

From: Peter Silverman
Sent: 06 April 2017 15:53
To: Chris Preston - Dep. Dir. Waste & Recycling DEFRA
Cc: 'nicola.cunningham@environment-agency.gov.uk'
Subject: Fly-tipping - EA's role 2

Chris,

Further to my e-mail below of 29th March I have just received the answer to my FOIA enquiry to the EA about fly-tipping prosecutions. This presents a slightly different picture from my analysis of the data on their public register which comes with the warning that some records are not displaying.

I had asked for 1. How many incidents were reported to the EA in each year? And 2. How many prosecutions were made by the EA in each year? The answer was:

Year	Events	Prosecutions
2006	835	96
2007	723	80
2008	507	80
2009	796	47
2010	656	27
2011	423	35
2012	288	23
2013	269	40
2014	245	27
2015	156	26

This shows a very significant decline in both reported incidents (events) and prosecutions over the decade.

In their response the EA reiterated the division of responsibilities spelt out in the 2005 protocol i.e. EA deal with loads over 20 tonnes but went on to say that "In recent years the Environment Agency has concentrated its enforcement of illegal waste activity against more serious offences rather than the activity which is often regarded as fly-tipping".

I await your comments.

Kind regards

Peter

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From: Peter Silverman **On Behalf Of** Peter Silverman

Sent: 29 March 2017 14:59

To: Chris Preston - Dep. Dir. Waste & Recycling DEFRA <chris.preston@DEFRA.gsi.gov.uk>

Cc: 'nicola.cunningham@environment-agency.gov.uk' <nicola.cunningham@environment-agency.gov.uk>

Subject: Fly-tipping - EA's role

Chris,

I have been researching fly-tipping and am confused about the role of the Environment Agency.

The [FLY-TIPPING AND ILLEGAL WASTE ACTIVITIES](#) Protocol between Local Gov. Assoc. and the Env. Agency of January 2005 states

3.7 The Agency will normally investigate and take appropriate enforcement action against large-scale fly-tipping i.e. tipping of more than a lorry load (more than approximately 20 cubic metres), and..

3.8 The Agency will also normally investigate, arrange for the removal of and take appropriate enforcement action with regard to any waste described in 3.7 above that is dumped in a way that is giving rise to an imminent threat to human health or of serious harm to the environment

However, in [Fly-tipping statistics for England, 2015/16](#) it states that

“The Environment Agency is responsible for dealing with large-scale, serious and organised illegal dumping incidents which pose an immediate threat to human health or the environment”.

This implies that they would no longer investigate fly-tipping incidents which did not pose an immediate threat to human health or the environment.

I can find nothing on the EA web site <https://www.gov.uk/government/organisations/environment-agency> which defines their role vis a vis fly-tipping. <https://www.gov.uk/report-an-environmental->

[incident](#) does not list large scale fly-tipping as one of the incidents that one should call the EA hotline about.

Searching the [EA's public register](#) shows that the number of court cases (which I assume equates to prosecutions) EA have initiated for all offences under the EPA which would include those under EPA S33 (fly-tipping) were as follows:

2017	0	ZERO (to 24th March)
2016	0	ZERO
2015	2,	
2014	26	
2013	35	
2012	33	
2011	47	
2010	35	
2009	68	
2008	108	
2007	115	

At our meeting in Portcullis House we were by told Nicola Cunningham from the EA that the 2005 protocol was out of date as "it had not been renewed".

I have already asked Nicola for her comments on these figures. However I now wonder whether the decline in prosecutions might be related to the fact that the EA might now see their role as being restricted to fly-tipping cases where there was an immediate threat to human health or the environment.

In any case, could you please clarify what has replaced the 2005 protocol unless of course it is still extant?

Also, would you not agree that the EA web site should spell out exactly what its responsibilities are in this area?

Any comments or explanation of the decline in prosecutions by the EA would also be appreciated.

Kind regards

Peter Silverman

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