

Circulation: NFU staff and members

Date: 2nd December 2019

Ref:

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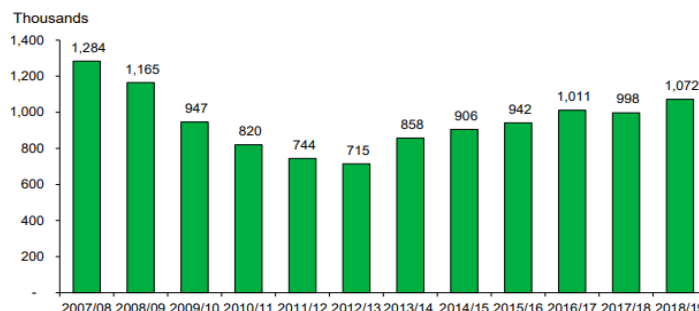
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NFU Fly-tipping briefing

Current situation:

Fly-tipping is a problem that affects two thirds of farmers. Defra statistics for the 2018/19 year show that local authorities in England dealt with over 1 million (1,072,000) fly-tipping incidents, an increase of 8% from the 998,000 reported in 2017/18. Due to frustrations with the reporting system and lack of statistics on private land we suspect that there is a substantial number of unrecorded incidents not captured in the local authority data.

Figure 1.1. Trends in the total number of fly-tipping incidents in England, 2007/08 to 2018/19



The most common place for fly-tipping to occur is on highways, which accounts for almost half (46%) of the total incidents in 2018/19. (This has increased by 6% from 2017/18).

Nearly two thirds (62%) of fly-tips involve household waste, but more worryingly, the figures show that incidents involving 'significant, (or) multi-loads' of waste in England continue to rise. For these large fly-tipping incidents, the cost of clearance to local authorities in England in 2018/19 was £12.9 million.

Issues with fly-tipping:

Not only can fly-tipping can be costly and time consuming to remove, it can be dangerous to human health, wildlife and livestock and in some cases pollute watercourses and contaminate land. When incidents of fly-tipping take place on private land it is the landowner's responsibility to remove the illegally dumped waste. The NFU believe it should not be the sole responsibility of the landowner to deal with this crime.

There is much inconsistency in the way different local authorities, the Environment Agency (EA) and police engage with private landowners. Some local authorities are very helpful in their dealings with private landowners, providing advice and investigating incidents; some remove fly-tipped material for a reasonable charge; other local authorities are less engaged.

Reporting incidents can be frustrating, confusing and extremely time consuming for members. Some incidents must be individually reported to several organisations and rarely offer any feedback on the progress of the clean-up.

For 2018/19, 12,000 (16%) of fixed penalty notices were issued specifically for small scale fly-tipping, 37,000 (48%) in relation to littering and 26,000 (35%) in relation to other offences. Currently, the maximum sentence for fly-tipping in the Magistrates' court is an unlimited fine and/or 12 months in prison, but 95% of the sentences issued are fines of less than £1,000 and most feel that fines being handed out by Magistrates for fly-tipping offences are less than satisfactory.

Many members do all they can to prevent fly-tippers, such as installing gates, barriers, warning signs, security cameras and lighting. However, in many cases we have found that deterrents do not work. In some cases, farmers also experience intimidation, violence and threats on their doorstep from criminal gangs. Anecdotal reports suggest the police may sometimes regard fly-tipping as a less serious crime than others they are dealing with and there have been reports of difficulty in some areas in obtaining crime numbers.

NFU Activity on fly-tipping:

National Fly-Tipping Prevention Group (NFTPG).	The NFU sits on this group, which is led by Defra and has a wide representation. The group have published a National Framework for England for tackling fly-tipping through local partnerships (see below). The Framework provides useful practical advice on how to prevent and tackle the problem of fly-tipping along with case studies of where partnership working has been successful. The NFU promotes the use of this document wherever possible along with the NFTPG's Advice for Landowners: Dealing with fly-tipped waste short guide.
NFU Anti-Fly-tipping Group	The first meeting of the national NFU Anti-Fly-tipping Group was held at Stoneleigh on 3 rd October 2019. Members heard from Chief Inspector Phil Vickers (Lincolnshire Police).
Waste and Resource Strategy	At the end of 2018, Defra published its Waste and Resource Strategy , which proposes the launch of a 'fly-tipping toolkit', better intelligence sharing, tougher penalties for waste criminals and the launch of a Joint Unit for Waste Crime (expected Dec 2019). The NFU welcomes this targeted approach to tackling waste crime the news of a new joint unit led by the EA, with Police, Crime Commissioners, HMRC and waste industry representatives, all working together. The NFU supported this recommendation from an independent review looking at the government's approach to serious and organised waste crime.
NFU & Crimestoppers Rural Crime Hotline	During Rural Crime Week (6 th – 13 th October 2019), the NFU and Crimestoppers relaunched their rural crime hotline. By ringing 0800 783 0137 or visiting www.ruralcrimehotline.co.uk farmers, rural businesses and the public can anonymously give information about rural crimes.
NFU Campaigns	The NFU Love Your Countryside campaign featured fly-tipping as one of its topics during the Christmas 2018 and New Year period. For 2019, the focus of the campaign work was on wider Rural Crime , of which fly-tipping was a core theme.
NFU Media representation	NFU member George Young was recently interviewed on ITV and BBC Farming Today regarding his experiences of fly-tipping (Nov 2019). Previously NFU staff and members contributed to BBC Radio 4's File on 4 special on waste crime and fly-tipping (Nov 2018).
Fixed Penalty Notices (FPN)	A £400 maximum fixed penalty notice (FPN) was introduced by the government for breaches of the household waste duty of care in response to its consultation on crime and poor performance in the waste sector. This is something the NFU supported in the 2018 consultation.
Defra fly-tipping summit	In April 2018, the NFU attended Defra's fly-tipping summit, which brought together representatives from different government departments with a priority to push on better sentencing and prosecution efforts.
NFU Combatting Rural Crime Report	The NFU launched the NFU Combatting Rural Crime Report in July 2017 with a reception at the House of Lords attended by MPs and peers including the new policing minister Nick Hurd MP and Chief Constable Dave Jones of North Yorkshire Police. The event raised the profile of the impacts of rural crime on farmers and rural communities.
NFU waste leaflets	Publication of two waste checklists (Waste Volumes & Type and Waste) informing members of their Duty of Care when accepting and using waste. The guides are to be revised for 2020.
National Rural Crime Network	Regular NFU representation at the National Rural Crime Network which is attended by a large number of Police and Crime Commissioners. One of the NFUs main lobbying points with the NRCN is the campaign for fairer funding for rural policing

Solutions:

The NFU want to see affordable solutions and find a holistic and joined up approach that is based on communication between affected parties. Further collaboration is required between landowners, local authorities, police and the EA to establish ownership of the issue in order to find solutions. Collaboration would improve investigations and prosecutions and when enforced, minimum fines should be proportionate.

The NFU encourages farmers and members of the public to report incidences of fly tipping to the local authority. Even when fly-tipping occurs on private land the local authority should be informed so that the statistics reflect the scale of the issue more accurately. The NFU wants to see local authorities and the police assist landowners in the clean-up and reporting of fly tipped material, which can sometimes be difficult or costly to dispose of.

The installation of physical barriers, locks on gates, warning signs, and security cameras has helped prevent fly-tipping in some areas. The NFU also encourage pro-active prevention such as stop and search highway initiatives with the police and VOSA asking for waste carriers licenses and waste transfer notes.

The NFTP's national framework seeks to encourage the development of existing partnerships and the setting up of new ones to make a significant difference in combating fly-tipping wherever it occurs. The NFU encourages groups to work collaboratively by sharing information and intelligence and establishing links with the NFTP to create a positive feedback cycle of action, learning and improvement.

NFU fly-tipping policy asks:

- The NFU is asking for a single reporting mechanism to be developed so that farmers / landowners only have to report a fly-tipping incident once. Currently victims may have to report incidents to multiple authorities, which is time consuming, often confusing and frustrating. The mechanism would need to ensure that the correct authority is informed, and feedback is available following each report.
- We would like government and the waste sector to raise awareness about the Householder Duty of Care. Householders need to be made more aware that responsibility for any of their waste is maintained through to its final disposal point – not when they pass it to a third party. Too much householder waste falls into the hands of third parties who then fly-tip that material.
- The NFU wants all parties (local authorities / police / landowners / the EA) to work together on this issue including prevention, clean up and prosecution. In some areas this relationship works well however we want consistency in approach across the whole country.
- The NFU is calling on the Magistrates' Association to ensure its members receive training on offences which affect rural communities, in particular the requirements of the Environmental Offences Definitive Guideline, so that they are able to make full use of the range of sentencing powers available.

Examples of Partnership Approach to Fly-tipping

- [Essex Rural Partnership \(ERP\)](#) - brings together key organisations in Essex to consider, debate and act on major issues affecting the rural parts of the county. At its September 2016 meeting ERP endorsed the creation of a Task and Finish Group to look at the issue of large-scale fly tipping
- [Hertfordshire Fly-Tipping Group](#) - Set up to discuss tactical (information sharing) and strategic issues to combat fly-tipping. Hertfordshire County Council saw a small increase in the number of reported incidents in 2018/19 of 1.6% which encouragingly bucked the national trend of 8%.
- [SCRAP Fly-tipping campaign](#) (#SCRAPflytipping) – Hertfordshire, amongst a number of other Local Authorities, have adopted campaign, multi- agency approach to reducing fly tipping using the S.C.R.A.P code. The NFU is supporting this campaign.
- [Keep Kent Clean](#) – (#KeepKentClean) The NFU has met with Kent County Council to discuss the impact of fly tipping on private landowners and identify hotspots where cameras could be installed.

Next Steps: Taking a pro-active approach to tackle the issue of rural fly-tipping, in 2020 the NFU will:

- Hold a rural crime workshop at NFU conference, where fly-tipping will feature as a key theme;
- Develop a suite of case studies to highlight the true costs and impacts to our members. Member who have fallen victim to fly-tipping are encouraged to take part in this anonymously; and
- host a fly-tipping summit, bringing together a wider range of key stakeholders such as the EA, the police, crime stoppers and local authorities to address some of our major concerns listed above.