



BRIEFING PAPER

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Fly-tipping - the illegal dumping of waste

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Summary

There are large environmental, social and financial impacts associated with fly-tipping and the illegal dumping of waste. The [Government](#) has stressed the range of impacts of fly-tipping:

Fly tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.

There was a significant increase in reported cases of fly-tipping on public land in England in 2013/14. The Government [statistics](#) show that local authorities reported around 852,000 cases of fly-tipping in England in 2013/14 and that the Environment Agency dealt with a further 137 illegal waste dumping incidents. This represented an increase of 20% since 2012/13. In 2014/15, reported cases in England increased again by 5.6%. Local authorities reported around 900,000 cases of fly-tipping in England and the Environment Agency dealt with a further 151 illegal waste dumping incidents.

In 2014/15, the estimated cost of clearance of fly-tipping to local authorities in England was nearly £50 million and it costs local authorities in [Wales](#) nearly £2 million per year. [Various sources](#) have estimated the cost of fly-tipping on private land as between £50 - £150 million a year.

Fly-tipping is a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court. There are also a number of other possible penalties, including fixed penalty notices between £150-£400 (introduced in England from 9 May 2016); and seizing a vehicle and/or its contents because of suspected involvement in fly-tipping.

Roles and responsibilities for clearing up fly-tipped waste vary, depending on the circumstances:

- Local authorities are responsible for investigating and clearing small scale fly-tipping on public land (including public roads and highways within their responsibility).
- The Environment Agency investigates larger scale fly-tipping (more than a lorry load of waste), hazardous waste and fly-tipping by organised gangs.
- Private landowners are responsible for the clearance of fly-tipped waste on private land.

In certain circumstances, local authorities and the Environment Agency have powers to require landowners to clear waste from their land. The local authority and Environment Agency also have powers to enter land and clear it, and may seek reimbursement for costs related to this.

Fly-tipping is not the same as littering. More information on litter can be found in the Library Briefing Paper on [Litter](#). As waste is a devolved issue, this note focuses on England unless otherwise specified. More detailed information on the devolved administrations can be provided upon request by Members or their staff.

1. The problem of fly-tipping

1.1 What is fly-tipping?

Fly-tipping is the illegal disposal of household, industrial, commercial or other 'controlled' waste without a waste management licence. The waste can be liquid or solid and controlled waste includes garden refuse and larger domestic items such as fridges and mattresses.

Fly-tipping is a criminal offence pursuant to [section 33 of the Environmental Protection Act 1990](#):

a person shall not... deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence.

Fly-tipping is the illegal disposal of waste without a waste management licence. It is a criminal offence.

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 he or she gave any instructions for this to be done.¹

Fly-tipping is not the same as littering. More information on litter can be found in the [Library Briefing Paper on Litter: key trends, policy and legislation in England](#).

1.2 What are the impacts of fly-tipping?

The Department for Environment, Food and Rural Affairs (Defra) stresses the range of impacts of fly-tipping:

Fly tipping is a significant blight on local environments; a source of pollution; a potential danger to public health and hazard to wildlife. It also undermines legitimate waste businesses where unscrupulous operators undercut those operating within the law.²

More recently, the Parliamentary Under-Secretary of State Communities and Local Government (Mr Marcus Jones) has described both litter and fly-tipping as:

antisocial environmental crimes that pose risks to human health and animal welfare, spoil relationships between neighbours and their wider community, and affect the way people feel about the place that they call home.³

¹ Section 33(5), [Environmental Protection Act 1990](#).

² Defra, [Fly-tipping statistics for England, 2013 to 2014](#), last updated 4 February 2015 [accessed 14 September 2015]

³ HC Deb 15 February 2016: [Column 187WH](#)

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In 2014/15, the estimated cost of clearance of fly-tipping to local authorities in England was nearly £50 million⁴ and it costs local authorities in Wales nearly £2 million a year.⁵ According to a 2015 Government consultation, various sources have estimated the cost of fly-tipping on private land as between £50-£150 million a year.⁶

In 2014/15, the estimated cost of clearance of fly-tipping to local authorities in England was nearly £50 million.

1.3 Why is there a problem?

The [National Fly-Tipping Prevention Group \(NFTP\)](#) notes that the causes of fly-tipping are many and varied, including:

- financial gain or saving by the perpetrator;
- a lack of waste disposal facilities or access to them; and
- laziness and an attitude that someone else will clear up the waste.⁷

Fly-tipping on private land is estimated to cost between £50 - £150 million a year.

The Communities and Local Government Committee highlighted some of the evidence it had received to explain the increase in fly-tipping cases in its Report on [Litter and Fly-tipping in England](#). The Government considered that the increase may, in part, be due to more incident being reported by local authorities due to a new online reporting facilities; whereas witnesses representing local councils and landowners pointed to the introduction of charges for collection of household items and garden waste by waste collection authorities.⁸

A Westminster Hall debate in February 2016 on the Communities and Local Government Committee's Report on Litter and Fly-tipping in England further discussed the problems and causes of fly-tipping. Conservative MP Bob Blackman focused on educating people in how to dispose of rubbish and highlighted the requirement to pay for some waste removal as a possible cause of fly-tipping:

It could be one sheet that goes out when someone registers to vote, saying, "Here's advice on how you dispose of your rubbish." At a stroke, we would remove quite a few of the problems that occur with fly-tipping. From what I can see, a lot of fly-tipping is a consequence of people not getting their domestic waste collected.

...

One problem with the charge is that those people will say,
"Actually, I'm not prepared to pay for a service that I think should

⁴ Defra, [Fly-tipping statistics for England, 2014 to 2015](#), last updated 20 October 2015 [accessed 5 May 2016] See also [PQ 32880](#) [on Fly-tipping] for estimated clearance costs since 2012/13.

⁵ Welsh Government, [fly-tipping](#), last updated February 2015 [accessed 6 May 2016]

⁶ Defra, [Waste crime: consultation on proposals to enhance enforcement powers at regulated facilities: and call for evidence on other measures to tackle waste crime and entrenched poor performance in the waste management industry](#), 26 February 2015 [accessed 15 September 2015]

⁷ NFTP website, [About fly-tipping](#) [accessed 6 May 2016]

⁸ House of Commons Communities and Local Government Committee, [Litter and fly-tipping in England](#) Seventh Report of Session 2014-15, HC 607, 14 March 2015, para 20 [accessed 15 September 2015]

be provided by the local authority free of charge"—and has been, by the way, for a number of years—"so I'll find another way of disposing of it." Fly-tipping will become more prevalent as a result.⁹

Labour MP Liz McInnes highlighted the cuts to local government funding as an influencing factor:

Unfortunately, cuts to local government funding are forcing many councils to make savings by closing municipal tips, which could increase fly-tipping. The closure of the local tip in Heywood in my constituency led to great concern among residents, many of whom contacted me to share their worries that such action would exacerbate the growing problem of fly-tipping.¹⁰

The Parliamentary Under-Secretary of State Communities and Local Government (Mr Marcus Jones) noted in his response that:

The Government are committed to localism and the transfer of power to local communities to deal with litter and fly-tipping problems, which require a local approach tailored to the characteristics of the area and the community in which the problems occur. Like the rest of the public sector, local authorities have worked hard over the last five years, but they still need to be thinking innovatively about how they can make litter and fly-tipping-related savings while protecting existing street cleansing services and standards.¹¹

⁹ HC Deb 25 Feb 2016, [Col 179WH](#)

¹⁰ HC Deb 25 Feb 2016, [Col 185WH](#)

¹¹ HC Deb 15 February 2016: [Column 187WH](#)

2. What are the penalties for fly-tipping?

2.1 Current penalties

The penalties for fly-tipping set out in the Environmental Protection Act 1990 were increased through the [Clean Neighbourhoods and Environment Act 2005](#). It is now a criminal offence punishable by a fine of up to £50,000 or 12 months imprisonment if convicted in a Magistrates' Court. The offence can attract an unlimited fine and up to 5 years imprisonment if convicted in a Crown Court.

In addition to fines, those found guilty of fly-tipping may also have to pay legal costs and compensation, which can greatly increase the financial implications of illegal dumping. For example, in 2010 a firm was fined £95,000 for the illegal dumping of waste; in 2013 two waste criminals were fined more than £80,000 for fly-tipping asbestos waste; and in 2016 an individual was fined £47,000 for allowing waste to be illegally deposited at two different sites, causing a fly-infestation as well as risk of pollution and fire.¹²

From July 2014, new [sentencing guidelines](#) produced by the Sentencing Council for England and Wales have also increased potential fines for serious environmental offences, including fly-tipping.¹³

In addition, under the [Proceeds of Crime Act 2002](#), offenders can have assets frozen and confiscated. In 2010 two men were ordered to pay £234,393 under the provisions, the second highest confiscation achieved by the Environment Agency at the time.

There are also a range of other possible penalties including:

- **Fixed penalty notices:** From 9 May 2016, local authorities in England can issue fixed penalty notices between £150 to £400 for small-scale fly-tipping offences pursuant to the [Unauthorised Deposit of Waste \(Fixed Penalties\) Regulations 2016](#). This may be served as a criminal penalty in lieu of prosecution for a criminal offence. It is not a civil penalty (see further below).
- In Scotland, fixed penalty notices can be used for any fly-tipping incidents under section 33A of the [Environmental Protection Act 1990](#).
- **Seizing property:** the [Control of Waste \(Dealing with Seized Property\) \(England and Wales\) Regulations 2015](#) came into force on 6 April 2015 and apply in England and Wales. These

In 2010 a firm was fined £95,000 for the illegal dumping of waste.

In 2013 two waste criminals were fined more than £80,000 for fly-tipping asbestos waste.

In 2016, an individual was fined £47,000 for allowing fly-tipping on 2 different sites.

¹² ENDS Report, [Operator fined over illegal 'fly-infested' waste site](#), 10 March 2016 [accessed 5 May 2016] [subscription needed]

¹³ Sentencing Council, [New sentencing guideline for environmental crimes brings higher sentences for serious offenders](#), 26 February 2014 [accessed 15 September 2015]

regulations establish the procedures which a waste collection authority (most local authorities), the Environment Agency and Natural Resources Wales must follow once they have seized a vehicle and/or its contents because of suspected involvement concerning the transport or disposal of waste (such as fly-tipping).¹⁴

2.2 Introducing fixed penalty notices in England for small-scale fly-tipping

Some organisations have claimed that the penalties handed down are too low to discourage fly-tipping. A Government [consultation](#) on proposals to enhance measures to tackle waste crime ran between 26 February 2015 and 6 May 2015. The consultation sought views on enhancing enforcement powers and other measures to tackle waste crime in England and Wales. It included a call for evidence on adopting fixed penalties for small-scale fly-tipping.

In its Report on [*Litter and Fly-tipping in England*](#) (published when the waste crime consultation was still open in March 2015) the Communities and Local Government Select Committee recommended that the Government introduce a national fixed penalty notice for small amounts of fly-tipping:

Fly-tipping is a serious problem for local authorities and private land owners, and it is increasing. There is therefore a need for local councils to increase their efforts both to deter fly-tipping and to penalise those who engage in it. We accept that prosecution is often difficult and costly and as a result the number of convictions for fly-tipping is low. The Government should introduce a national fixed penalty notice for small amounts of fly-tipping....¹⁵

The [Conservative Party Manifesto](#) 2015 contained a commitment to allow councils to tackle small-scale fly-tipping through fixed penalty notices. Following this, the Conservative Government published its response to the waste crime consultation in October 2015 in which it confirmed that Defra would introduce legislation at the earliest opportunity to introduce such fixed penalty notices:

The Government welcomes the high level of support for the introduction of FPNs for fly-tipping. We agree that they should only be used for small scale fly-tipping and enforcement bodies should continue to bring prosecutions in serious cases.¹⁶

¹⁴ The powers for seizure arise under either section 5 of the Control of Pollution (Amendment) Act 1989 or section 34B of the Environmental Protection Act 1990.

¹⁵ House of Commons Communities and Local Government Select Committee, [*Litter and fly-tipping in England*](#), Seventh Report of Session 2014-15, HC 607, 14 March 2015, para 52 [accessed 15 September 2015]

¹⁶ Defra, [*Government response to consultation on enhanced enforcement powers and other measures to tackle waste crime and entrenched poor performance in the waste management industry*](#), October 2015, p29 [accessed 5 May 2016]

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The Government consultation response also explained that "given the high level of support in the Call for Evidence, the Welsh Government will also be exploring this further in Wales".¹⁷

The [Government Response](#) to the Communities and Local Government Select Committee Report was published in December 2015 and confirmed that, in accordance with its response to its waste crime consultation, it planned to give local councils the power to tackle small scale fly-tipping through penalty notices as an alternative to prosecutions.¹⁸

From 9 May 2016, local authorities in England can issue fixed penalty notices between £150 to £400 for small-scale fly-tipping offences pursuant to the [Unauthorised Deposit of Waste \(Fixed Penalties\) Regulations 2016](#).

¹⁷ Ibid.

¹⁸ [Government response to the Communities and Local Government Select Committee's Seventh Report of Session 2014-15 on Litter and Fly-tipping in England](#), Cm 9097, December 2015, para 27 [accessed 5 May 2016]

3. What is the scale of the problem?

3.1 Fly-tipping data

Fly-tipping probably increased through the 1990s to mid 2000s,¹⁹ although it was not until the creation of the Flycapture database in 2004 that more reliable statistics have been available. Defra, the Welsh Assembly, local authorities and the Environment Agency collaborated on establishing the Flycapture database, which records the number, size, waste and location type of fly-tips on public land recorded each month in each local authority area. It aimed to build evidence in order to inform policy making and to help local authorities to tackle the problem.

The data may not be totally reliable due to difficulties in ensuring consistency in the recording process. However, Defra stated that this does not detract from the value of the database.²⁰ The Flycapture database has now closed and fly-tipping incidents are recorded on [WasteDataFlow](#), which is a web-based system for municipal waste data reporting by UK local authorities to government.

National statistics are published by each government website for England, Wales, Scotland and Northern Ireland. Information on a local authority level can be downloaded by the general public once it has been validated by the WasteDataFlow team. This requires [registration via the website](#) in order to access the data.

The data does not reflect fly-tipping on private land (see Section 4.3 below).

3.2 Fly-tipping trends

Between 2007/08 to 2012/13 the number of fly-tipping incidents on public land in England steadily decreased (from 1,284,000 in total to 711,000 in total). However, Defra [statistics for 2013/14](#) show that local authorities reported around 852,000 cases of fly-tipping in England which represented an increase of 20% from 2012/13.²¹ The Environment Agency dealt with a further 137 illegal waste dumping incidents.

[Defra statistics for 2014/15](#) show that local authorities reported around 900,000 cases of fly-tipping in England which represents an increase of 5.6% since 2013/14. In addition, the Environment Agency dealt with a further 151 incidents.²² The most common place for fly-tipping to occur was on highways (48% of the total incidents in 2014/15) and

There were around 900,000 cases of fly-tipping in England in 2014/15. Around 66% of these consisted of household waste.

¹⁹ Defra, [Fly-tipping Strategy](#), February 2004

²⁰ Defra, [Flycapture fly-tipping national database background](#), 1 October 2009

²¹ Defra, [Fly-tipping statistics for England, 2013 to 2014](#), last updated 4 February 2015 [accessed 14 September 2015]

²² Defra, [Fly-tipping statistics for England, 2014 to 2015](#), last updated 20 October 2015 [accessed 5 May 2016]

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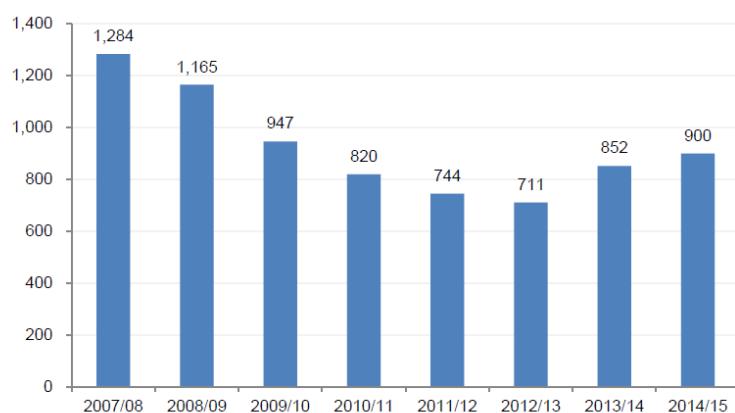
approximately 31% of all incidents consisted of a 'small van load' volume of material.²³

About 66% of fly-tips in England in 2014/15 were household waste. This was nearly 590,000 incidents, one for every 40 households in England.²⁴

Table 1 shows the trends in the number of overall fly-tipping incidents dealt with by local authorities in England since 2007/08.

Table 1: Trends in number of fly-tipping incidents in England, 2007/08 to 2014/15 (thousands)

Figure 1: Trends in number of fly-tipping incidents in England, 2007/08 to 2014/15 (thousands)



Source: Defra, [Fly-tipping statistics for England, 2014/15](#), Figure 1

After years of steady decrease, the Communities and Local Government Committee highlighted its concern over the 2013/14 increase in fly-tipping cases in its Report on [Litter and Fly-tipping in England](#).

There has been a significant upsurge in the incidence of fly-tipping in England in the last 12 months. If this trend continues in future years, it will increase the burden on local councils and private land owners.²⁵

In the same time period (2013/14), local authorities carried out nearly 500,000 enforcement actions at an estimated cost of £17.3 million, up from £15.2 million in the previous year.²⁶ In 2014/15, local authorities carried out nearly 515,000 enforcement actions at an estimated cost of

²³ Defra, [Fly-tipping statistics for England, 2014 to 2015](#) last updated 20 October 2015 [accessed 5 May 2016]

²⁴ Defra, [Fly-tipping statistics for England, 2014 to 2015](#) last updated 20 October 2015 [accessed 5 May 2016]

²⁵ House of Commons Communities and Local Government Committee, [Litter and fly-tipping in England](#) Seventh Report of Session 2014-15, HC 607, 14 March 2015, para 22 [accessed 15 September 2015]

²⁶ Defra, [Fly-tipping statistics for England, 2013 to 2014](#) last updated 4 February 2015 [accessed 14 September 2015]

£17.6 million.²⁷ Enforcement actions in both years included investigations, warning letters, inspections and statutory notices.

Local authorities carried out 1,810 prosecutions against waste offenders in England in 2014/15, down by 9.6% from 2,002 in 2013/14 (compared to 2,200 in 2012/13).²⁸ Over 98% of fly-tipping incidents in England in 2014/15 resulted in a conviction. The vast majority resulted in a fine. Other outcomes included conditional discharge, community service and 21 instances of custodial sentences.²⁹

More detailed statistics are set out in the Government's [Fly-tipping statistics for England, 2014/15](#).

²⁷ Defra, [Fly-tipping statistics for England, 2014 to 2015](#), last updated 20 October 2015 [accessed 5 May 2016]

²⁸ Defra, [Fly-tipping statistics for England, 2014 to 2015](#), last updated 20 October 2015 [accessed 5 May 2016] and Defra, [Fly-tipping statistics for England, 2013 to 2014](#), last updated 4 February 2015 [accessed 14 September 2015]

²⁹ Defra, [Fly-tipping statistics for England, 2014 to 2015](#), last updated 20 October 2015 [accessed 5 May 2016]

4. Responsibilities and powers

In England, policy lead for fly-tipping sits with Defra and Defra's guidance on [Local environmental quality](#) set out the various roles and responsibilities of local authorities and the Environment Agency in dealing with fly-tipping. A local council's responsibilities to keep land clear (including from fly-tipping) are also set out in Defra's guidance on [Litter and refuse](#).

In Wales, the Welsh Government has published [A fly-tipping free Wales – Our strategy for tackling fly-tipping](#). This provides more information about fly-tipping statistics in Wales as well as how fly-tipping is being tackled in Wales.

In Scotland, the Scottish [Fly-tipping Forum](#) was established in 2004 in a bid to find solutions to the problems of fly-tipping. The [Scottish Environment Protection Agency website](#) provides more information on how fly-tipping is controlled in Scotland and how to report fly-tipping.

In Northern Ireland, the [NI Direct website](#) provides more information on fly-tipping, including what to do and how to report fly-tipping.

Defra set up the National Fly-Tipping Prevention Group (NFTPg) to bring private landowners together with local authorities, the Environment Agency and the police. It shares information, practice and solutions across the UK. The [NFTPg website](#) provides guidance for landowners, businesses and individuals and includes the [Fly-tipping Partnership Framework](#) which sets out a range of principles and best practice covering the prevention, reporting and investigation of fly-tipping and the clearance of fly-tipped waste.

4.1 Local authorities responsibility

Local authorities are responsible for dealing with investigating, clearing and taking appropriate enforcement action in relation to smaller scale fly-tips on public land (including public roads and highways within their responsibility).

Local authorities are responsible for small scale fly-tipped waste on public land.

4.2 The Environment Agency responsibility

The Environment Agency is responsible for dealing with larger scale fly-tips on public land involving more than a lorry load of waste, hazardous waste and fly-tipping by organised gangs.

The Environment Agency is responsible for larger scale fly-tipped waste on public land.

4.3 Private landowners responsibility

On private land it is the responsibility of the landowner to remove fly-tipped waste and dispose of it legally. Landowners should ensure that they use an [authorised waste carrier](#) to remove the fly-tipped waste.

The NFTPG has published a guide for landowners: [Tackling Fly-tipping: A guide for landowners and land managers](#). If the fly-tipper is caught and prosecuted, it may be possible for a landowner to reclaim the costs involved.³⁰

In October 2009, Defra explained why it is the responsibility of landowners to deal with fly-tipped waste on their land:

Neither the local authority nor the Environment Agency is under any legal obligation to remove the waste. Placing a duty on the authorities to remove all waste from private land would simply encourage illegal dumping rather than tackle the problem. People would not pay the costs of legitimate disposal if they knew they could fly-tip it in the nearest field and the local tax payer would foot the clearance bill.³¹

Fly-tipping on private land is thought to be a major problem, although there is very little data available. A Defra-funded project led by the Environment Agency completed in 2009 and looked at the potential for landowners to report and record fly-tip incidents on private land, to inform future policy.³² The final [report](#) concluded that the lack of data to show the scale of the problem was a fundamental problem, as was significant under reporting of incidents.

Some landowner associations, such as the NFU, claim that fly-tipping on private land may be getting worse and that it is unfair that landowners are solely responsible for clearing it. The NFU has called for a change in the law to make the authorities responsible for clearing all fly-tipped waste, whether it is on public or private land.³³ In order to show evidence for the extent of fly-tipping on private land, the NFU is collating data by asking its members to complete its [online survey](#).

One of the NFU's election asks for 2015 was that the Government:

Establish targets for local authorities and the Environment Agency to support and enable farmers' and landowners' efforts to deter, remove and clear fly-tipped waste from private land at no cost.³⁴

While private landowners are responsible for dealing with waste dumped on their land, in certain cases the authorities may help landowners deal with a fly-tipping incident, although they are not

It is the responsibility of the landowner to remove fly-tipped waste from private land and dispose of it legally.

³⁰ National Fly-tipping Prevention Group, [Tackling Fly-tipping: A guide for landowners and land managers](#), April 2006 [accessed 15 September 2015]

³¹ Defra, [Flycapture fly-tipping national database background](#), 1 October 2009

³² farminguk.com, [Environment Agency launches project to identify extent of fly-tipping on private land](#), 31 July 2009 [accessed 5 August 2010]

³³ National Farmers' Union, [Flytip recording campaign](#), [accessed 5 August 2010]

³⁴ National Farmers' Union [Election Asks: GM and Fly-tipping](#), 13 April 2015 [accessed 15 September 2015]

required to do so.³⁵ In relation to the interaction between private landowners and local authorities, the [Fly-tipping Partnership Framework](#) highlights that:

- some local authorities are very helpful in their dealings with private landowners (providing advice and investigation incidents);
- some remove fly-tipped material for a reasonable charge; other local authorities are less engaged.

4.4 Powers available to require the clearance of fly-tipped waste

Local authorities and the Environment Agency have powers to require landowners to clear waste from their land. The local authority and Environment Agency also have powers to enter land and clear it, and may seek reimbursement for costs related to this.

Relevant legislation includes:

- **Section 59 of the [Environmental Protection Act 1990](#)** (as amended): a local authority or the Environment Agency can issue a notice on an occupier or landowner to clear controlled waste that has been illegally deposited within a time period of not less than 21 days. It is an offence not to comply with a notice, if no appeal is made. The authorities can also enter land and clear it, and recover reasonable costs.
- **Section 215 of the [Town and Country Planning Act 1990](#)** (as amended): this enables local authorities to issue a notice to landowners requiring land or buildings to be cleaned up if its "condition adversely affects the amenity of the area".³⁶ The authorities can also enter land and clear it, and recover costs from the owner.
- **Section 79 and 80 of the [Environmental Protection Act 1990](#)** (as amended): this legislation deals with statutory nuisance. Nuisance can include odours, accumulations or deposits that "must be or be likely to become, prejudicial to people's health or interfere with a person's legitimate use and enjoyment of land". Local authorities have a duty to investigate complaints about statutory nuisance, and can serve an abatement notice on an occupier requiring them to stop causing a nuisance. Failure to comply with a notice can result in a fine of up to £5,000, with a further fine of up to £500 for each day on which the offence continues after conviction.³⁷

³⁵ National Fly-tipping Prevention Group, [Tackling Fly-tipping: A guide for landowners and land managers](#), April 2006 [accessed 15 September 2015]

³⁶ Office of the Deputy Prime Minister, [Town and Country Planning Act 1990 Section 215 Best Practice Guidance](#), January 2005

³⁷ Defra, [Statutory Nuisance](#), 7 April 2015 [accessed 15 September 2015]

Waste collection authorities and the Environment Agency also have powers under section 108 of the [Environment Act 1995](#) to request information to assist with fly-tipping investigations. Failure to supply the information is an offence.

5. Reporting fly-tipping

Regardless of whether land is public or private, if anyone has witnessed or found fly-tipping, they can report it to the relevant authority (which can be found on Defra's [online service for England and Wales](#)).

In Scotland, reports should be made to [Dumb Dumpers](#) and in [Northern Ireland](#), reports can be made to Crimestoppers or to the Northern Ireland Environment Agency's Environmental Crime Unit.

Reports should include as many details about the incident and type/amount of waste as possible.

The NFTPg give the following advice about reporting fly-tipping on their [website](#):

What should I do if I see someone fly-tipping?

Witnesses are vitally important in enabling action to be taken against people who fly-tip waste, so please do not hesitate to report any incident that you witness as soon as possible.

Do not put yourself in danger by approaching anyone you see dumping waste; they are criminals, who may be involved in other criminal activities, and as such are unlikely to respond well to being challenged. If it is possible to observe them safely, the more information you are able to provide, the better the chances of an investigation.

Information that is useful includes the following:

1. Time and date of incident;
2. Description of person(s) dumping waste;
3. Description of vehicle(s) involved, including registration numbers;
4. Description of the waste dumped;
5. Photographs can also be very useful, but only if it is possible to obtain them safely.

Please be reassured that any information supplied in connection to any such incident is treated in strictest confidence in accordance with the Data Protection Act 1998. If you make notes please keep them, even if they are scribbled notes on the back of an envelope. Actual notes taken at the time can be very valuable as evidence.

Do not try to rummage through the waste yourself to look for evidence, as there may be hazardous or sharp items hidden among the waste. Council staff will carry out a thorough examination of the waste as part of their investigation.

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