

## National Litter and Flytipping Strategy Consultation – March 2022

### *Keep Scotland Beautiful Response*

#### **Objective 1 - Understand litter perceptions and behaviour to allow targeted approaches to be developed.**

1. (a) Do you support the proposed action to conduct research to understand the full range of influences on littering behaviours (action 1.1)? **YES**

(b) Please give reason(s) for your answer.

Litter and littering are complex and multifaceted issues; we need to accept this and work to understand the issues and to develop a range of solutions. If we are to tackle the challenges we face in Scotland at a national and local level then it is imperative we not only acknowledge and accept this situation but work to fully understand the issues that drive litter and littering behaviour, and use the research and data gathered to develop a range of effective solutions.

This complex problem cannot be solved alone – it requires partnership and collaboration. Littered environments are a growing problem in Scotland, and they have far-reaching social, economic and environmental consequences.

Given these complexities we fully support Action 1.1, along with the aim of increasing awareness of the problems caused by litter amongst individuals and organisations, and thereby highlighting their responsibilities in preventing litter and behaving conscientiously. We believe that further research to better understand the range of littering behaviours across multiple contexts and audience groups is necessary.

Once completed, it is essential that the research is then be applied with findings and recommendations used to drive improvements rather than simply sitting inactive within reports and publications.

Given the scope and scale of behaviour change required, targeted and wise allocation of finance towards research would identify areas for preventative action and/or early intervention. Conducting research to identify the root causes of negative behaviours will enable a strategic and collaborative approach to prevention. Every community has its own challenges, perceptions of the problem, and therefore behaviours that require addressing. There are unique places and environments across Scotland that are impacted in different ways, and at different times of the year. This was particularly highlighted in 2020 and 2021 with higher numbers of visitors accessing more remote beauty spots not always geared up to deal with the waste and litter generated.

Whilst we believe that behaviour change research is necessary in understanding initial littering behaviour, there is also a role for research in better understanding the systems that support litter prevention and enforcement (Objective 4 and Objectives 6 and 7).

With particular reference to Objectives 6/7 which concern enforcement; developing an effective enforcement model and improving the consistency of enforcement practices will both rely on research in the form of review and exploration of the wider related issues. It is therefore pertinent that when considering the 'full range of influences on littering behaviours' that the enforcement element is also given due focus.

As noted above, as well as research to understand behaviours and influences, we must also prioritise raising awareness and understanding amongst individuals. Objective 5 outlines proposals for information and litter education programmes, which we support.

## **Objective 2 - Develop and adopt a shared approach between Scottish Government, local authorities, public agencies and the third sector, to litter prevention and behaviour change across Scotland**

2. (a) Do you support the proposed action to develop and adopt a national anti-littering campaign (action 2.1)? **YES**

(b) Please give reason(s) for your answer

We believe we must change our behaviour and disposable culture, reducing unnecessary resource usage and removing the opportunity for items to become litter on land and in water. Our report on litter, published in December 2020, called for the development and implementation of a sustained, Scotland-wide anti-littering marketing campaign.

This should build on the positive, collaborative approach adopted for the recent Scotland is Stunning campaign. National marketing campaigns such as this are more likely to succeed in embedding behaviour change if they are consistent and rolled out over a generation. Consistent messaging outlining the socially unacceptable negative outcomes of littering and its damaging impact on the condition of our communities could influence people to take pride in the quality of Scotland's local environments.

59% of respondents in our 2021 Scottish Litter Survey (2021) indicated strong support for education and awareness campaigns for tackling littering.

Many large-scale behaviour changes have been achieved in our society over the past few decades - smoking in public places, and drink driving to name just two. However, these have only been achieved following the kind of sustained national level campaigning with consistent messaging rolled out over a generation which is necessary to embed behaviour change at this scale. This is the kind of long-term national marketing campaign that we believe is necessary to finally get to grips with our litter problem.

Once embedded and easily recognisable, this messaging could be adapted to underpin campaign activity at a regional/local level or focused on a specific problem. We believe that there is scope for the National Litter Hub to provide a link between national level messaging and campaigns, with those operating at local level. We have worked with Scottish Government, Zero Waste Scotland, public agencies, local authorities, the private sector and other third sector organisations to ensure that messaging associated with Scotland is Stunning aligns and is complementary in reach and impact. This goodwill and momentum associated with this marketing campaign must be capitalised on.

Littering is ultimately the consequence of individual behaviour driven in part by long-term, large-scale social trends, such as our attitudes to consumption and a more 'on the go' lifestyle. To really fix this problem in Scotland, we must ensure that other influencing factors are prioritised. We must champion reduce and reuse behaviour, moving up the waste hierarchy and supporting renewed proposals for a Circular Economy Bill. These would include EPR and other associated mechanisms such as DRS, packaging reform, and the banning of single use plastics.

We would also note in this section, and in others, the link between terrestrial and marine litter. 80% of marine litter comes from the land, with estimations that 12.7 million tonnes of plastic end up in the sea each year. This is extremely difficult and expensive to clean up. Therefore, any marketing and messaging which encourages or supports people to litter less will also have a positive impact on the amount of litter that ends up in our oceans. There is potential for the outcomes relating to this proposal to further the objectives of the Marine Litter Strategy, particularly under Strategic Direction 1.

### **3. Which topics should be a priority to address by behaviour change interventions?**

Whilst we believe behaviour change interventions that focus on the prevention of littering generally are required, it is important that in developing and adopting a shared approach to prevention, that the wider context and background be considered, including systems of enforcement. To that end we highlight four main topics that we believe should be a priority.

#### **Roadside Litter -**

Litter discarded on roadsides is a particular problem because of how difficult, dangerous and costly it is to access and clean up. Poor local environmental quality, and specifically roadside litter, threatens the strength of Scotland's rich tourism sector; scenery and landscapes are the most important factors that motivate people to visit Scotland, and 91% of Scots believe that roadside litter creates a negative impression of Scotland.

Our [\*Give Your Litter A Lift Home: Preventing Roadside Litter\*](#) national campaign was developed to raise awareness, challenge attitudes, and change behaviour regarding litter management and infrastructure on our roadsides. The national campaign was supported by businesses, local authorities, and road operators; however, it is clear that current legislation is not effective in preventing littering behaviours on roadsides. Thus, other activities and interventions designed to help tackle litter such as improved infrastructure are undermined.

With a new consultation on a Circular Economy Bill due in May 2022, we support the proposal of Action 6.4 to create powers within the Bill to issue fixed penalty notices to registered keepers of a vehicle from which littering occurs. It is estimated that double the number of fixed penalty notices could be issued if the registered keeper of the vehicle was held responsible. Our research also found that 65% of people would be prepared to report the registration number of a vehicle if they witnessed litter being thrown from it. In addition, most councils are supportive of the need to change the legislation. We believe that alongside education and provision of infrastructure, enforcement has to be part of the solution to our roadside litter problem. The current barrier to enforcement – the need to identify the offender – would be easily overcome with the proposed change.

We believe that tackling roadside litter, as part of a national campaign and specifically through registered keeper legislation, should be a priority topic given its potential impact as a behaviour change intervention.

#### **Visitor Management -**

When tourism reopened following the initial COVID-19 lockdowns we worked with Zero Waste Scotland, and the Scottish Government to launch the *Scotland is Stunning – Let's keep it that way* campaign inspiring people to enjoy the benefits of nature without spoiling it through littering. It is widely accepted that an outcome of the pandemic is changed behaviours resulting in greater visitor numbers to Scotland's outdoors leading to greater levels of littering in beauty spots.

In 2021 we supported the responsible tourism campaign launched by VisitScotland. The campaign raised awareness of exploring Scotland's outdoors in a responsible manner with a focus on people leaving no trace of their visit and thereby protecting Scotland's beautiful countryside.

Scotland is culturally, historically, and environmentally rich which helps generate inward investment. The tourism sector forms an important part of Scotland's economy, and it is therefore important that local environmental quality is maintained at a high level, and that litter is not a blight on Scotland's natural beauty.

We therefore believe that engaging with behaviour change interventions within the context of visitor management is a priority topic in the prevention of littering.

## Pathways and corridors of litter to the aquatic environment

80% of marine litter comes from the land, with estimations that 12.7 million tonnes of plastic end up in the sea each year. This is extremely difficult and expensive to clean up. Therefore, any marketing and messaging which encourages or supports people to litter less will also have a positive impact on the amount of litter that ends up in our oceans. There is potential for the outcomes relating to this proposal to further the objectives of the Marine Litter Strategy, particularly under Strategic Direction 1.

Our [Upstream Battle](#) campaign was developed specifically to deal with these issues. It is an award-winning marine litter campaign focusing on changing littering behaviour to prevent marine litter at source along the rivers and their tributaries. The campaign works to raise awareness, gather evidence and inspire action.

## Product Specific -

In addition to the two topics previously outlined, we believe that there are a number of particular products that require to be addressed by behaviour change interventions:

- Smoking related litter –
  - 63.5% of surveyed sites in 2020/21 with presence; this is the highest recorded level in ten years
  - Cigarettes most littered item along the River Clyde ([report here](#))
- Soft plastics –
  - 42.8% of surveyed sites had presence of confectionary litter
  - Snack packets second most littered item littered along the River Clyde ([report here](#))
- Personal Protective Equipment (PPE) – surveyed for the first time in 20/21 – more than 2 items counted for every km transect surveyed
- Other commonly observed items including packaging – drinks litter 38.9%; fast food 17.6%

## 4. Is there a need to develop a standard definition for litter that can be used across Scotland? **YES**

Consideration should be given to developing and agreeing a standard definition of litter for Scotland that can be applied consistently across all sectors at both a strategic and operational level, however, any development of a definition should have due regard to the existing legislative and regulatory framework, as well as current policy and practice, which may need to be adapted in line with any agreed definitively. The proposal to review CoPLaR 2018 (Objective 4), which we support, provides an opportunity to refresh its definition of litter and then applied across Scotland.

A standard definition of litter should also complement and/or reflect a new focus on waste and the circular economy. Litter is a waste, in that items littered are not recycled, which means that potentially valuable materials are lost.

### **Objective 3 - Improve our understanding of the sources, amount and composition of litter**

#### **5. (a) Do you support the following proposed actions to:**

**Action 3.1: Review available litter data and reach an agreement between stakeholders on a common approach to data collection? **YES****

**Action 3.2: Identify commonly littered items and litter hotspots and work with local authorities to develop targeted interventions? **YES****

**Action 3.3: Increase the use of citizen science to support data levels and composition of litter? **YES****

#### **(b) Please give reason(s) for your answer.**

3.1 – We are supportive of an action to review available litter data and reach an agreement between stakeholders on a common approach to data collection. We know that we need to measure to manage.

We know this because Keep Scotland Beautiful has coordinated a national local environmental quality audit for 18 years; providing training, validation of results, support, reports, networking forum. The data that has been collected through our audits has been used since 2004 to give us a robust set of indicator data to allow us to build up a national picture and trend data for local environmental quality.

The transition of the way we currently collect data to a new Litter Monitoring System continues to progress, providing a new digital platform, utilising spatial analysis and improving the ability to share and relate data sets. With increased accessibility for Duty Bodies and Statutory Undertakers, there is the potential to improve collaborative working practices.

3.2 - Gathering high-quality data is crucial in enabling us to identify what precisely is driving our litter problem, where the problem is worst and what effective solutions may be. For example, through our LEAMS data set we know that cigarette litter and food and drinks packaging are both hugely common forms of litter in Scotland. This suggests that the banning of certain single use items could potentially form part of an effective response to the prospective litter emergency. More recently, our data has also highlighted the worrying prevalence of single use face coverings as litter in our streets and open spaces. Data collection and constant review uncovers trends that can be addressed through campaigns specific to problems and local areas.

We know that as we move towards any future Extended Producer Responsibility (EPR) scheme, where producers may have to pay for the costs of correct management of their products when they become waste, we will need to know what products are being littered and not reused, recycled or repurposed.

We also know that local environmental quality is particularly poor in more deprived neighbourhoods, and that street cleanliness in more urban local authorities is generally somewhat lower than in more rural ones. Cross-referencing LEAMS and SIMD data enables a more granular understanding of issues. This helps us know how best to target action aimed at tackling litter and improving local environmental quality.

3.3 - Gathering data through our own surveys, and by supporting local people to conduct their own surveys is crucial in enabling us to identify what precisely is driving our litter problem, where the problem is worst, and what effective solutions may be. The data we record from citizen science is used alongside our LEAMS/LMS survey data and public perception data which, when cross-referenced with SIMD, adds greater depth to our understanding of issues. This holistic approach to data then allows targeted and localised interventions to be developed and implemented.

## 6. What would encourage increased participation in citizen science data collection?

Citizen science is a great engagement tool and can help people connect with the issue of litter and littering behaviour in a way that they may not have done before. It also helps to demonstrate that the issue is a concern at the community level, encourages ownership and strengthens the ability of communities to confidently engage with local authorities, businesses and other stakeholders.

Greater visibility of data gathered by KSB (or others) to shape policies and inform communications campaigns would encourage greater participation in citizen science, along with support to ensure that it is used to monitor campaigns/interventions.

It is also essential that the evidence/data collected as part of citizen science initiatives is taken seriously as robust evidence in any scaled-up or resultant follow-on activities.

It is important to recognise that developing and implementing local interventions that build on citizen science requires a source of funding that is often beyond the scope of local authorities and communities.

Our 2020 report called for a permanent innovation fund to be established which would enable innovative interventions to be trialled and tested at a local level over a sustained timeframe. The presence of such a fund, and an awareness that the interventions developed therein are informed by citizen science, would encourage greater participation and engagement.

In our experience working with community-led groups across Scotland there is a clear appetite for easy-to-use systems and reporting tools, and therefore greater, and sustained investment in this area would enable greater participation in data collection. This should include commonly used technologies for accessibility.

We published [our first citizen science report](#) for our award winning Upstream Battle® programme in June 2020, and [our Phase 2 report](#) was recently published. Since launching the Clean Up Scotland survey in July 2020 we have supported over 200 citizen science surveys to be completed. In August 2021, we launched our Upstream Battle ® campaign on the River Tay and our report will be published soon.

## Objective 4 - Encourage a shared approach to services that will effectively support litter prevention

7. (a) Do you support the proposed actions to:

**Action 4.1: Review of CoPLaR (2018) and its implementation by duty holders? YES**

**Action 4.2: Explore the use of flexible and innovative interventions to support litter prevention and removal? YES**

**Action 4.3: Establish an action focused group to encourage collaboration and share best practice between local authorities, national parks and other duty bodies? YES**

(b) Please give reason(s) for your answers

Yes, but qualified with the following comments:

4.1 – We are supportive of a review of the purpose and operational function of CoPLaR (2018), and how this could be translated into a user-friendly framework that allows the general public to hold duty bodies accountable whilst also enabling local authorities to align their services with CoPLaR criteria. A review must therefore examine who CoPLaR is for and how it can best function, rather than an examination of the criteria within the CoPLaR statutory document. There is a need for clear and consistent application of CoPLaR across duty bodies as current application lacks a transparent and joined-up approach.

4.2 - This has been tried before but on a very local scale - for example with regards to different kinds of bin infrastructure and nudge initiatives. What we need now is the willingness and ability to test and develop new infrastructure and approaches to changing people's behaviour, and then the funding to implement successful solutions on a large, national scale. The aim should therefore be to embed sustainability into delivery with a focus on long-term activity that is backed by sustained spending over a longer period of time.

We believe that the use of flexible and innovative interventions to support litter prevention and removal can work. Indeed, it has been shown before at a local level through introducing different types of bins and using nudge behaviour change initiatives. Our Roadside Litter Campaign and Cup Movement in Glasgow have trialled innovative interventions, as did our collaborative work in the Grassmarket with Hubbub. What we know is that further testing is needed, funding made available and licensing issues removed to ensure that successful pilot solutions can be rolled out on a national scale.

Our 2020 report suggested that a permanent national innovation fund, drawing upon the best data and research in this area, could play a key role in delivering sustainable behaviour change and help to bring about a cleaner, safer and healthier Scotland. Crucially, we also believe that this fund should be targeted at the community level, allowing councils, community groups and other local groups to identify and test the most appropriate solutions for the problems in their area.

4.3 – In general we are supportive of any action that encourages duty bodies, local authorities, national parks, and other organisations to collaborate together and engage in dialogue. No one organisation alone can deliver the action required to tackle the challenges we face. It is important that any action focused groups established have a clear rationale and be adequately resourced so as to deliver a shared approach to services that is both strategic and consistent in outlook. This should be accompanied by an audit and rationalisation of any existing groups to ensure efficiency. This would ensure a long-term focus on and commitment to the prevention of littering and other related issues.

## 8. Please provide examples of flexible or innovative interventions that have or have not worked well.

We would like to direct you to our [Campaigns and Innovations](#) webpage which includes the details and reports from a number of the inventions we have led or been involved in:

- [Upstream Battle®](#) - our award-winning campaign aims to change littering behaviour to prevent marine litter at source along two rivers, the River Clyde and River Tay. We are working along the entire length of both rivers and their tributaries, to raise awareness, gather evidence and inspire action.
- [NeatStreets](#) - increasing bin visibility enhances bin use in the short term; voting bins for cigarette butts was also a successful innovation within the intervention. Both of these innovations require regular refreshing in order to keep the messaging new and engaging. This campaign was run with Hubbub in Edinburgh's Grassmarket.
- [Give Your Litter a Lift campaign ran from 2016-2019](#) and encouraged all road users in Scotland to respect our shared environment and do one simple thing to keep litter off our roads but taking their litter home. Through a schedule of publicity, communications and campaign activity across the country, we raised awareness of the scale and impact of roadside litter and spreading the message to Give your litter a lift, take it home. We worked with partners to develop and test targeted messaging and infrastructure interventions and change people's attitudes and behaviours around roadside litter and littering from vehicles.
- We would also highlight the messaging/signage research carried out at Loch Lomond and the Trossachs National Park which found that signs appealing to national identity were more impactful than simple messaging (<https://www.keepsotlandbeautiful.org/media/1566379/lltnp-case-study-final-060420.pdf>)
- [Cup Movement](#) is our innovative city-wide collaboration aiming to transform Glasgow's relationship with single-use cups. This means ensuring that fewer single-use cups end up as litter, that far more are captured for recycling, and that more people transition to reusable cups instead of disposable ones. By working with those who make, supply, sell and use cups, Cup Movement seeks to establish a transferable model for creating change at scale and finding solutions that work. Our report on outcomes contains more information [Cup Movement – Phase One report](#)

Interventions are an important aspect to behaviour change; however, we need to be sure that these are embedded with long-term sustainability at their core, and that innovations have sustainable outcomes. Developing and delivering any intervention carries substantial financial costs and therefore require to be supported in a sustained manner in order to see the kinds of successful outcomes that are needed to tackle the looming litter crisis. Interventions should be backed by education, sustained generational anti-littering campaigns, and an effective enforcement system.

## 9. How can increased collaboration and information sharing across local authorities, national parks and other duty bodies be achieved?

Common measures and systems across the themes of data collection, networking and community capability and capacity building, would ensure that everyone is speaking the same language.

The importance of a reinvigorated approach to sharing information across networks cannot be understated. Dedication to existing networks, particularly in cleansing services demonstrates the need and enthusiasm for partnership building and sharing best practice. We would advocate for these networks to be reviewed, with a fresh approach taken in line with the principles and priorities which are emphasised in this new strategy ensuring suitable representation across forums to further encourage collaboration. We strongly recommend that this review highlights the gaps in the currently

available networks. In our experience, this includes linking local authorities, duty bodies and other organisations with local communities, to encourage collaboration and to identify relevant prevention techniques tailored to the local area.

We also recommend the availability of a forum for communities to build on their individual experiences and to share their local learning. There is potential for this forum to be linked to the hub outlined within Actions 5.1 and 5.2.

## Objective 5 - Empower community groups to take action

### 10. (a) Do you support the proposed actions to:

Action 5.1: Create a national litter hub to provide information to community groups? **YES**

Action 5.2: Create a community-focused litter education programme? **YES**

### (b) Please give reason(s) for your answer.

5.1 – We firmly believe that the creation of a national litter hub to provide information and advice to community groups is a crucial part of tackling litter and littering behaviour. We know that the communities we work with through our campaigns and programmes, for example [It's Your Neighbourhood](#) and [Beautiful Scotland](#), value our insight and ability to connect them to others who are working to achieve a similar goal.

Through Clean Up Scotland, our growing network of Community Clean Up Hubs have all been able to access information, guidance and support from our team, and more importantly from each other.

It is essential that a National Litter Hub act as a link between the national level marketing campaign and the locally implemented interventions and activities across communities, as we detailed in our response to Question 2.

We also believe that these is an element to a national litter hub that should interact with any networks or forums that encourage collaboration between local authorities, national parks, other duty bodies, and communities as we outlined in our response to Question 9 above.

5.2 - Although most people have opinions about litter, there is still real confusion about the facts, the legislation, the simple solutions to make it easy for people to do the right thing. We have called for a community-focused litter education programme to support individuals and communities to fully understand the scale of the challenge and the role they can play in monitoring and tackling it.

We already deliver education activities in schools through our award-winning Eco-Schools programme, but learning shouldn't be confined to the classroom it should be embedded in informal settings in community groups across the country so that every member of society, young or old can access and benefit from it.

We know from our development work with our Upstream Battle Anchor Groups the value of providing this kind of education programme, that goes beyond just providing information, and instead helps communities develop the capacity and capability to take ownership of local issues and act on them appropriately.

We believe a community-focused programme of education and behaviour change to create a 'Literate' Scotland, could make a real difference, and are delighted to be [piloting this with local authorities](#) already.

### 11. What advice, information and support should be included in a national litter hub?

Based on our work to support communities to take action on litter and littering across Scotland over the last two decades, we have a good idea of what a 'national litter hub' might look like. This would be an online hub open to anyone looking for support in their litter picking activities along with support for litter prevention. This support might include the following:

- **Information**
  - The law and enforcement regulations – summary and link to full documents
  - Who is responsible for what – list and link to documents/legislation

- Data on the problems across Scotland and why this is an issue/wider impacts – top level stats and trends, and links to relevant reports
- Details to report litter instances to duty bodies
- Contacts for useful agencies
- **Resources: guidance, downloads, educational packs**
  - Litter picking guidance
  - Health and safety
  - Posters, bin stickers, car stickers and related guidance from a network of organisations
  - Education packs with ideas for workshops with kids
  - Document templates; press releases, action plans
  - Online learning to understand behaviour change and nudge campaigning
  - Guidance and links to funding opportunities
- **Case Studies and Publications**
  - Case studies on interventions and local trials
  - Reports from campaigns and research
  - Ideas for trying
  - Litter pick/Clean Up 'next steps'
- **Network and Contacts**
  - Opportunity to talk with others and share ideas
  - Capability for uploading files
  - Links to joining active groups
- **Citizen Science**
  - Information on the importance of gathering data
  - How to collect and input to CUS members website
  - How to use collected data to identify local problems, behaviours and monitor interventions
  - Accessible overview of what is collected

## **12. What topics should be included in a community-focused litter education programme?**

Our December 2020 report called for the development and implementation of a community focused litter-ate educational programme that raises awareness of the challenges we face, builds capability and capacity on a range of issues including behaviour change and localised campaigning, facilitates data gathering through citizen science and helps drive local action across the country. 53% of respondents in the *Scottish Litter Survey (2021)* indicated strong support for increased funding for community action on litter prevention and clean-ups.

This would build on the success of work we have undertaken in terms of our anchor group model, climate ready classrooms, and carbon literacy training – and could be delivered face to face and online. Our *Beautiful Scotland* and It's Your Neighbourhood network currently have around 350 groups; our Anchor Group network is currently 30, along with around 80 Clean Up Hubs.

We also have 1000s of individuals/organisations who have taken part in our Climate Emergency Training. As a result of this we believe that we have a unique perspective to offer built on years of experience and knowledge gained. We recently launched a pilot of our community education programme 'Literate' with [Glasgow City Council](#). The aim of our programme is to have three levels – basic, intermediate, advanced – in order to capture a range of audiences all with various levels of involvement within litter prevention.

At the basic level this would have learning outcomes related to increasing awareness of litter and waste; empowering and enabling communities and any local organisations to develop the capacity and capabilities to tackle the issues in their local areas; tools and ideas to share within local communities; and pointing participants to available support and information.

Where appropriate, a litter education programme should also complement education around recycling and waste management within the context of the circular economy, and also link with other broader initiatives including the twin emergencies of climate change and biodiversity. For example, in the run up to COP26 in Glasgow, we provided our Upstream Battle Anchor Groups with additional training that made the connection between marine litter and the climate emergency.

Ultimately, changing people's behaviour is the key to reducing litter and therefore improving the environmental quality of our neighbourhoods. We believe a community-focused programme of education and behaviour change to create a Litter-free Scotland, aimed at all sections of the population and working with community groups across the country.

**Objective 6: Develop a more effective enforcement model**

13. (a) Do you support proposed actions on enforcement of litter offences to:

Action 6.1: Conduct an evidence review of barriers to enforcement? **YES**

Action 6.2: Explore raising current fixed penalty notice amounts? **NO**

Action 6.3: Explore potential alternative penalties to monetary fixed penalties? **YES**

Action 6.4: Create powers to issue fixed penalty notices to registered keepers of a vehicle from which littering occurs (This action was consulted on for the Circular Economy Bill. Unfortunately, due to the COVID-19 crisis, the Bill was not introduced.)

(b) Please give reason(s) for your answers.

6.1 - Our report published in December 2020 called for the Scottish Government to commission a review of the existing, failing enforcement model (from top to bottom, including local capacity to enforce, current legal status and priorities/challenges) to assess the most effective and efficient approach to enforcement, considering whether a move to a restorative approach is appropriate and looking at what has worked successfully in other areas of policy.

6.2 – We recognise there is a strong public support for raising current fixed penalty notice amounts – 65% of respondents to the Scottish Litter Survey (2021) were strongly supportive of such an initiative. At present, we cannot endorse or support this view. This is due to the poor evidence that exists. We know, for example, that the increase in the level of fine for dog fouling has been followed by an increase in non-payment rates; making it crucial that we consider whether restorative, community payback approaches to dealing with these offences may have greater success in bringing about adherence to the law in this area.

The problems and inconsistencies with the enforcement system for litter fines across Scotland need to be urgently addressed. We recognise that this is not an easy fix. If, and when, the broken model becomes more consistent across the country, then we would welcome a fine level review.

6.3 – We support the exploration of alternative penalties; we recognise that this is a complex area that could benefit from further research and would point to the inclusion of all behaviours within Action 1.1 (Question 1).

Action 6.4 – We strongly recommend that the proposals for the creation of powers that would enable FPNs to be issued to registered keepers of vehicles from which littering occurs are included within the forthcoming consultation on a new Circular Economy Bill (originally expected in May 2020). When this action was consulted upon for the previous Circular Economy Bill it was found that of the more than 50% of Scottish local authorities that responded to our survey, 100% are in favour of a change to the legislation which will allow their enforcement officers to tackle littering from cars more effectively – this is why we are working with our partners and engaging with the Scottish Government to encourage change.

**Objective 7 - Improve the consistency of enforcement practices**

**Action 7.1: Review and further develop guidance on enforcement best practices and seek agreement for this to be voluntarily adopted by local authorities and national parks.**

14. (a) Do you support the proposed action to review and further develop guidance on enforcement best practices (action 7.1)? **YES**

**(b) Please give reason(s) for your answer.**

We are supportive of a review and consultation on the current guidance in place across local authorities but remain mindful that effective enforcement is a challenge from the level of enforcement officers through to the PF. We have trained hundreds of officers from across the country over the past two decades, and regularly hear from them about the challenges they face. So, we believe that further guidance and training for local authorities and national parks on best practice in relation to enforcement would be useful to ensure consistency.

**(c) What should be included in this guidance?**

We recognise that some local authorities are challenged by changing priorities and changing budgets. This can lead to fewer enforcement officers or to officers whose duties are expanded. This results in less time spent in direct enforcement. Through [our programme of training courses](#), our experience shows that these officers can forget the detail of enforcement legislation and will be unaware of new legislation.

The guidance should enable provision for current enforcement officers to attend refresher training courses and for new officers to attend training specific to their duties.

## Flytipping

### Objective 8: Understand behaviours that lead to flytipping to allow targeted approaches to be developed.

15. (a) Do you support the proposed action to conduct research to understand behaviour that leads to flytipping (action 8.1)? **YES**

(b) Please give reason(s) for your answer.

In the same way we believe that research is needed to understand the full range of influences that impact litter, we support the action for research to understand the behaviours that lead to flytipping. We would echo our response to Question 1 here and highlight that whilst litter and flytipping are driven by different behaviours, a better understanding of these behaviours will enable targeted prevention.

There are two distinct types of flytipping, and therefore research seeking to understand the drivers would need to consider this. These are:

- household waste (domestic)
- waste criminals (commercial criminal activities)

Research conducted should drive action providing the evidence and data required to bring about the necessary behaviour changes. Research within this context should also extend to enforcement and the wider issues associated with the wider broken enforcement system. It is essential that research, once conducted, is applied with findings and recommendations driving further actions and improvements.

**Objective 9: Develop and adopt a shared approach and common language between Scottish Government, local authorities, public agencies and the third sector to flytipping behaviour change across Scotland.**

16. (a) Do you agree with the proposed actions to:

Action 9.1: Develop a sustained, evidence based, national anti-flytipping behaviour change campaign? **YES**

Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials? **YES**

(b) Please give reason(s) for your answer. Are there topics that should be a priority to address in this campaign?

9.1 – Reflecting our call for a Scotland-wide anti-littering marketing campaign for litter, we support the development of a sustained, evidence-based behaviour change campaign that can raise awareness of flytipping. As part of this campaign, we would see information included that outlines the correct steps to take when disposing of waste.

A campaign with a national focus should differentiate between large-scale commercial criminal flytipping (and the associated messaging required), and household/SME level flytipping (which may focus on awareness raising and the provision of information). It should serve as a reminder of the responsibilities that people have to correctly dispose of waste, as well as advising where help can be found and accessed.

9.2 – Yes, we would support a single information point – further detail can be found in our answer to Question 18.

**17. Are there topics that should be a priority to address in behaviour change interventions?**

As per our response to Question 16, interventions should be targeted at household level flytipping and waste criminals.

**18. What information should be included in the single information point?**

With reference to our response to Question 11, we are supportive of a single information point which follows a similar model to the National Litter Hub, containing information regarding topics such as:

- Materials
- Routes for disposal
- Local waste disposal information including key contacts
- How to report and deal with instances of flytipping
- Legislation, regulation, and licensing requirements

We recognise that any hub developed needs to meet the standards and requirements of a large range of stakeholders and should therefore be developed in full consultation with relevant and appropriate stakeholders.

**Objective 10: Improve our understanding of the sources, amount, spatial distribution and composition of flytipping****19. Is there a need to develop a definition of flytipping that can be adopted across Scotland?****YES**

As per the development of a standard definition for litter, consideration should be given to developing and agreeing a standard definition of flytipping for Scotland that can be applied consistently across all sectors at both a strategic and operational level, however, any development of a definition should have due regard to the existing legislative and regulatory frameworks, as well as current policy and practice, which may need to be adapted in line with any agreed definition.

**20. (a) Do you support the proposed actions to:****Action 10.1: Create a data sharing agreement to support gathering of data and work with stakeholders to improve consistence of data collection? YES****Action 10.2: Explore incorporating data into a national database? YES****Action 10.3: Review the Dumb Dumpers system and ensure a fit for purpose mechanism for citizen reporting of flytipping exists in Scotland? YES****Action 10.4: Explore the development of a live picture of flytipping across Scotland? YES****(b) Please give reason(s) for your answers.**

10.1 - Broadly speaking we are supportive of any actions that encourage data sharing; however, we recognise that data sharing is a complex area. The stakeholders involved span a large cross-section of organisations and communities, and so any national database would require to be hosted and adequately resourced in order to be most effective. Data gathered should be done with a clear rationale for driving action and applied improvements

10.2 – see below Q21

10.3 – see below Q21

10.4 – see below Q21

**21. (a) Do you support mandatory reporting of flytipping incidents for statutory bodies? YES****(b) Please give reason(s) for your answer.**

We recognise that there are strong arguments in favour of the introduction of mandatory reporting of flytipping incidents by statutory bodies, including ensuring that accurate data is generated locally to inform a robust national picture of the scale of the problem, the materials involved and specific hotspots. It is clear, however, that at present the existing arrangements do not facilitate the generation of this data and this does not help inform the development of appropriate national policy, practice or scalable interventions.

Therefore, the development and implementation of a coherent, consistent approach to mandatory reporting with full input from all relevant stakeholders, supported by an agreed definition of flytipping and clear guidance for the bodies involved, would be worth pursuing.

However, we also recognise that one of the challenges of a new approach will be to ensure that it is effective and efficient and does not become an additional burden, particularly to local authorities. This is an issue that would need to be suitably addressed as part of the development process.

**22. (a) Do you think we should continue to use Dumb Dumpers as the national reporting tool?**

**YES**

**(b) Please give reason(s) for your answers.**

We believe that Dumb Dumpers is not fit for purpose as a national reporting tool and should be replaced in line with our answer to the previous question. Consideration would need to be given as part of the development of any new reporting approach as to how communities would meaningfully interface with the new approach.

The terminology associated with 'Dumb' Dumpers is also outdated.

**Objective 11: Support the development of consistent, innovative and effective waste services and infrastructure**

23. (a) Do you agree with the proposed actions to:

Action 11.1: Support and encourage information and resource sharing between stakeholders? **YES**

Action 11.2: Explore how to support and encourage more reuse and repair of products that are commonly flytipped? **YES**

Action 11.3: Explore a flexible approach to waste disposal with a view to trial interventions? **YES**

(b) Please give reason(s) for your answers.

11.1 – We are supportive of any actions that encourage information, data and resource sharing between stakeholders, we would point to the equivalent answer given in the litter section of the consultation (Question 7).

11.2 – There are already a number of great projects which support and encourage people to reuse and repair items and products, and it would therefore be pertinent to strengthen connections to these existing initiatives. [Circular Communities Scotland](#) support and empower the delivery of a circular economy in Scotland through encouraging the reuse and repair of items and products.

11.3 – Yes, however as we outlined in our response to innovative interventions in litter prevention, we believe that these also need to be embedded with long-term sustainability and a commitment to funding at their core.

**24. How can we support and encourage sharing of data and joined up services and infrastructure?**

As we have mentioned previously, we are supportive of any actions that encourage collaboration, dialogue, and the sharing of data, however any action focussed groups or networks established as a result of the strategy must have a clear rationale and be adequately resourced so as to deliver a shared approach that is both strategic and consistent in outlook.

**Objective 12: Provide support to private landowners and land managers that experience flytipping on their land**

27. (a) Do you agree with the proposed actions to:

Action 12.1: Explore the role of technology in assisting private landowners and land managers deter flytipping on their land? **YES**

Action 12.2: Produce updated guidance for private landowners on dealing with flytipping? **YES**

Action 12.3: Explore alternative financial support mechanisms available to private landowners and land managers? **YES**

(b) Please give reason(s) for your answer.

We recognise that private landowners and land managers face a number of challenges associated with flytipping that have wide-ranging consequences for them, both operationally and financially.

We would encourage the Scottish Government, SEPA, and other stakeholders to work closely with private landowners and land managers to find a suitable response to flytipping within the context of the strategy. We also believe that the timescales for these actions could be progressed more rapidly to deal with the issues faced by private landowners and land managers.

### Objective 13: Develop a more effective enforcement model

#### 28. What support mechanisms need to be in place to help private landowners that are victims of flytipping?

Recognising the challenges faced by private landowners, we believe that as outlined in our response to Question 27 above, agreement is needed on a package of measures to assist those victims of flytipping deal with the consequences they are faced with.

#### 29. (a) Do you support the proposed actions to:

**Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences?**

**YES**

**Action 13.2: Initially raise current fixed penalties issued by local authorities, Police Scotland, Loch Lomond and Trossachs National Park for flytipping to the maximum (£500) and explore possibility of raising the maximum further at a later date?** **YES**

**Action 13.3: Explore the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences?** **YES**

**Action 13.4: Explore raising current fixed monetary penalties that can be issued by SEPA for flytipping offences to the maximum (£1000) and explore possibility of raising the maximum further at a later date?** **YES**

**Action 13.6: Review existing legislative powers for enforcing flytipping offences?** **YES**

**Action 13.7<sup>1</sup> Take powers to enable seizure of vehicles by SEPA used in flytipping** **YES**

#### (b) Please give reason(s) for your answers.

We are supportive of the evidence reviews proposed (Action 13.1 and Action 13.6). However, it is important with enforcement as per litter that any reviews should consider from top to bottom, including local capacity to enforce, current legal status and priorities/challenges, the most effective and efficient approach to enforcement looking at what has worked successfully in other areas of policy.

As a first step, we are supportive of the short term Action 13.2 to initially raise Fixed Penalty Notices for flytipping issued by local authorities, Police Scotland, Loch Lomond and the Trossachs National Park.

Given the nature and scale of flytipping, particularly where this occurs on a largescale commercial criminal basis, we are supportive of Action 13.3 and Action 13.4 as part of a commissioned review (13.6).

With a new consultation on a Circular Economy Bill due in May 2022, we would support the inclusion of Action 13.7.

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<sup>1</sup> This action was consulted on for the Circular Economy Bill. Unfortunately, due to the COVID-19 crisis, the Bill was not introduced.

**Objective 14: Improve consistency of enforcement practices across Scotland**

30. (a) Do you support proposed actions to:

**Action 14.1: Come to an agreement and develop guidance on role and responsibilities in enforcing flytipping offences? YES**

**Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies? YES**

**(b) Please give reason(s) for your answers.**

Scotland is a small country and although it has a wide range of different geographies and topographies, there should be consistent and coherent guidance in relation to enforcement. This would be enhanced through the sharing of best practice would improve the effectiveness of guidance developed.

### **31. Are there any additional proposals you think should be considered for the National Litter and Flytipping Strategy?**

We have welcomed the collaborative approach taken by Scottish Government to develop and consult on a new Litter and Flytipping Strategy for Scotland. In addition to our responses to the specific questions within the strategy, we have some further general comments.

We believe the approach taken through Programme Management Groups for the two strands of the strategy should continue through the implementation stages of the strategy for effective monitoring and oversight – something that was highlighted as missing from the previous strategy.

Finally, and crucially, the issue of resourcing and funding must be addressed if we are to have a genuine opportunity of reversing the issues Scotland faces in terms of declining local environmental quality standards and the looming litter emergency. Previous Scottish Government funding for dealing with litter was at a significantly higher level than the current allocation (these levels are noted in the published review of the previous litter strategy) and will be critical to addressing this public issue at scale and to achieve sustained changes in behaviours and attitudes.

The recent announcement from UK Government in relation to Extended Producer Responsibility (EPR) notes that the full net costs of dealing with litter for Scotland and Wales will include ground litter as well as communications campaigns and dealing with bin litter. This is welcomed but we will urge UK Government and Northern Ireland Assembly to reconsider its position and align with the Scottish and Welsh Governments on this issue.

Whilst it is anticipated that funds generated through EPR will make a significant contribution to the delivery of the litter aspects of the new strategy, there is a gap until these benefits are realised and action is required now to address this pressing issue. Stakeholders also expect action and resources from the Scottish Government not least given the amount of engagement and input that has been sought on the strategy. We urge the Scottish Government to commit new and meaningful funds to support the implementation and achievement of this new strategy across its lifetime.

32. (a) Do you agree that the accompanying Impact Assessments (BRIA, EQIA, ICIA, FSDA) are an accurate representation of core issues and considerations? **YES**

(b) If not, please provide detail and evidence.

33. (a) Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report? **YES**

(b) If not, please provide detail and evidence