

From: Paul King, Cabinet Member for Environment, Coastal Regeneration & Special Projects

To: Scrutiny Committee – 1<sup>st</sup> April 2026

Subject: Fly-Tipping

**Summary:**

This report provides an overview of fly-tipping in Kent, outlining the respective roles of district councils as Waste Collection Authorities (WCAs) and Kent County Council as both the Waste Disposal Authority (WDA) and Highways Authority. It highlights the scale and nature of fly-tipping across the county, the differentiation in responsibilities between agencies and the operational challenges this creates. While serious and organised waste crime is acknowledged as a growing national threat, the focus of the report remains on low level fly-tipping, the area where KCC and the WCAs have the greatest operational influence.

The report concludes by presenting two strategic opportunities to strengthen Kent's approach: lobbying for stronger national penalties and reforms recommended in the House of Lords waste-crime enquiry and exploring the development of a single countywide reporting, monitoring and triage system.

**Recommendation(s):**

The Committee is asked to note and make comment on the content of this paper and the opportunities presented within it.

## **1. Introduction**

Fly-tipping and serious organised waste crime are distinct forms of illegal waste activity, differing significantly in scale, intent and the agencies responsible for tackling them. While both cause environmental harm and create financial burdens for public bodies and landowners, they sit at opposite ends of the waste-crime spectrum. This paper focuses specifically on fly-tipping, as it is the area in which district councils and Kent County Council (KCC), as the Waste Disposal Authority, have both statutory responsibilities and operational influence. In contrast, serious organised waste crime involves complex criminal networks operating at a scale far beyond local-authority powers and requires a coordinated, intelligence-led partnership response at a regional and sometimes national level.

### **1.1 What is fly-tipping?**

Fly-tipping is the illegal dumping of waste on land that does not have a licence to accept it. This can include anything from bags of household rubbish to large quantities of construction materials, old furniture, tyres, electrical items or even hazardous waste. It is a criminal offence often carried out by individuals, small businesses or rogue traders seeking to avoid disposal costs. District councils have the primary duty to investigate and clear fly-tipped waste on public land, with KCC responsible for processing material delivered to its sites by the district councils.

## **1.2 What is serious organised waste crime?**

Serious organised waste crime involves organised criminal groups engaging in illegal activities such as waste misdescription, illegal dumping at scale, tax evasion and unlicensed waste operations, conducted for substantial financial gain and often causing severe environmental and community harm. This is not the same as fly-tipping and is not the subject of this paper.

The Kent Police and Crime Commissioner has warned that industrial-scale waste dumping has become “the new county lines”, with organised groups using tipper lorries and cross-county operations to deposit thousands of tonnes of waste at a time. Sites such as Hoads Wood near Ashford, where 30,000 tonnes of waste have been illegally deposited, demonstrate the scale and complexity and the financial implications of this criminality. Remediation can run into millions of pounds and these large-scale criminal operations exceed the remit of district councils and sit outside KCC’s statutory waste-disposal function.

Because of its scale and complexity tackling serious organised waste crime requires a coordinated, intelligence-driven approach involving the Environment Agency, Kent Police, regional waste-crime units, neighbouring Police and Crime Commissioners and national policy interventions led by Defra. KCC continues to work with Defra and the Environment Agency to strengthen joint working and improve co-ordination in this area.

As the waste planning authority, KCC also sets the planning policy framework for waste management across the county and determines planning applications for facilities such as recycling centres, transfer stations, treatment plants and disposal sites. Through this role, the Council ensures that waste infrastructure is delivered sustainably, meets environmental and community standards, and supports Kent’s long-term waste and circular-economy ambitions. While important in the wider strategic context, these responsibilities also fall outside the focus of this paper.

For these reasons, this report concentrates exclusively on fly-tipping - where KCC can most effectively influence prevention, disposal and partnership outcomes. Serious organised waste crime, while an area in which KCC works closely with other agencies, is primarily the responsibility of specialist enforcement bodies and therefore sits outside the scope of this paper.

## **2. Roles and responsibilities for fly-tipped waste**

### **2.1 Waste collection authorities**

In Kent, Waste Collection Authorities (WCAs) are the 12 district, borough and city councils and they act as the Principal Litter Authorities for the collection of fly-tipped waste in the county.

Their responsibility covers the removal of waste less than 20m<sup>3</sup> (or 20 tonnes) from “relevant land”, defined as land that meets all of the following criteria:

- Open to the air on at least one side
- Under the direct control of the WCA
- Publicly accessible, either freely or by payment.

This includes public spaces such as parks, beaches above the high-water mark, public footpaths and communal areas. WCAs are responsible for investigating fly-tipping incidents on relevant land and pursuing perpetrators wherever possible.

If a fly-tip exceeds 20m<sup>3</sup> or 20 tonnes the responsibility for joint investigation normally passes from the WCA to the Environment Agency because it is treated as potentially serious organised waste crime. The aim of this joint approach is to identify the offenders and force them to clean up the waste or to pay the costs for clean-up activity.

## **2.2 Waste disposal authorities**

Kent County Council operates as the Waste Disposal Authority (WDA) and, in accordance with the Environmental Protection Act (EPA) 1990, has the statutory duty to dispose of and treat household waste, provide disposal infrastructure that includes places for residents to deposit household waste, such as Household Waste Recycling Centres, and to develop and implement waste-management plans for Kent. KCC currently operates a network of 19 HWRCs providing facilities for re-use, recycling and safe disposal for a range of materials delivered by Kent residents.

WDAs are responsible for the disposal of fly-tipped waste collected by WCAs, provided:

- The waste was removed from “relevant land”; and
- The WCA has been unable to identify and pursue the responsible party.

WDAs are not legally permitted to accept or fund disposal of waste collected from:

- Private land
- Unadopted or unmanaged land
- Highways or verges for which the Strategic Highway Authority (National Highways) is responsible.

This boundary ensures that public funds for disposal are used only where statutory duties apply.

## **2.3 Highways**

WCAs / Principal Litter authorities are legally required under Section 89 of the Environmental Protection Act 1990 to keep highways “so far as practicable, clean and clear of litter and refuse”. This includes responsibility for all non-motorway network highways:

- Collecting and disposing of fly-tipped waste on the highways
- Managing waste in highway lay-bys and verges where the land is registered to highways
- Ensuring safe and timely removal to prevent risks to road users.

KCCs does not have a duty to collect flytipped waste from highways or public rights of way. Its responsibilities fall into two separate and more limited roles:

- Safety management when fly-tipped waste obstructs the highway/public right of way or endangers users

- Waste disposal once the WCA has collected and delivered the waste to KCC sites.

Motorways fall under the strategic highway network and therefore responsibility for collecting and disposing of fly-tipped waste on the strategic network falls to National Highways (formerly Highways England), not local councils.

[Litter on motorways and major A-roads - National Highways](#)

## 2.4 Private and unadopted land

Responsibility for removing fly-tipped waste on private or unadopted land rests solely with the landowner. While local authorities and the Environment Agency may investigate incidents and issue legal notices requiring cleanup, there is no statutory duty on councils to clear waste from private land, nor to pay for its disposal.

Landowners must arrange lawful removal and disposal through registered waste carriers

## 3. The scale of the problem in Kent

### 3.1 Number of reported fly-tips per year by WCA

Sum of Total Incidents	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Ashford	946	1124	940	800	856	1249	1465	1538	1988	1514	1177	1249	1454
Canterbury	1664	2027	1461	1299	1035	1044	1197	1533	2111	2198	2750	3105	3012
Dartford	1304	1728	1825	1961	1609	2366	2446	2700	3474	3082	1995	1517	1694
Dover	903	1010	1416	1125	1100	1077	948	942	1514	1087	985	951	942
Folkestone and Hythe							955	1360	1779	2706	1666	1644	2200
Shepway	1008	958	1380	1082	1178	746							
Gravesham	1438	1733	1986	2258	2249	2122	2240	2278	2307	2192	2148	2384	2574
Maidstone	942	1274	886	796	973	1041	1634	2402	2952	3418	2391	2854	2817
Sevenoaks	355	544	729	883	930	852	732	778	1079	707	801	892	1249
Swale	1925	2632	2858	2966	3243	2610	2789	2633	3294	2482	2129	2207	2654
Thanet	904	1299	1730	1617	1776	1940	1918	2066	2611	1794	2535	2174	2578
Tonbridge and Malling	416	498	494	505	648	507	585	581	1017	827	833	943	1039
Tunbridge Wells	280	307	391	696	704	819	0	659	926	857	721	750	631
<b>Grand Total</b>	<b>12085</b>	<b>15134</b>	<b>16096</b>	<b>15988</b>	<b>16301</b>	<b>16373</b>	<b>16909</b>	<b>19470</b>	<b>25052</b>	<b>22864</b>	<b>20131</b>	<b>20670</b>	<b>22844</b>

Fly-tipping incidents that are reported to WCAs continue to place significant pressure on collection services, with KCC funding the disposal of collected material. Incidents on private land are not always reported to WCAs, which means that we do not have complete data on the level of fly-tipping across the county.

While incident levels remain high, there is significant disparity in the classification and reporting of fly-tips with anything from an item being left outside of a bring bank to large commercial dumps being recorded as a fly tipping incident.

### 3.2 Number of fly-tips in 2024/25 by WCA by land type

WCA Name	Total Incidents	Highway Incidents	Footpath / Bridleway Incidents	Back Alleyway Incidents	Railway Incidents	Council Land Incidents	Agricultural Incidents	Private / Residential Incidents	Commercial / Industrial Incidents	Watercourse / Bank Incidents	Other (unidentified) Incidents
Ashford	1,454	729	16	15	1	688	1	0	0	1	3
Canterbury	3,012	2,970	0	0	0	0	0	0	0	0	42
Dartford	1,694	836	31	230	0	207	138	230	20	2	0
Dover	942	618	50	27	0	168	20	35	10	4	10
Folkestone and Hythe	2,200	0	0	0	0	0	0	0	0	0	2,200
Gravesham	2,574	862	571	453	0	561	39	81	7	0	0
Maidstone	2,817	1,731	380	13	9	0	48	587	19	9	21
Sevenoaks	1,249	569	194	10	0	221	8	204	3	1	39
Swale	2,654	1,631	149	536	0	275	6	13	2	40	2
Thanet	2,578	1,308	51	262	1	262	31	362	75	0	226
Tonbridge and Malling	1,039	437	226	30	0	195	36	23	19	4	69
Tunbridge Wells	631	275	289	6	0	35	5	8	0	8	5
<b>Totals</b>	<b>22,844</b>	<b>11,966</b>	<b>1,957</b>	<b>1,582</b>	<b>11</b>	<b>2,612</b>	<b>332</b>	<b>1,543</b>	<b>155</b>	<b>69</b>	<b>2,617</b>

The concentration of incidents on highways, council-controlled land and public spaces highlights the areas where WCAs prioritise clearance.

### 3.3 Number of fly-tips managed by KCC Highways per year 22/23 – 25/26

Commit Period	2022/23	2023/24	2024/25	2025/26
<b>APR</b>	<b>1</b>	<b>23</b>	<b>46</b>	<b>24</b>
<b>MAY</b>		<b>15</b>	<b>25</b>	<b>28</b>
<b>JUN</b>	<b>1</b>	<b>8</b>	<b>28</b>	<b>27</b>
<b>JUL</b>	<b>2</b>	<b>15</b>	<b>33</b>	<b>11</b>
<b>AUG</b>	<b>1</b>	<b>27</b>	<b>29</b>	<b>26</b>
<b>SEP</b>	<b>15</b>	<b>32</b>	<b>23</b>	<b>24</b>
<b>OCT</b>	<b>17</b>	<b>31</b>	<b>30</b>	<b>29</b>
<b>NOV</b>	<b>13</b>	<b>19</b>	<b>37</b>	<b>14</b>
<b>DEC</b>	<b>8</b>	<b>26</b>	<b>15</b>	<b>30</b>
<b>JAN</b>	<b>28</b>	<b>35</b>	<b>23</b>	<b>38</b>
<b>FEB</b>	<b>18</b>	<b>37</b>	<b>32</b>	<b>42</b>
<b>MAR</b>	<b>20</b>	<b>31</b>	<b>44</b>	
<b>Grand Total</b>	<b>124</b>	<b>299</b>	<b>365</b>	<b>293</b>

### 3.4 Tonnage of fly-tipped waste disposed of by KCC at HWRs

Waste Type	24/25 KCC Tonnes
<b>Fly Tipping</b>	<b>2458.37</b>
<b>Fly Tipping - Tyres</b>	<b>15.63</b>
<b>Fly Tipping - Asbestos</b>	<b>27.20</b>
<b>Fly Tipping - Gas Bottles</b>	<b>2.06</b>
<b>Grand Total</b>	<b>2503.26</b>

KCC, acting in its statutory role as Waste Disposal Authority, processed 2,503 tonnes of fly-tipped material in 2024/25. The overwhelming majority was mixed fly-tipping

(2,458 tonnes), with small but significant specialist streams such as asbestos (27 tonnes), tyres (16 tonnes) and gas bottles (2 tonnes) that require stricter handling and compliant disposal routes.

**3.5 Estimated cost to KCC for disposal of fly-tipped waste at HWRCs**

Disposal gate fees (the price a waste site charges per load or per tonne for accepting and processing waste that is brought to the facility) alone for this material totalled c£345k in 2024/25. This figure does not include the cost of haulage, staffing or site overheads and so the true end-to-end cost to KCC will be higher once logistics and operational time are included.

**3.6 Enforcement outcomes by WCA 24/25**

A Name	Warning Letter Actions	Statutory Notice Actions	Fixed Penalty Notices issued specifically for fly-tipping	Fixed Penalty Notices issued for Household Duty of Care	Littering Fixed Penalty Notices issued in conjunction with fly-tipping	All Other Fixed Penalty Notices issued	Duty of Care Inspection Actions	Stop and Search Actions	Vehicles seized	Formal Caution Actions	Prosecution Actions	Total
Ashford	20	10	2	3	1	8	17	0	0	22	0	244
Canterbury	83	5	5	9	5	8	7	0	0	0	1	513
Dartford	34	0	47	0	69	8	0	0	0	0	0	412
Dover	0	1	0	0	0	0	6	0	0	0	0	494
Folkestone and	0	0	30	5	5	126	10	0	0	0	1	177
Gravesham	159	8	37	19	25	2	6	17	0	0	8	1441
Maidstone	27	11	22	4	17	2	55	64	2	0	0	329
Sevenoaks	30	4	15	0	0	3	205	0	0	0	4	459
Swale	3	0	12	4	0	0	1	10	0	7	0	311
Thanet	0	142	15	9	1	2	825	0	0	0	0	1273
Tonbridge and M	0	0	0	0	0	0	0	0	0	0	0	1039
Tunbridge Wells	8	5	0	1	0	10	94	53	1	0	1	450
Grand totals	364	186	185	54	123	169	1226	144	3	29	15	2498

Enforcement activity varies considerably between districts and while stronger enforcement can deter opportunistic dumping, low and inconsistent outcomes – including poor results through the courts where penalties can fall below the fixed penalty notices that can be issued by the WCA and therefore do not act as a deterrent - contribute to sustained disposal volumes entering the KCC system.

**4. Past policy decisions and implications to fly tipping**

**4.1 Commercial-type vehicle restriction policy and limits to DIY-type waste**

In 2012, a policy was introduced to restrict the use of commercial-type vehicles using the HWRCs, and to place limits of DIY-type waste, namely soil, rubble, hardcore, plasterboard and tyres. The policy was designed to improve compliance and reduce misuse of HWRCs by commercial operators. Following the introduction of these policies, overall waste volumes managed at the HWRCs was approximately 45,000 tonnes less (24%) for the subsequent year and a saving of £2.3m was achieved.

**4.2 HWRC Enforcement Policy 2019**

In December 2019, KCC implemented the HWRC Enforcement Policy to strengthen its approach to tackling unlawful behaviours at Household Waste Recycling Centres, which included the disposal of commercial waste at sites that were provided and intended solely for household waste disposal. The decision formalised enforcement processes and sought to deter trade waste abuse through clearer procedures, warnings and potential investigation and prosecution approaches. The enforcement

policy supports a number of operational policies, including the commercial-type vehicle restriction policy that have been introduced, reviewed and amended over many years.

### **4.3 Charging for DIY-type waste**

In 2019, a further Member decision introduced charges for disposal of soil, rubble, hardcore and plasterboard at the HWRCs. Although originating from domestic properties, these materials were classified as non-household waste, making them subject to limits and charges. In late 2023, Government legislation was amended, prompting a policy change that allows residents to dispose of DIY waste free of charge, subject to restrictions on visit frequency and volume being disposed of before charges apply. The original charging policy of 2019 resulted in an 87% reduction in tonnage of these materials within the first year (approximately 28,000t). Currently, we manage 9,000 tonnes annually, which increased as a result of the change in Government policy in 2023 permitting the free limits.

Concerns were raised through earlier consultations on all HWRC policies described in 4.1 and 4.3 that restrictions or charges at the HWRCs might increase flytipping. However, evidence referenced prior to the policy decisions indicated that comparable authorities did not record increases beyond national trends and there is no Kent-specific dataset confirming any rise attributable to these measures.

### **4.4 HWRC booking system**

KCC originally introduced the HWRC booking system during the Covid-19 pandemic to manage reduced site capacity, maintain social distancing, and ensure fair access. The system has since been retained as it has significantly improved operational efficiency, eliminated queuing, and enabled unlimited access through same-day and advance booking options. Residents can book instantly when slots are available, amend or cancel bookings, and now have the option of creating an account to store vehicle and address details for faster repeat use.

Public pulse surveys and a full consultation in 2021 demonstrated strong resident support for retaining the system. Customer satisfaction data consistently shows high approval: 96% of users were satisfied with their HWRC visit, 96% found the booking system easy to use, and 97% secured a suitable booking date, with 74% booking on the same day.

The booking system has also strengthened KCC's ability to communicate with users, allowing rapid updates during emergency closures, maintenance works or other service interruptions, reducing inconvenience and improving customer experience whilst also delivering over £1.4m in cost savings.

Importantly, there is no evidence that the booking requirement has increased fly-tipping. A Defra-commissioned national study found no link between booking systems and fly-tipping rates.

Overall, while the various policies clarified expectations and strengthened KCC's ability to act against commercial misuse of HWRCs, there is no evidence of direct impact on fly-tipping rates and despite an initial spike in 20/21 (after the introduction of charging) they reduced back to 19/20 levels the following year and have remained

relatively stable ever since. KCC notes that law-abiding residents would not be expected to resort to criminal behaviour as a result of needing to book a visit to their HWRC.

## **5. Challenges and opportunities for improvement**

### **5.1 Strengthening penalties and national policy through targeted lobbying**

A recent House of Lords Environment and Climate Change Committee enquiry into waste crime (which included fly-tipping and serious organised waste crime) highlighted significant shortcomings in the national enforcement framework, particularly the inadequacy of current penalties, the limited prioritisation of all waste crime by enforcement agencies, and the need for a root-and-branch review of the system. The enquiry found that penalties for waste crime, including fly-tipping, are too low to act as an effective deterrent and do not reflect the scale of financial gain associated with illegal dumping. It also called for clearer national targets, improved coordination between agencies, clearer reporting routes for the public and reform of police and Environment Agency resourcing to address serious organised waste crime more effectively.

These findings align with the experience in Kent. KCC therefore has an opportunity to play a meaningful role in lobbying government for stronger penalties, clearer statutory responsibilities and enhanced national coordination, drawing on Kent's two-tier structure as a case study in the challenges faced by local authorities. KCC could support national reforms by providing evidence gathered through the Waste Management Service and calling for legislative changes, enabling more effective fixed-penalty regimes, improved confiscation powers and strengthened obligations on producers, carriers and waste operators.

### **5.2 Establishing a single countywide reporting, monitoring and response system**

The current system for reporting and managing fly-tipping in Kent is fragmented across multiple agencies, with WCAs, KCC Highways, National Highways, the Environment Agency and Kent Police each receiving reports through separate channels. As highlighted in the report, this leads to public confusion, duplicate reporting, inconsistent data capture, delayed responses, and a lack of shared intelligence across districts. A single, countywide reporting platform, supported by a unified triage and response process, would significantly improve consistency, reduce fly-tipping blind spots and provide clearer performance data across all areas.

Such a system could enable:

- Standardised thresholds for investigation and evidence collection
- Joint dashboards and analytics to identify hotspots and repeat offenders
- Streamlined escalation pathways for hazardous or large-scale waste
- Improved coordination between WCAs and KCC as the WDA, helping resource matching during peak periods.

However, this opportunity comes with important resourcing considerations. Developing and maintaining a shared digital platform would require upfront investment, ongoing operational support and dedicated staff capacity within both



WCAs and KCC. Differences in district-level enforcement staffing, existing IT systems and procedural approaches may also create transition challenges that require a phased implementation model. Nonetheless, this could create long-term operational efficiencies and improved outcomes for residents.

## **6 Financial implications**

There are no financial implications of this paper as it is provided as a briefing only. However, any further work on opportunities presented would likely require additional financial investment.

## **7. Legal implications**

There are no legal implications of this paper as it is provided as a briefing only. However, any further work on opportunities presented would take into account any specific legal implications and may require additional governance oversight.

## **8. Equalities implications**

There are no equalities implications of this paper as it is provided as a briefing only.

## **9. Other corporate implications**

There are no other corporate implications of this paper as it is provided as a briefing only. However, any further work on opportunities presented would take into account any specific legal implications and may require additional governance oversight.

## **10. Governance**

This paper is a briefing paper only.

## **11. Conclusions**

Fly-tipping continues to place a significant environmental, financial and operational burden on Kent's public services its landowners and its communities. While statutory responsibilities are clearly defined in national legislation, the practical delivery of fly-tipping clearance, investigation and enforcement within them is fragmented, with district councils, county councils, the Environment Agency and other agencies each holding different elements of responsibility.

As recommended by the House of Lords enquiry, reducing waste crime will require a more joined up national framework, stronger penalties, clearer reporting routes and significantly more resources invested into the system.

## **12. Recommendation(s):**

The Scrutiny Committee is asked to note and make comment on the content of this paper and the opportunities presented in it.

## **13. Contact details**

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