

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT
BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 29th MARCH 2011**

Question

What is the department's policy in regard to flytipping and how successfully has it been applied?

Answer

“Fly-tipping” is the dumping of wastes at locations and sites which are not designed or authorised to take them. It is antisocial behaviour which can harm the environment and potentially cause pollution.

The Department of the Environment is responsible for enforcing two Laws which prohibit fly-tipping activities and their potential consequences as appropriate*. Complaints are received either into the Planning Enforcement Team or the Environmental Protection Team and following the initial investigations appropriate action is determined from the seriousness of the offence. The factors which are considered include the types of wastes being fly-tipped, the environmental impact, the risk that they may pose to the environment (for example pollution), the offenders circumstances (for example whether they are a householder or a business trying to save time and money by engaging in fly-tipping), the intent, the attitude of the offender, any previous history and the deterrent effect that taking any more formal action (including prosecution in the courts) may have.

Where complaints are received and the culprit is known then persuasive action and education can often be taken to resolve issues and ensure wastes are appropriately disposed of. The Department has successfully resolved incidents in this way, such as householders dumping garden refuse over their boundary fence onto public land and businesses in the deposit and burial of wastes on private land.

In cases where the offending party cannot be identified, the Department works in conjunction with the landowners, the Parishes and Transport & Technical Services to ensure that fly-tipped wastes are cleared up and disposed of properly.

Since 2008 there have been three investigations through the Planning Enforcement Team all of which have been resolved without the need for any formal action. A fourth investigation remains ongoing. Also since 2008 there have been three investigations through the Environmental Protection Team as follows;

1. Waste asbestos was tipped, no offender was identified and the waste was removed for proper disposal by TTS from public land.
2. Waste was tipped, no offenders was identified and the landowner where was advised of correct disposal routes via TTS sites as opposed to landowners method of burning fly-tipped wastes.
3. Waste was tipped and the offender was identified and advised of correct disposal routes.

The Transport & Technical Services operate sites for the disposal and recycling of household wastes at Bellozanne and for commercial waste at Bellozanne and at La Collette so there is no excuse for fly-tipping wastes.

** It is an offence to fly-tip wastes in contravention of the Planning and Building (Jersey) Law 2002. Under Article 105 of the Law, a person shall not without lawful authority place rubbish on land, whether private land, land used by the public or land covered by water.*

It is an offence to fly-tip wastes in contravention of the Waste Management (Jersey) Law 2005. Under Article 23 of the above Law, a person who causes or knowingly permits the deposit or disposal of controlled waste on any land commits an offence, unless it is carried on in accordance with a waste management licence that is issued under the Law or is otherwise exempt from the requirement. In addition a person who deposits or disposes of controlled waste in a manner that is likely to cause pollution commits an offence.