



The countryside charity  
Norfolk

## CPRE Norfolk Position Statement **Litter, Recycling and Deposit Return Schemes**

**Litter** is an unnecessary blight which spoils enjoyment of the countryside and can be harmful for wildlife, the environment and people. CPRE works towards a litter-free countryside for everyone.

Littering is only legally an offence if it has been:

- dropped in a place where the public have a right of access such as publicly owned land or private land to which the public has access, such as a garage forecourt or a footpath across a field, and
- it is open at least on one side to the air. For example, if a person drops litter in a bus shelter this would constitute an offence, but the same action would not constitute an offence if dropped in a phone box.

An offence can only arise if it can be proven that the litter was 'thrown down, dropped or deposited' and left or walked away from. In other words, both 'depositing' and 'leaving' must occur and be proven for it to be an offence. The law is unclear on whether littering is still an offence if done accidentally, although Defra guidance is clear that if accidental littering occurs, that is, something falls from a person's pocket without them being aware of it, then a fine should not be given. In both accidental and deliberate littering, Defra advises that the offender should be given the opportunity to pick up the litter.

Dropping of litter in a space, as described above, is a criminal offence in law. The legislation, applicable to littering for England and Wales, is Section 87(1) of the Environmental Protection Act 1990. As a low-level crime, it can be dealt with through the application of an on-the-spot fine in the form of a Fixed Penalty Notice (FPN).

The minimum charge for a FPN is £65, the maximum is £150, while the default is often £100. The maximum a court can apply if the FPN is not paid is £2,500.

The law makes a distinction between litter and **fly-tipping** based on size. While both are criminal offences, the distinction is important as the financial penalties are greater for fly-tipping. Litter can be as small as a sweet paper or a bag of rubbish or lots of items scattered about. A black refuse sack and/or greater amounts are considered to be fly-tipping, but the distinction may vary between local authorities, particularly if there are aggravating circumstances.

CPRE Norfolk holds a supply of litter-picking equipment which can be borrowed for a fixed period by relevant organisations and individuals. CPRE has a helpful pack for school use:

<https://www.cpre.org.uk/resources/how-to-run-a-whole-school-litter-campaign/>

**Recycling** is an effective way of reducing litter and helping to address climate change. CPRE Norfolk supports schemes which improve recycling rates and widen the type of items which can be recycled.

A programme which would help decrease litter, improve recycling rates and improve the environment is the introduction of a **Deposit Return Scheme** (DRS) for drinks containers. We need an 'all-in' DRS to help ensure cash-strapped councils no longer foot the bill for the waste that

companies sell and profit from. By placing a small deposit on drinks containers, these items would be gone from roadsides, public bins, green spaces and waterways, providing huge savings for councils and responding to the public's ever-growing concerns about plastic pollution and failing recycling systems.

In 2018 Government announced plans to introduce a DRS scheme by March 2021, which has now been pushed back to 2024. Research shows that around 8 billion drink containers are landfilled, littered or burnt every year. Continued delays to the DRS are unacceptable and will continue to impact upon our Environment.

By ensuring we have the best recycling systems – including an 'all-in' DRS – councils can help cut emissions and create green jobs. This is an easy way to act on declarations of a climate emergency.

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