

NEWS ANALYSIS FLY-TIPPING

As the cost of removing fly-tipped waste soars, **Olivia Midgley** asks why the issue is getting worse and what is being done to help landowners.

Call for action after fly-tipping increase

Rubbish strewn across yards and pathways, old mattresses dumped in gateways and building materials thrown into fields.

It is a familiar site across swathes of Britain's countryside and, unfortunately for farmers and landowners in hotspot areas, it is a constant battle.

According to the latest Government figures, local authorities dealt with 852,000 incidents of fly-tipping in 2013/14 – an increase of 20 per cent since 2012/13.

More than 2,000 incidents were reported on UK farms and nearly two-thirds of fly-tips involved household waste.

The increase follows recent year-on-year declines in the number of incidents. Some believe this could be down to councils increasing tip charges and others say it is down to the 'professionalism' of fly-tippers and lack of police and council resources to track offenders.

The CLA's head of environment Derek Holliday said: "Even though there are better relationships between relevant councils, the Environment Agency (EA) and the police, fly-tipping is still increasing."

"There is some evidence to suggest it could be down to councils having to divert their resources to other places and these cuts might just be allowing some people to slip through the net."

Disposal

Mr Holliday said large numbers of builders were cashing in by charging customers extra to take away building waste but then dumping it rather than disposing of it at landfill.

He said: "Lots of householders do not realise when they employ someone to do some work they have got a duty of care to make sure their waste is disposed of correctly."

"We suspect some people turn a blind eye and they know the waste is being dumped, but will happily ignore it as it will cost them less."

Fly-tipping is illegal and



“We suspect some people turn a blind eye and they know waste is being dumped”
DEREK HOLLIDAY

offenders could be fined up to £50,000 or receive a prison sentence.

Defra said local authorities carried out 2,000 prosecutions against waste offenders in England in 2013/14, down by 9 per cent from 2,200 in 2012/13.

New rules which came into effect last month will give local authorities greater powers to seize and, in some cases, destroy vehicles associated with fly-tipping crimes.

The Control of Waste (Dealing with Seized Property) Regulations 2015 widened the range of offences a vehicle could be seized for.

The new legislation also removed the need for a warrant before seizure and set out circumstances in which a vehicle could be destroyed.

Mr Holliday said the CLA had 'been trying for some time' to work with local authorities to introduce a ticketing scheme



IN the financial year 2013/14, local authorities in England spent £45.2 million on removing fly-tipped waste. PICTURE: John Eveson

where affected landowners could take dumped waste to the tip free of charge.

He said: "Ultimately, fly-tipping is costing farmers and landowners between £100,000 and £150,000 a year."

"The law says it is the landowner's responsibility, but they think this is unfair as they are victims. It is proving quite difficult to get the changes which are needed."

"Defra and the EA are concerned this could lead to more incidents because those dumping rubbish would know the farmer would not get charged to get rid of it."

Nick Sandford, who manages the 283 hectares (700 acres) Godinton Estate in Ashford, Kent, said the area was often targeted by fly-tippers.

"We get everything from builders' rubble, furniture, tyres, children's toys, prams and ironing boards to large sheets of asbestos, mattresses and kitchen units. A lot of it is brought by people who are paid to take it away."

"If it is on the verge the council will pick it up, but if not it is

Fly-tipping cost

IN the financial year 2013/14, local authorities in England spent £45.2 million on removing fly-tipped waste. These figures do not take account of fly-tipping on private land which has been estimated to cost up to £150m to clear up each year.

down to us to get rid of it ourselves and it could cost several hundreds of pounds."

Mr Sandford said he had been forced to block up gateways 'at huge cost' to deter would-be fly-tippers.

Convenience

He said: "People see it as a convenient way to tip rubbish. These people are so quick you hardly ever see them do it, so you would be unlikely to get a prosecution out of it."

Lorna Harvey, who runs an arable farm with her husband Calum, in Tranent, East Lothian, said their land was often targeted by fly-tippers. However,

What are people dumping?

■ Out of 563,000 incidents in England in 2013/14, 66 per cent of fly-tips were household waste
■ Almost 8 per cent of incidents in England in 2013/14 were commercial waste
■ Almost 6 per cent of fly-tipping incidents (50,000)

were of construction, demolition and excavation waste, up by almost 20 per cent from 42,000 in 2012/13
■ Incidents of white goods significantly increased from 13,000 incidents in 2012/13 to 34,000 in 2013/14, an increase of 152 per cent

the council was 'super quick' to pick it up.

"We are just outside the town, so it happens frequently and it is a pain in the neck."

"We are not far from two

council tips and people can take it there free of charge but they still choose to dump it."

"We are very lucky as the council will come and pick the rubbish up when we report it."

Farmers' greater fly-grazing powers

A NEW law which comes into force at the end of May should make it easier to deal with the problem of illegally grazing horses in England.

The Control of Horses Act 2015 gives statutory powers to farmers and landowners to detain horses or ponies which are left on their land without permission.

The new law will also allow local authorities to seize 'fly-grazing' horses found in any public place – such as common land, village and town greens or verges and embankments beside public roads.

It follows similar legislation which was introduced in Wales at the start of the year.

Richard Atkins, of Knights Solicitors, the NFU's panel solicitors in Kent and East Sussex, said it was a step in

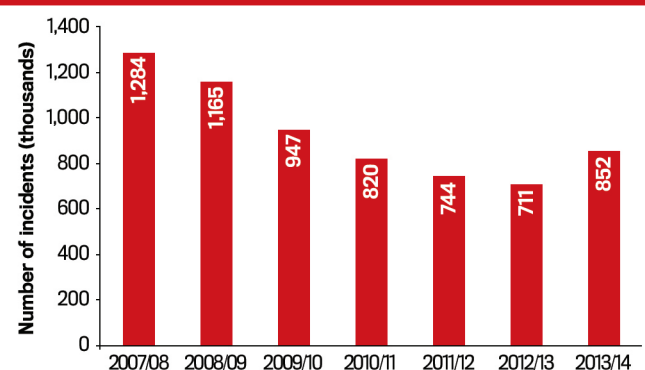
the right direction.

He said: "The owners of trespassing horses or ponies will be liable for any damage caused by the illegal grazing and the expense of keeping a horse or pony while the farmer or landowner tries to find out who it belongs to."

"Detention can be up to 96 hours [four days], although weekends and Bank Holidays do not count. However, the police need to be notified within 24 hours and reasonable steps need to be taken to try to identify and contact the owner."

At the end of the detention period, the horse or pony becomes the property of the farmer or landowner detaining it – unlike the 14-day period prescribed by the Animals Act 1971.

Number of fly-tipping incidents in England Source: Defra



Enforcement

■ 500,000 enforcement actions were carried out in England in 2013/14, an increase of 17 per cent from 2012/13
■ Local authorities spent £17.3 million on enforcement actions in England in 2013/14, up from £15.2m in 2012/13
■ Local authorities carried out 2,000 prosecutions against waste offenders in England in

2013/14, down by 9 per cent from 2,200 in 2012/13.
■ Almost 98 per cent of fly-tipping incidents in England in 2013/14 resulted in a conviction. Most (84 per cent) resulted in a fine. Other outcomes included conditional discharge, community service and 10 instances of custodial sentences
Source: Defra