

Lesley Griffiths AS/MS
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-1093
Ein cyf/Our ref LG/02830/20

Janet Finch-Saunders MS
Chair of the Petitions Committee

23rd December 2020

Dear Janet,

Thank you for your letter of 30 November, regarding a petition from Robert Curtis calling for the creation of a Welsh Environmental and Wildlife Enforcement Agency which would tackle environmental crimes such as littering, dog fouling, fly tipping and the illegal killing of wildlife.

The Welsh Government is committed to dealing robustly with environmental crimes. These anti-social activities are unacceptable and there is no excuse for this type of behaviour. Whilst these problems are not exclusive to Wales, I am determined we become not only a cleaner nation but also an exemplar nation. Our ambition is for Wales free of litter and fly-tipping, and for our natural habitats and rich wildlife to be protected and preserved.

Local Authorities have a statutory duty under Section 89 of the Environmental Protection Act 1990 (EPA 1990) to ensure, so as far as practicable, their land is kept clear of litter and refuse and public roads for which they are responsible are kept clean. This duty also extends to other bodies which include educational institutions, certain Crown Authorities and transport operators. How these bodies comply with this duty is established in our Code of Practice on Litter and Refuse (CoPLAR) guidance.

Under the EPA 1990, both littering (Section 87) and fly-tipping (Section 33) are criminal offences. This means Local Authorities and Natural Resources Wales (NRW) are able to undertake a range of enforcement actions to deal with those who have committed an offence, including the issuing of fixed penalties and taking them to court if the matter is deemed severe enough or it is a repeat offence.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Local Authority fly-tipping figures published for 2018/19 reported 35,076 fly-tipping incidents across Wales. This is 1 per cent less than 2017/18 and the lowest figure reported since 2014/15. However, we are not complacent about the current position and we are currently developing a new Litter and Fly-tipping Prevention Plan.

Improving enforcement activity in Wales will be a key priority area in the plan. Our aim is for enforcement activity to be applied consistently and fairly across Wales, deterring and reducing littering and fly-tipping offences. While recognising the need for vigorous enforcement action, I believe it needs to be part of a more holistic approach that integrates prevention, collaboration and partnership working.

This is why we continue to support programmes such as Fly-tipping Action Wales (FtAW), an initiative co-ordinated by NRW which delivers communication campaigns, community engagement and shares best practice. As part of the Litter & Fly-tipping Prevention Plan we intend to review the current functions of FtAW programme and explore the potential of strengthening the current enforcement support they provide to Local Authorities in Wales. We will be consulting on the draft plan in January.

Work is also underway to review existing enforcement capabilities across Wales and the current fixed penalty amounts available for littering offences. We will look to increase levels if needed. We are also gathering evidence on current prosecution outcomes for fly-tipping offences in Wales to determine whether further changes to sentencing guidelines are required.

On wildlife crime, well-established partnership working between the Welsh Government, NRW, the Police, Fire Service, Government Agency Intelligence Network and the Crown Prosecution Service plays a fundamental role in the prevention, detection and investigation of offences and the enforcement of the law. My officials work closely with the four Welsh police forces, NRW and other enforcement bodies through the Wales Wildlife and Rural Crime Group. The group identifies regional wildlife and rural crime priorities and ensures Welsh interests are represented at UK level.

There are currently three police officers in Wales seconded to NRW and embedded in the Rural Crime Teams in North Wales, Dyfed-Powys and Gwent Force areas. We will continue to support NRW's collaboration with Welsh police forces through continued funding of the seconded police officers who are essential to the delivery of this work. We are also directly responsible for the Wildlife Incident Investigation Scheme in Wales which investigates and provides analysis services for wildlife, companion animals and honey bees suspected of being poisoned by pesticides.

I announced last year I would be a species champion for raptors. As part of the role I hosted a meeting in February on raptor persecution in Wales. We have agreed to fully fund the continuation of the RSPB Hen Harrier tagging work started in 2015 as part of an EU LIFE project and we have also agreed to fund a Raptor Project Officer post for Wales jointly with RSPB.

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In summary, our approach is seen by many across the UK as an exemplar of how to deal effectively with rural and wildlife crime. We initiated a review in 2017 which highlighted the success of both seconding police officers to NRW and setting up dedicated rural crime teams within the Welsh forces, giving more resources and a much higher profile to an area which had previously often been seen as a lower priority.

Yours sincerely,



Lesley Griffiths AS/MS

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