tipping duties and outline best practice for dealing with incidents.		2015/16
4	Promote resource sharing at a local level to enable access to expert support for tackling fly-tipping.		Ongoing
5	Raise the profile of fly-tipping at the highest level by providing a robust evidence base to identify the problems and provide a measure against which to assess the impact of our interventions.		Ongoing
6	Liaise with existing networks and 'local champions' to deliver fly tipping messages and advice within the community.		Ongoing
7	Ensure that people know how they can report fly-tipping and what help there is available to tackle the issue.		2015/16

8	Work with Waste Awareness Wales and WRAP Cymru to change the perceptions of waste with the view to it being considered a resource.		Ongoing
9	Work with major landlords and others to try and eliminate fly tipping at source.		2015/16
10	Undertake research to determine if there is a relationship between waste policies and fly-tipping.		End 2016
11	Promote engagement with fly-tippers to understand why people fly-tip and what would make them stop.		End 2016
12	Work with partners to investigate the benefit of establishing or supporting the production of a trade waste directory for Wales.		End 2015
13	Support the establishment of an intelligence sharing database for Wales		Ongoing
14	Bring together enforcement/legal practitioners to create a pool of expertise.		End 2016
15	Seek to develop a standardised national training package for enforcement officers. We will investigate if this can be accredited to a recognised standard.		2016/17
16	Facilitate the production of a best practice guide for dealing with fly-tipping on public and private land in Wales.		2015/16
17	Investigate introducing a Fixed Penalty Notice or other enforcement tools for fly-tipping incidents.		2014/15
18	Work with partners to further		Ongoing

	develop <i>Flymapper</i> as the system to record fly-tipping incidents in Wales.		
19	Utilise the <i>Flymapper</i> system on public and private land.		2016/17
20	Support the creation of a baseline data set for the number, type and location of fly-tipping incidents in Wales.		Ongoing
21	Ensure that enforcement and other bodies are able to utilise the data held by <i>Flymapper</i> so that they can effectively target their resources.		Ongoing
22	Regularly interrogate the data to determine whether policies and interventions are impacting on the level of fly-tipping in Wales.		Yearly
23	Develop <i>Fly-tipping Action Wales</i> into a truly collaborative, strategic partnership, with a shared vision, outcomes and governance		Ongoing
24	Through the Fly-tipping Fora we will continue to improve partnership working and the sharing of good practice between organisations and communities. The Fora will collectively design and deliver new approaches to tackling the fly-tipping.		Ongoing
25	Continue to develop Working Groups to progress the actions identified in this strategy.		End 2014
26	Work closely with the third sector and make greater use of their close ties with the community and the work they are doing in waste provision, reusing, recycling and the collection of		Ongoing

	specific materials.		
27	To achieve maximum impact we will tailor our national messages to meet local needs. National campaigns will be run in conjunction with local initiatives to target landowners, landlords, businesses and residents.		Ongoing
28	Highlight the problems of fly-tipping through clear and consistent messaging across Wales and organisations.		Ongoing
29	Harness the potential of social media to communicate our core messages and to encourage regular communication between partners.		2015/16

7 References

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