

Consultation on Statutory Directions to the Environment Agency and
Waste Collection Authorities on the unlawful disposal of waste – Annex
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Responses to questions.

Q 1: It has been suggested that the Agency should primarily deal with enforcement and investigation activities in relation to fly tips involving certain hazardous wastes and larger, more serious incidents while the waste collection authority should primarily deal with clearance of all fly tips and enforcement and investigation activities in relation to smaller-scale fly-tipping incidents. What do you think of this suggestion?

A: *It is simply shifting responsibility from one under-resourced arm of government to another. For authorities that do not have a major problem, work loads will increase as they have to take over the functions presently carried out by the EA, who have never managed to do all they are supposed to in this respect.*

Q 2: What would be a more sensible division of responsibilities for the future?

A: *An option to take the powers if doing so will assist an individual authority that has a major problem in operating an integrated system, speeding up their ability to respond.*

Q 3: Do you agree with the Government's suggestion to encourage local authorities to develop a strategic approach to tackling fly tipping?

A: *Yes, where this is a key local priority.*

Q 4: How prescriptive do you think the Government should be?

A: *See Question 2.*

Q 5: Do you agree with the need for more joint-working in this area. How do you think this could be encouraged? For example, are local fly tipping fora a good idea? If they are, who should be included in such fora?

A: No. Strategic level teams dealing with waste already exist. This would be duplication.

Q 6: Will there be extra costs involved for your local authority in tackling fly tipping? If so, to what extent and can you provide detailed estimates?

A: *Yes, if the above proposals are introduced. No cost estimates available.*

Q 7: Will your local authority need time to gear-up to implement these directions? If so, how long?

A: *Yes, one year's full budget cycle off 12 to 18 months for those with formal Medium Term Financial Planning processes in place.*

DEFRA Flying Tipping Strategy

Responses to Consultation Questions

Q1: Do you think that these measures would be effective at enforcing the duty of care provisions?

A:- *Only if the enforcement infrastructure is in place.*

Q2: Would your local authority want to use these powers?

A: *Unlikely.*

Q3: Do you think that the Agency and local authorities should be able to keep the receipts from fines issued?

A: *Yes .*

Q4: Do you think that the suggested level of £300 would provide a sufficient deterrent?

A: *Only for smaller operators.*

Q5: Do you agree with these estimates? Estimates of costs involved in enforcement action would be welcomed.

A: *Who will provide the funding in the initial stages?*

Q6: We would be interested on your views as to how this proposal could work in practice.

A: *There would be a significant cost in setting up a registration system at local level.*

Q7: Do you agree that this proposal would provide a stronger deterrent against committing an offence?

A: *Yes.*

Q8: Do you think that it would lead to more prosecutions?

A: *Yes.*

Q9: Do you think that it will help to send the message to the Courts and the public that fly tipping is a serious criminal offence?

A: *Yes.*

Q10: Do you agree that owners of land should come within the scope of section 59?

A: *Yes.*

Q11: Do you agree that the defence should remain as it currently exists?

A: *Yes where there is no complicity.*

Q12: Do you agree with the cost estimates associated with this proposal? Do you have better estimates?

A: *No, it imposes additional work.*

Q13: Would your local authority use this power more if it was amended in this way?

A: *Probably.*

Q14: Have you found that the illegal dumping of construction and

demolition or excavation waste is a problem?

A: *No more nor less than most other forms.*

Q15: Would you agree with an approach that involved site waste management plans at the planning stage?

A: *Yes, that would make sense.*

Q16: Are there any other measures that could help the authorities deal with the fly tipping of construction and demolition waste?

A: *Allow smaller builders / Tradesmen access to HWRC sites by some form of registration / fee scheme. At present they are prohibited and disposing of 'small' loads at main landfill sites normally attracts a minimum tonnage cost, inflating the cost of disposal and encouraging disposal by 'other means' It is self defeating.*