



National Litter and Flytipping Strategy



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Protection Agency
Buidheann Ìomairt
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Scottish Government
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Ministerial foreword

Scotland is a beautiful country and we all have a responsibility to keep it that way. There are no excuses for littering and flytipping, which are a blight on our streets, communities and countryside, with the cost of cleaning up often borne by individuals and the public sector.

As well as being unsightly and spoiling our enjoyment of Scotland's landscapes, litter and flytipping also threaten our natural environment and wildlife, risking damage not just for those living in Scotland today, but for future generations too. Every year, millions of items are dropped as litter and tonnes of material is flytipped in Scotland, with at least £60 million of public money spent annually to clean it up - money that could be better spent on other services. On top of this, litter and flytipping prevention can 'close the loop' in a circular economy. We have to recognise that everything we use and throw away is a resource which has a value, a value that we should preserve, capture, and use again wherever possible.

The previous National Litter Strategy, published in 2014, was an important first step in shifting the focus from cleaning up to behaviour change and prevention. Scotland has made important advances towards actively addressing litter and flytipping, such as being the first nation in the UK to ban some of the most problematic single-use plastic items, and we have also announced over £53 million of investments from the landmark Recycling Improvement Fund to improve recycling quantity and quality. The National Litter and Flytipping Strategy will build on this positive work and drive further change in behaviours and the delivery of services. In addition, enforcement will be a key theme, and the Strategy sets out our robust commitments, including raising fixed penalty notices for flytipping to £500 and exploring the possibility of raising these to £1000.

Looking ahead, it is an exciting time for the circular economy in Scotland. Recently we

have introduced a Circular Economy Bill which will establish the legislative framework to support Scotland's transition to a zero waste and circular economy. We are also in the final stages of preparation for UK wide reforms to extended producer responsibility (EPR) for packaging to commence phased implementation from next year. EPR will drive more sustainable packaging, provide clearer labelling for consumers, and deliver direct benefits to local authorities.

At the heart of this Strategy is collaboration, and I am delighted that this Strategy has been developed in partnership with Zero Waste Scotland, Keep Scotland Beautiful and the Scottish Environment Protection Agency following engagement with other key partners and stakeholders, including local authorities and landowners, and has been informed by the wide ranging feedback we received on our consultation proposals.

One of our key objectives will be to develop and adopt a shared approach between stakeholders to litter and flytipping prevention across Scotland. No one can tackle these issues alone and I want to thank the many stakeholders who have engaged with the development of this Strategy. As we build on the work already underway, it is vital that we all work together to tackle litter and flytipping as part of our wider efforts to tackle Scotland's throwaway culture. This National Litter and Flytipping Strategy sets important and ambitious objectives, and I am committed to its successful implementation. For the Strategy to meet its goals, it will require all sections of society to play their full part, and I am certain that by working together we can create a fairer, greener, stronger Scotland for everyone.



Lorna Slater MSP
Minister for Green Skills,
Circular Economy and Biodiversity



1 Introduction

1.1 Why we need a new National Litter & Flytipping Strategy

The National Litter and Flytipping Strategy sets out a refreshed approach to tackling litter and flytipping in order to protect and enhance Scotland's environment and ensure safer and cleaner communities and contribute to a thriving circular economy for Scotland.

The context within which the previous national litter strategy, *Towards a Litter-free Scotland*¹, was published has evolved significantly, with increased focus on protecting and valuing our natural capital and improving the retention of resources in the economy. The COVID-19 pandemic also posed significant challenges in regards to the disposal of household and business waste as well as the safe provision of litter and streetscene services by councils. The importance of ensuring consistent and fair access to appropriate disposal routes for waste was also highlighted during the consultation and development stages of the new Strategy.

The United Nations, in its *Making Peace with Nature* report, describes three interlinked crises of climate change, pollution and biodiversity loss². These crises are driven by our use of materials, with litter and flytipping being a highly visible form of pollution caused by uncontrolled material losses into the environment.

Litter and flytipping are losses of material from the economy, so reducing litter and flytipping will also help accelerate Scotland's transition from a 'linear' economy, which is environmentally unsustainable and energy and resource intensive, to a more resource efficient and sustainable circular economy.

As a society we have a collective responsibility to tackle **litter (defined as waste in the wrong place)** and **flytipping (the dumping of waste in the wrong place, usually pre-meditated and involving larger items or volumes)** as these issues have wide-ranging impacts on our health, environment and economy.

This Strategy sets out how national and local government, business, third sector, communities and individuals can work together to support behaviour change, improve infrastructure and strengthen enforcement, in order to protect our environment, better value our resources as a society and prevent the escape of materials from the economy.

Litter and flytipping pollution involves and impacts on many organisations and communities. For these reasons it is vital that there is strategic, co-ordinated action to develop and deploy effective solutions, focused on prevention. Recognising the different drivers of litter and flytipping, this Strategy has been developed as a National Litter and Flytipping Strategy, to allow a tailored approach to be taken to each issue.

The delivery of this Strategy will comprise three elements: a high-level strategy setting out a vision and strategic objectives;

¹Scottish Government (2014) - *Towards a litter-free Scotland: a strategic approach to higher quality local environments* <https://www.gov.scot/publications/towards-litter-free-scotland-strategic-approach-higher-quality-local-environments/>

²United Nations (2021) - *Making Peace with Nature* <https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/34948/MPN.pdf>

legislative action to prevent and tackle litter and flytipping; and annual action plans setting out in detail activity needed to deliver the outcomes and vision.

The publication of this six-year Strategy is accompanied by a **2023-24 Action Plan**^{*} detailing specific actions and interventions that will be progressed in the first year of the Strategy.

1.2 Strategic context

Achieving the vision set out in this Strategy will contribute directly to some of the National Outcomes in Scotland's National Performance Framework³ with a focus on enabling citizens to value, enhance, protect and enjoy our environment.

Reducing litter and flytipping will allow us to:

- Value and enjoy our built and natural environment, and protect and enhance it for future generations.
- Reduce the local and global environmental impact of our consumption and production.
- Ensure our public services are high quality, continually improving, efficient, and responsive to local people's needs.
- Live in well-designed, sustainable places where we are able to access the amenities and services we need.

Progress towards these outcomes will also help Scotland to meet several UN Sustainable Development Goals including responsible consumption and production; life below water and life on land⁴.

The Environment Strategy vision and outcomes⁵ describe our long-term ambitions for restoring Scotland's natural environment, playing our part in tackling the twin global nature and climate emergencies, and

^{*}National Litter and Flytipping Strategy Action Plan 2023-24 <http://www.gov.scot/ISBN/9781805251545/documents/>

³Scotland's National Performance Framework - Our Purpose, Values and National Outcome <https://nationalperformance.gov.scot/>

⁴Take Action for the Sustainable Development Goals - United Nations Sustainable Development <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

⁵Scottish Government (2020) - The Environment Strategy for Scotland: vision and outcomes <https://www.gov.scot/publications/environment-strategy-scotland-vision-outcomes/>

⁶Global Resources Outlook 2019: Natural Resources for the Future We Want (2019) <https://www.resourcepanel.org/reports/global-resources-outlook>

harnessing wider benefits for Scotland's prosperity and wellbeing. While providing an overarching framework that brings together our strategies and plans for achieving our environmental goals, it also aims to identify new strategic priorities and opportunities to drive transformative economic and social change, and live within our planet's sustainable limits.

The global use of natural resources has more than tripled since 1970 and continues to grow⁶. Using resources sustainably is essential to tackling both the climate and nature crises.

The Environment Strategy outcome "we use and re-use resources wisely and have ended our throw-away culture" aims at accelerating progress towards Scotland's ambitious waste prevention and recycling targets, tackling our throwaway culture and scaling up and mainstreaming circular economy business models in Scotland.

The long-term strategic ambitions and policy priorities set by the Environment Strategy are underpinned by a set of guiding principles to ensure our environmental laws and policies are designed effectively to achieve these ambitions. In tandem with wider work to promote a circular economy in Scotland, the National Litter and Flytipping Strategy strives to embed the principles of polluter pays (the polluter should bear the cost of pollution control and remediation), prevention (preventative action should be taken to avoid environmental damage) and rectification (environmental damage should, as a priority, be rectified at source).

The design, development and implementation of the National Litter and Flytipping Strategy also takes into account existing commitments on the environment, reflecting key Scottish Government objectives and ambitions.

These include:

- To develop current and future measures to prevent litter from entering the marine and coastal environment, and to support its removal on beaches⁷.
- To address factors contributing to climate change through implementation of proposals and policies outlined in the

Scottish Government's Climate Change Plan⁸, including targets for recycling and reduction in waste sent to landfill, and establishing a more circular economy.

- To sustain and enhance biodiversity and ecosystems on both land and at sea to restore ecosystem health across Scotland, through implementation of a Scottish Biodiversity Strategy⁹.



⁷Scottish Government (2022) - A Marine Litter Strategy for Scotland <https://www.gov.scot/publications/marine-litter-strategy-scotland-2/>

⁸Scottish Government (2020) - Securing a green recovery on a path to net zero: climate change plan 2018-2032 - update <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>

⁹Scottish Government (2022) - Biodiversity strategy to 2045: tackling the nature emergency <https://www.gov.scot/publications/scottish-biodiversity-strategy-2045-tackling-nature-emergency-scotland/>

2 Evidence

2.1 Scale and impact of littering and flytipping in Scotland

The review of the 2014 National Litter Strategy¹⁰ identified that during the five year lifespan of the strategy a wide range of work had been undertaken by Scottish Government and its partner organisations to reduce litter and flytipping.

However, the scale and impact of litter and flytipping continues to pose a significant challenge. This was the conclusion of a Keep Scotland Beautiful (KSB) report in 2020¹¹, which evidenced an ongoing decline in local environmental quality across Scotland and is backed by the most recent KSB annual Scottish Litter survey, which assesses public attitudes and perceptions to litter and littering behaviour¹².

The latest survey results highlight that **67% of respondents believe that litter is a problem** in their local area while 87% believe that it is a Scotland-wide problem¹³. The survey also indicates a possible correlation between deprivation and the distribution of litter with 81% of respondents residing in the most deprived fifth of neighbourhoods reporting that they see litter often in their local area compared to 68% of those residing in the least deprived areas. Further research suggests the gap in litter levels between the most and least deprived areas is widening¹⁴.

This survey also found that when people were asked who was responsible for preventing litter, 60% of respondents deemed individuals and consumers 'entirely responsible' for the prevention of littering. Furthermore, the results demonstrated significant support for initiatives focused on preventing littering, especially improved waste disposal facilities and education and awareness campaigns.

The national Local Environmental Auditing and Monitoring System (LEAMS) data for 2021/22 also demonstrates that litter continues to be a challenge for communities across Scotland, showing an increase in the number of locations with significant amounts of litter present, with urban local authorities observing the biggest decline in local environmental quality.

During 2021/22, 89 individual audits were undertaken by both local authorities and Keep Scotland Beautiful, covering 12,803 individual sites assessed for local environmental quality. Findings continue to show that litter is a widespread issue on hard standing areas, open spaces and road verges, observed on four out of every five sites audited. Furthermore, significant and highly visible litter issues were affecting one in ten sites with evidence that these are more commonly affecting areas of highest deprivation and more densely populated land types¹⁵.

¹⁰Scottish Government (2021) - Litter strategy - five years on: review

<https://www.gov.scot/publications/five-years-review-scotlands-national-litter-strategy/>

¹¹Keep Scotland Beautiful (2020) - Towards a Litter-ate Scotland <https://www.keepsotlandbeautiful.org/media/1566897/leq-2020-report-final-041220.pdf>

¹²Keep Scotland Beautiful (2022) - Scottish Litter Survey 2022 <https://www.keepsotlandbeautiful.org/media/1570921/littering-in-scotland-survey-2022-final-301122.pdf>

¹³Keep Scotland Beautiful (2022) - Scottish Litter Survey 2022 <https://www.keepsotlandbeautiful.org/media/1570921/littering-in-scotland-survey-2022-final-301122.pdf>

¹⁴Keep Scotland Beautiful (2022) - Time for a new approach: tackling the litter emergency https://www.keepsotlandbeautiful.org/media/1570958/tackling-the-litter-emergency_dec-2022.pdf

¹⁵Keep Scotland Beautiful - Local Environmental Audit and Management Systems (LEAMS) <https://www.keepsotlandbeautiful.org/environmental-services/leams/>

There are over 60,000 incidents of flytipping reported each year in Scotland¹⁶, costing over £10 million of public money to clear up¹⁷. Data is currently collected in a number of different ways including local authorities' internal systems, the Litter Monitoring System (LMS^{**}) and reporting via Waste Data Flow¹⁸. The use of multiple systems across Scotland and inconsistencies in how data is collected and reported through these systems currently serve as a barrier to understanding the full scale of flytipping across the country.

Improving the consistency and quality of data collection is a cross-cutting theme of this Strategy and work to develop a baseline against which to monitor progress towards reducing flytipping will be prioritised.

Available evidence suggests that litter and flytipping pollution can affect population-level physical and mental health too¹⁹, alongside the more visible deterioration in quality of areas where people live and use key services.

Beyond those population-level impacts, pollution caused by the escape of materials into the environment can damage ecosystems, impacting on fragile biodiversity systems including wildlife which rely on clean land, water and air²⁰. This has been recognised in the adoption of the Kunming-Montreal Global Biodiversity Framework during the fifteenth meeting of the Conference of Parties (COP 15), which has set 23 global targets for action by 2030, one of which is to reduce the global footprint of consumption through substantially

reducing waste generation²¹.

In addition, the majority of marine litter is estimated to originate from land-based sources with more than 90% of ocean plastic a result of littering on land²². This Strategy aims to address the issue of marine litter at source by working with existing initiatives such as Marine Conservation Society's Great British Beach Clean and Keep Scotland Beautiful's Upstream Battle Campaign to improve the quality and consistency of citizen science reporting to aid data collection and future policy development.

^{**}The Litter Monitoring System is a web based system that is used to collect, analyse, visualise and report on litter and other local environmental quality data.



¹⁶Zero Waste Scotland (2013) - Scotland's Litter Problem: Quantifying the scale and cost of litter and flytipping <https://cdn.zerowastescotland.org.uk/managed-downloads/mf-dmdv6k6-1684140317d>

¹⁷Eunomia (2023) - Scale and Cost of Litter and Flytipping Scotland <http://www.gov.scot/ISBN/9781805251538>

¹⁸WasteDataFlow is the web based system for municipal waste data reporting by UK local authorities to government

¹⁹Keep Scotland Beautiful (2020) - Towards a Litter-free Scotland <https://www.keepsotlandbeautiful.org/media/1566897/leq-2020-report-final-041220.pdf>

²⁰United Nations (2021) - Making Peace with Nature <https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/34948/MPN.pdf>

²¹Kunming-Montreal Global Biodiversity Framework (2022) <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>

²²Scottish Government (2019) - How much plastic enter Scottish seas and where does it come from <https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2019/11/marine-scotland-topic-sheets-ecosystems/documents/plastic-in-scotlands-seas-published-january-2020/plastic-in-scotlands-seas-published-january-2020/govscot%3Adocument/Topic%2Bsheet%2B151%2Bv1%2B-%2BHow%2Bmuch%2Bplastic%2Benters%2BScottish%2Bseas%2Band%2Bwhere%2Bdoes%2Bit%2Bcome%2Bfrom.pdf>

²³Eunomia (2023) - Scale and Cost of Litter and Flytipping Scotland <http://www.gov.scot/ISBN/9781805251538>

²⁴Eunomia (2023) - Scale and Cost of Litter and Flytipping Scotland <http://www.gov.scot/ISBN/9781805251538>

Alongside these significant impacts, flytipping and littering also place financial burdens on residents, landowners and the public and private sectors. It is estimated that £60.7 million of public money is spent each year by local authorities on a combination of clean-up, education and enforcement activities with an additional £21 million spent by other public and private bodies²³. Further indirect costs due to environmental, economic and social impacts to the terrestrial and marine environments are estimated to exceed £196.7 million, bringing the total annual cost of dealing with litter and flytipping in Scotland to £280.8 million²⁴.

This does not include costs borne by private landowners and land managers who clear and dispose of any material flytipped on their land.

2.2 Key drivers

While the considerable impacts of litter and flytipping are often the focus, it is also important to examine the causes so those can be addressed. What we consume and throw away are the main factors in litter and flytipping. Our current linear economy of 'take-make-dispose' results in products and materials reaching the end of their life with little to no perceived value, often resulting in them becoming "uncontrolled leaks", rather than having further use within a more circular economy. Any actions to help ensure materials circulate in the economy for longer have the potential to reduce the amounts of damage done by litter and flytipping. The contribution of litter and flytipping to the climate emergency and biodiversity and pollution crises make it vital that we act now.

Material consumption and waste are the primary drivers of nearly every environmental problem we currently face. Through the Strategy and wider work to promote a circular economy in Scotland, we want to challenge the current approach to production and consumption by improving product design, mainstreaming reuse and repair and

incentivising more sustainable choices. This Strategy offers the opportunity to tackle contributory factors and restore public confidence that appropriate measures are being taken to prevent and address litter and flytipping.

All of the actions set out in this Strategy are closely linked to ongoing developments by the Scottish Government and our partners to reduce waste, promote reuse and recycling and ensure appropriate disposal of waste.

A range of transformational measures are already in place or underway to promote responsible consumption and production and to tackle Scotland's throwaway culture, including bans on problematic single-use plastic items, a commitment to introduce a charge on single-use cups, a commitment to introducing a Deposit Return Scheme, reform of extended producer responsibility (EPR) for packaging and a £70 million investment in local authority recycling infrastructure.

The Circular Economy Bill^{***} will also establish the legislative framework to support Scotland's transition to a zero waste and circular economy, significantly increase reuse and recycling rates, and modernise and improve waste and recycling services.

The Bill includes specific provisions in respect of litter and flytipping: a new penalty regime to address littering from vehicles, powers to seize vehicles involved in specified waste crime, and strengthened household duty of care responsibilities in relation to household waste in order to help prevent flytipping^{****}.

Further detail is provided in **Section 3**, however, a key aim of the relevant Bill provisions is to deliver a stronger, more consistent flytipping enforcement regime through the introduction of powers to seize vehicles linked to waste crime.

^{***} Circular Economy (Scotland) Bill <https://www.parliament.scot/bills-and-laws/bills/circular-economy-scotland-bill>

^{****} Under the Environment Protection Act 1990, householders have a duty to take reasonable steps to secure that any transfer of waste is only to an authorised person or to a person for authorised transport purposes.

In addition, the introduction of fixed penalty notices for householders who do not comply with existing obligations in relation to household waste will aid in the prevention of flytipping where an offence is traced back to a particular household, and raise awareness of householder responsibilities when disposing of waste.

The Scottish Government is also working with other UK governments and regulators to implement a UK-wide mandatory digital waste tracking service. This service will replace the current, fragmented and largely paper-based reporting systems and make it much easier and less time consuming for legitimate waste companies to comply with reporting requirements, whilst making it much harder for rogue operators to compete in the industry and commit waste crime including flytipping.

This year marks our final preparations for packaging EPR before it goes live in a phased approach from 2024 across the UK. EPR will drive more sustainable packaging, provide clearer labelling for consumers, and deliver direct benefits to local authorities. Packaging EPR will support the delivery of services by requiring producers to pay authorities the full net costs of running efficient and effective kerbside collection services for household packaging waste.

Later this year, the Scottish Government will also publish a final Waste Route Map setting out how we will work with others to deliver our system-wide, comprehensive vision for Scotland's circular economy. It will outline the tangible actions the Scottish Government and others must take to accelerate progress, and the tools we will put in place to enable everyone to play their part.

In addition, we remain committed to introducing a Deposit Return Scheme which will increase recycling rates of single-use drinks containers and reduce littering.

²⁵Scottish Government (2014) - Towards a litter-free Scotland: a strategic approach to higher quality local environments <https://www.gov.scot/publications/towards-litter-free-scotland-strategic-approach-higher-quality-local-environments/>

²⁶Scottish Government (2021) - Litter strategy - five years on: review <https://www.gov.scot/publications/five-years-review-scotlands-national-litter-strategy/>

These broader commitments to achieving a more circular economy will play a critical role in preventing and reducing litter and flytipping. However, we know there is more to do and new or emerging challenges to address. In tandem with our overarching strategy and policies to promote recycling and reduce the unnecessary use of disposable products, we must also respond to emerging issues, an example of which is ongoing work to examine the environmental impact of single-use vapes. Zero Waste Scotland were commissioned to review the environmental impact and potential policy options for improving the management of single-use vapes and we will work with stakeholders to consider the findings of the report.

2.3 Learning lessons and building on what works

In developing this Strategy we have identified factors which either supported or limited delivery of the previous National Litter Strategy to inform our future approach. Scotland published its first National Litter Strategy in 2014²⁶. A review of this strategy, and the activity that took place as a result, was undertaken in collaboration with key partners and completed in November 2019²⁷.

Several areas of success were identified, along with good practice case studies and some initial views on the focus for this new strategy.

The review found that significant progress has been made in a number of areas, including:

- The strategy, and update to the Code of Practice on Litter and Flytipping (2018), provided a shift in focus from clearance to prevention.
- An increase in opportunities for reuse and recycling, making it easier to dispose of waste responsibly.
- The introduction of the Litter Monitoring System, providing enhanced evidence of the littering problem.

The review also demonstrated that wide-ranging collaborative work has been carried out across Scotland to tackle the issues of litter and flytipping. It confirmed the importance of sustained, co-ordinated and collaborative action and the need for clearer ownership of the new Strategy to help partners and stakeholders understand their contribution and the implication for them. In developing this new Strategy, the Scottish Government has worked closely with a range of organisations to ensure a common understanding and identified a range of collaborative actions that will help deliver its vision.

To build on existing progress and partnerships, the Scottish Government has also established a National Flytipping Forum, convened by the Minister for Green Skills, Circular Economy and Biodiversity, to enable ongoing engagement between policy makers and stakeholders on key issues and to support co-ordinated action to tackle flytipping.

The Forum will discuss the implementation of key actions of this Strategy, including opportunities for joint working across organisations to address ongoing barriers and challenges for delivery.

The Scottish Government is also a member of the Serious Organised Crime Taskforce, which recognises the threat of organised environmental crime to communities in Scotland. Waste crime has a serious and

detrimental impact on the environment, communities and compliant businesses. A wide range of organisations are represented on the Taskforce, which aims to divert, deter, detect and disrupt organised crime by making better use of strategic threat assessments and ensuring that all partner bodies utilise their full range of powers.

Another example of successful partnership working is the Scottish Partnership Against Rural Crime, led by Police Scotland and its regional partnerships, including some local authorities, which is establishing closer working relationships to tackle issues such as rural waste crime. The successes, learning and best practice from this partnership will continue to inform and shape delivery of the National Litter and Flytipping Strategy.

Despite these achievements, the review of the previous strategy confirmed that littering and flytipping are deep rooted problems that require a refreshed approach, including tailored interventions, and further sustained, coordinated and collaborative action; and identified potential priorities for future strategy development.

Feedback from stakeholders during the review process noted that, since the first strategy was published in 2014, the policy landscape within which the strategy operates has altered significantly and this should be reflected in future policy development.

Review participants emphasised the importance of learning from successes to date, and continuing to take bold and ambitious action to address the ongoing challenges Scotland faces in regards to litter and flytipping. Participants suggested that a new strategy should take into account existing commitments and be more explicit about how actions contribute to both a more circular economy and to the climate and nature crises.

Litter and flytipping impacts also need to be considered in a social and economic context, including impact to health and wellbeing.

The review also emphasised the importance of data collection, monitoring and evaluation

to assess effectiveness of key measures and suggested a future strategy should include measurable outcomes, a timeline for action and an ongoing means of measuring and monitoring overall progress.

The review informed the Scottish Government's public consultation on

proposals for the new National Litter and Flytipping Strategy, which took place during 2022. A total of 978 individuals or organisations responded to the consultation. Broadly, responses demonstrated high levels of support for almost all proposed actions²⁷.



²⁷Scottish Government (2022) - National litter and flytipping strategy: consultation analysis <https://www.gov.scot/publications/national-litter-flytipping-strategy-consultation-analysis-report/>

3 Strategic Vision, Outcomes and Actions

3.1 Vision

The previous section outlined the scale of the ongoing litter and flytipping challenge and

the importance of taking further action. Our vision sets out Scotland's response to the challenge:

Our vision is for a future where Scotland's environment and communities are not blighted by litter and flytipping, and materials remain within a circular economy.

Working collaboratively towards this goal offers opportunities to prevent litter and flytipping, to promote and contribute to a thriving circular economy for Scotland.

This vision encapsulates three core ideas that:

- Urgent action is needed at scale across Scotland;
- Effective action needs to be integrated and co-ordinated to address a range of drivers; and
- Tackling litter and flytipping can make an important contribution to addressing Scotland's throwaway culture and supporting the retention of products and materials in the economy.

3.2 Approach and key themes

We recognise that the challenges are significant and the route to achieving our vision is complex. Therefore, the Strategy, and associated Action Plan, are underpinned by a systems approach, to reflect our aim to take into consideration the whole life cycle of commonly littered and flytipped items to determine effective action.

Litter and flytipping are addressed as separate topics across three strategic themes:

- Behaviour Change
- Infrastructure and Services
- Enforcement

These themes have been chosen to ensure that the actions over the course of the six year Strategy encompass interventions throughout the life cycle of products. They include shifts in product design and materials, the supply and use of products, and their "end of life", including the point of disposal or reuse. The Strategy focuses on action which can be taken within Scotland's devolved powers, and although the Circular Economy Bill proposes to increase the levers we have available to us, wider UK Government action is likely to be required to support the transition to a circular economy.

Actions may be required under more than one of the strategic themes for these changes in the product life cycle to happen, steered by those involved in managing the journey of the products and materials through the economy. Where some interventions operate across more than one theme, they have been placed where they align best and have the greatest impact.

Continuous improvement in collecting quality, comparable data has been identified as an overarching and priority element through all of the themes. It will support the monitoring of proposed interventions and inform development of future activity. Our approach to monitoring is detailed further in **Section 5** as well as in the **2023-24 Action Plan** *.

3.3 Outcomes – what does success look like?

To help define what success looks like, we have worked with our partners and other stakeholders via a public consultation, to identify the following set of outcomes:

Litter

- Behaviour change: Individuals, communities and organisations have greater awareness of the problems caused by litter, understand their responsibilities in preventing litter and are enabled and motivated to behave responsibly.
- Infrastructure and Services: Scotland's infrastructure and services are fit for purpose, they encourage and enable responsible behaviour and they prioritise action and innovation that proactively prevents litter and supports a circular economy.
- Enforcement: There is a strong and consistent enforcement model across Scotland that is fit for purpose and acts as a proportionate deterrent and effectively stops people from littering.

Flytipping

- Behaviour Change: Individuals and businesses have a clear understanding of their responsibilities to dispose of waste appropriately and are fully informed on the potential consequences of not doing so and are enabled and motivated to behave responsibly.
- Infrastructure and Services: There is a resilient national framework which provides consistent, accessible and joined-up services that prevent flytipping where possible and tackle it effectively where it does occur.
- Enforcement: There is a strong, consistent enforcement model that is fit for purpose and acts as an effective deterrent for flytipping behaviour. There is more consistent and co-ordinated enforcement activity across Scotland through effective partnership working.

3.4 Litter and Flytipping Objectives and Priority Actions

Taking account of the findings of our consultation, we have worked with our delivery partners and key stakeholders to develop a set of objectives and priority actions that will achieve our goals.

A **2023-24 Action Plan** *, published in conjunction with this Strategy, details specific actions and interventions that will be progressed in the first year of the Strategy. Actions for year one have been prioritised to reflect available resource. In partnership with stakeholders, actions will be reviewed and refreshed on an annual basis for the six-year lifespan of the strategy, enabling additional measures to be progressed as part of a phased delivery plan. This will ensure that actions are adapted to suit a changing external environment and are informed by emerging insights and available resources.

*National Litter and Flytipping Strategy Action Plan 2023-24 <http://www.gov.scot/ISBN/9781805251545/documents/>

3.4.1 Litter Objectives and Approach to Delivery

Litter Behaviour Change

Objective 1:

Build understanding of litter perceptions and behaviour to enable targeted approaches for interventions and campaigns to be further developed.

Objective 2:

Further embed a shared approach between Scottish Government, local authorities, public agencies, the third sector and communities to drive litter prevention and behaviour change across Scotland.

Littering behaviour is context specific. For example, evidence indicates that people believe littering certain materials in some locations is acceptable, where in others it is not acceptable²⁸. There is a need to engage the public in their communities, to make littering socially unacceptable in the locations and contexts which are most affected.

Behaviour change is complex. Actions will need to target a range of factors and be based on best available evidence. We will also need to scale-up best practice initiatives and support innovative new interventions.

The measures that will be developed over the six-year timeframe of the Strategy to encourage positive behaviour change include research to understand the range of influences on littering behaviours, the development of a national anti-littering campaign, improved collaborative working with stakeholders and community participation.

Initial priority areas include:

- Working with key stakeholders to test collaborative approaches to delivering innovative behaviour-based interventions, evaluating their impact and the potential for wider roll-out.
 - This may include a focused, localised campaign or activity to target an item or location to reduce litter. Existing data will be used to identify and target litter types or items (e.g. cigarette or vaping litter) and hotspots (e.g. roadside litter at motorway slip roads).
- Developing and delivering a national community-focused education programme that will build capacity and capability within local communities to enable them to take action at a local level to tackle litter and littering behaviour.



²⁸Zero Waste Scotland - Rapid Evidence Review of Littering Behaviour and Anti-Litter Policies
<https://cdn.zerowastescotland.org.uk/managed-downloads/mf-jdj6soja-1676982083d>

Litter Infrastructure and Services

Objective 3:

Work with stakeholders to improve our understanding of the sources, amount and composition of litter in Scotland.

Objective 4:

Encourage a shared approach to services across local authorities, national parks and other bodies with a statutory duty to clear litter in Scotland that will effectively support litter prevention.

Objective 5:

Encourage a shared approach to services across local authorities.

In order to make best use of infrastructure and services designed to handle and reduce current levels of litter, actions will target different stages of a product's lifecycle, including product placement, design and disposal.

Improving the level and consistency of data on litter is a key step in order to better understand the sources, amount and composition of litter items. Working towards this will be a priority action.

The measures that will be developed over the six-year timeframe of the Strategy to address infrastructure and services include a focus on joint working with stakeholders to identify what makes services effective and to encourage a more consistent approach; empowering groups in a community setting, for example, via community education programmes and an increased use of citizen science; improving data and encouraging retail and service design to become more circular.

Initial priority areas include:

- Working collaboratively with key stakeholders to scope options to improve the effectiveness, efficiency and consistency of prevention activity, to stop items being littered in the first instance, that could be trialed and, if successful, scaled up across Scotland.
 - Examples of this type of action include encouraging a move away from single-use disposable items, communications to help influence individual and social perceptions of littering, and improving access to and use of waste and recycling infrastructure (e.g. litter bins, 'on the go' recycling facilities, or household waste recycling centres) to increase opportunities for recycling or responsible disposal.
- Working alongside local authorities and other relevant stakeholders, develop and promote a national online litter hub by March 2024 to provide information, advice and support to community groups and other relevant local organisations on tackling litter and littering behaviour.
- Developing a Litter and Flytipping Data Strategy to explore and identify the data necessary to support local and national action planning, monitoring and evaluation activity.
- Considering opportunities to improve the quality and consistency of citizen science reporting to aid data collection and future policy development.

Litter Enforcement

Objective 6:

Develop a more effective enforcement model to deter and robustly tackle littering.

Objective 7:

Improve the consistency of enforcement practices.

The Strategy will focus on reviewing existing approaches to raise awareness of successful enforcement measures and remove implementation barriers; scoping and trialing the use of technology to improve enforcement; developing more effective enforcement practices and exploring the potential introduction of new legislation to tackle littering.

Over the lifetime of the Strategy we will explore raising current fixed penalty notices, explore alternative penalties to monetary fixed penalties and further develop guidance on enforcement best practices.

Initial priority areas include:

- Conducting an evidence review of enforcement of litter and flytipping offences to better understand, and address, the key barriers to current enforcement practices.
- The introduction of new powers to impose a civil penalty on the registered keeper of a vehicle from which a littering offence is committed.



3.4.2 Flytipping objectives and approach to delivery

Flytipping Behaviour Change

Objective 8:

Build understanding of behaviours that lead to flytipping, enabling targeted approaches to be developed.

Objective 9:

Develop and adopt a shared approach and consistency of information between Scottish Government, local authorities, public agencies and the third sector in relation to flytipping behaviour change across Scotland.

Flytipping usually involves larger volumes of materials or bulky items and is often pre-meditated. Flytipping covers a spectrum of issues: from householders dumping material or items near bins and in lay-bys, to operators illegally collecting and disposing of waste on public and private land, through to activity carried out by serious and organised crime groups. It is driven by a range of motivations, with cost saving a significant factor.

These differences across the spectrum are considered in the Strategy's approach to this issue.

The measures that will be developed over the six-year timeframe of the Strategy to encourage positive behaviour change include research to understand the range of influences on flytipping behaviours; development of a national anti-flytipping campaign; supporting collaboration and sharing best practice, and providing accessible information for the public and businesses on the correct disposal of commonly flytipped items.

Initial priority areas include:

- Ongoing communications to remind householders and businesses of their existing duty of care obligations in relation to waste.
- Supporting households and businesses to appropriately dispose of their waste through proactive work with online operators to identify, target and stop adverts by unlicensed waste operators.
- Targeted communications to highlight new powers through the Circular Economy Bill, subject to parliamentary passage, for enforcement authorities to seize vehicles linked to flytipping and the introduction of fixed penalty notices to households not complying with their duty of care when disposing of waste (e.g. using an illegal waste carrier).

Flytipping infrastructure and systems are wide-ranging. They encompass local and national policy, information systems, data gathering and technology as well as product design and waste management services.



Flytipping Infrastructure and Services

Objective 10:

Improve our understanding of the sources, amount, spatial distribution and composition of flytipping in Scotland.

Objective 11:

Support the ongoing development of consistent, accessible and effective waste management services and infrastructure.

Objective 12:

Provide support to private landowners and land managers that experience flytipping on their land.

During the six-year timeframe of the Strategy measures will include improving our understanding of patterns in flytipping occurrences, amounts and the items involved. In addition, actions will deliver better information-sharing between organisations and to support joint working and the implementation of more effective and accessible services to tackle flytipping. Furthermore we will provide support for private landowners affected by flytipping, encourage the reuse and repair of commonly flytipped items, and explore flexible approaches to waste disposal.

Initial priority areas include:

- Working collaboratively with key stakeholders to scope options to improve the effectiveness, efficiency and consistency of prevention activity that could be trialled and, if successful, scaled up across Scotland.
 - Examples of this type of action include communications to help influence individual and social perceptions of flytipping; work to optimise use of infrastructure designed to minimise flytipping (e.g. household waste recycling centres); and communications and joint working to ensure enforcement acts as an effective deterrent
- Developing guidance and carry out trials to better support private landowners to deter and deal with flytipping affecting their land.
- Simplifying and streamlining existing flytipping reporting channels, following a review of Dumb Dumpers.
- Developing a Litter and Flytipping Data Strategy to explore and identify the data necessary to support local and national action planning, monitoring and evaluation activity.



Flytipping Enforcement

Objective 13:

Develop a more effective enforcement model to deter and robustly tackle flytipping.

Objective 14:

Improve consistency of enforcement activity across Scotland via effective partnership working.

Through the implementation of the Strategy, our aim is to work with partners to develop more effective flytipping prevention and enforcement measures, strengthen existing measures and clamp down on illegal, unlicensed operators.

It is recognised that the current enforcement system needs improvement to provide a stronger deterrent. There are two key aspects to this: enhancing the tools available to enforcement agencies and improving their application in practice.

The Scottish Government is committed to taking forward action to strengthen aspects of legislation surrounding flytipping, ensuring law enforcement agencies have access to appropriate enforcement tools. Under the National Litter Strategy (2014), the fixed penalty notice amount for flytipping was raised to £200. The Scottish Government is committed to more than doubling the fixed penalties issued by local authorities, Police Scotland, and Loch Lomond and Trossachs National Park for flytipping to the maximum available through secondary legislation (£500) and to exploring the potential to raise the maximum further at a later date. The Scottish Environment Protection Agency (SEPA) also currently has the power to issue fixed monetary penalties of £600 and a variable penalty up to £40,000.

Through the Circular Economy Bill, a new fixed penalty notice regime will be

introduced, subject to parliamentary passage, to enforce breaches to existing householder obligations to appropriately dispose of household waste. This will aid in the prevention of flytipping where an offence is traced back to a particular household, and raise awareness of householder responsibilities when disposing of waste.

A simplified and strengthened regulatory approach to waste in Scotland is being introduced as a result of the transfer of certain areas of waste regulation into the Integrated Authorisation Framework (in terms of the Environmental Authorisations (Scotland) Regulations 2018).

This framework will replace a range of existing legislation and standardise the authorisation, procedural and enforcement arrangements across various regimes.

The Environmental Authorisations (Scotland) Regulations 2018 will introduce regulatory notices which will allow SEPA to target the person responsible for the illegal deposit of waste more effectively. In relation to flytipping, should the person who illegally deposited the waste be known, then it would be possible for SEPA to serve a regulatory notice on this person requiring them to remove the waste. This is a significant improvement to SEPA's powers in this area as current removal of waste notices (Section 59) can only be served on the occupier of the land.

Scotland currently has several different enforcement agencies responsible for investigating flytipping crimes. Local authorities currently handle the majority of flytipping reports, while SEPA and Police Scotland are more likely to be involved in tackling some of the more significant and chronic incidents of flytipping. Loch Lomond and Trossachs National Park also has responsibilities. Each of these agencies has different enforcement tools available to them to tackle flytipping.

Consistency in how enforcement tools are applied in practice must also be improved to ensure available resource for investigating

and enforcing is utilised in the most productive way. By strengthening partnership working across the enforcement process, offences can be more effectively considered when incidents of flytipping are investigated. This will ensure enforcement agencies can make full use of all regulatory enforcement tools available to provide a robust deterrent to flytipping and be more effective in taking action against those responsible for flytipping.



Initial priority areas include:

- Raising fixed penalty notices for flytipping in Scotland to the current maximum of £500 and consider amending legislation so that these could be increased to £1000 if required in future.
- Exploring the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences.
- Supporting key stakeholders to review guidance on roles and responsibility of SEPA, local authorities, national parks and Police Scotland to improve the investigation and enforcement of flytipping offences.
- Increasing use of digital technologies to detect and disrupt fly-tippers, especially unregistered waste carriers advertising on-line (as well as rogue operators operating behind a Waste Carrier Registration).
- Through the Circular Economy Bill introduce new powers to allow local authorities, SEPA and Police Scotland to seize vehicles involved in flytipping offences; and a new fixed penalty regime to allow the issuing of fixed penalty notices for breaches to householder duty of care obligations in relation to household waste.
- Consulting on proposed improvements to the waste carrier licensing regime, which will aim to give SEPA improved scrutiny and control over who is able to obtain and hold authorization to handle waste. This will make it easier to keep criminals out of the waste collection business, strengthen SEPA's ability to revoke authorisations and improve SEPA's enforcement notice powers.
 - This action will complement Strategy commitments to increase the use of digital technologies to detect and disrupt flytippers and the introduction of fines for breaches to householder duty of care obligations.

Cross-cutting policies

The delivery of the litter and flytipping priorities set out in this Strategy will also be

supported by cross-cutting policy measures aimed at delivering a more circular economy.

This will include:

- The introduction of packaging Extended Producer Responsibility in a phased manner from 2024, and the Scottish Government's continued working with Welsh Government to explore the possibility of including full net costs of packaging which commonly becomes litter within the scope of the scheme.
- Continued investment in the Recycling Improvement Fund to enhance local authority recycling infrastructure.
- Continued development of national Digital Waste Tracking to provide better data, help waste producers, including householders, comply with their duty of care, and enable more effective tackling of waste crime.
- Reviewing the environmental impact of and potential policy options for improving the management of single-use vapes.
- Continuing to support the implementation of, and evaluating the effectiveness of, Scotland's Single-Use Plastics Regulations which banned many problematic single-use plastic items.
- Preparation for the introduction of a Deposit Return Scheme.
- Preparation for the introduction of a charge on single-use cups in 2025.



4 Enabling success: Ensuring effective strategy implementation

This Strategy establishes an ambitious vision, a set of outcomes to describe what success looks like and a set of objectives to deliver it. It is designed to create the conditions necessary to drive these changes.

In developing this Strategy, as noted in **Section 2**, we have identified factors which either supported or limited delivery of the previous National Litter Strategy to inform our future approach.

4.1 The importance of collaboration

Litter and flytipping are complex issues which cannot be solved by organisations working in isolation. Effective collaboration between agencies, and with the public, will be fundamental to the Strategy's success.

Engagement and partnership working with key stakeholders has been central to the development of this Strategy and will be crucial for effective delivery of its outcomes and specific objectives going forward.

Delivering the Strategy will entail a participatory and inclusive approach that engages a wide range of delivery partners including local authorities, land owners, non-government organisations (NGOs), local communities, business, and the scientific and research community. This will engage and empower stakeholders and communities, and build upon existing mechanisms to support shared understanding and collaboration.

To achieve the level of impact that is needed to deliver a litter and flytipping free Scotland, we will need to mobilise actions by individuals, organisations, small, medium and large businesses and adopt a whole-of-society approach. It will require widespread behaviour change, delivered through a combination of measures including education,

enforcement and sharing best practice. Through the strategy's implementation, we will progress a range of activities to deliver effective interventions and support stakeholder and public engagement on litter and flytipping.

4.2 Delivery Framework

This Strategy represents the first element in Scotland's National Litter and Flytipping Governance and Delivery Framework.

The delivery structure comprises three elements

1. A high-level Strategy setting out a vision for a litter and flytipping free Scotland, a set of Outcomes which articulates what 'success looks like' and a set of Priority Actions to mobilise action of sufficient scale and scope.
2. Legislative action, through the Circular Economy Bill and additional secondary legislation, which will put in place provisions to prevent litter and flytipping, and improve enforcement when it does occur.
3. An Action Plan, which will set out in detail the range of actions needed to deliver the outcomes and vision and the ownership of each action. It will be reviewed annually to incorporate learning, successes and emerging insights gained through collaboration and additional data. This will mobilise key sectors and policy areas and ensure coherence and alignment with key strategies.

Priority actions for the first year of the Strategy are set out in our **2023-24 Action Plan**^{*}, published in tandem with this Strategy.

4.3 Governance

A new Governance and Delivery Framework will guide and review progress. It is anticipated that the governance structure will involve:

- A high-level Strategy Delivery Group to oversee the delivery plan and ensure momentum is maintained. It will agree priorities, drive implementation, review progress and adapt plans as required; and be supported by
- Topic-based Action Delivery groups covering, for example, data and enforcement, which will shape delivery of specific actions; and
- Mechanisms to engage more widely with stakeholders, such as the Flytipping Forum.

The governance structure will provide leadership, representation and influence from a local to a national level, bringing together skills, knowledge and resources from across a variety of sectors.

The three-tiered approach will help build the links between the high level strategic framework and activities at operational level.

It will enable the wide variety of stakeholders required to deliver strategy interventions to shape and take forward specific actions, fostering ownership of the Strategy and helping to ensure the necessary collaboration which will be fundamental to the strategy's success. It will support clear communications channels and offer different levels of involvement.



5 Measuring and informing success

5.1 Monitoring and Evaluation

We will monitor the scale of litter and flytipping at a national and local level and evaluate the interventions we take forward to ensure actions are effective in delivering our vision and outcomes.

We will also support ongoing research to ensure that interventions are based on the best available evidence. It is intended that strategy progress will be reviewed at the mid-point (3 years) and end of the strategy's life (6 years) to ensure progress is being made and continues to align with wider priorities and policy.

Improved data is crucial if we want to fully understand the root causes of litter and flytipping, evaluate the success of any interventions, collaborate successfully and monitor change and get insights into key audiences and how to influence their behaviour. This includes reporting of issues by the public and communities; national reporting and monitoring by bodies with a statutory duty to clear litter and flytipping; citizen science and measuring outcomes. This can be done by increasing the amount, consistency and quality of quantitative data collected and/or developing new tools and resources.

Progress has been made in recent years in recording local and national levels of litter through investment in Local Environmental Audit and Management System and Litter Monitoring System. Despite this, the current data does not give a full picture of local and national patterns, particularly for flytipping.

Further quantitative and additional qualitative data can be collected through citizen science. We can learn from the success of the Marine Conservation Society's Beach Watch²⁹ and Keep Scotland Beautiful's Upstream Battle³⁰. Data has been collected for decades through Beach Watch and it has helped to influence policy such as the development of the forthcoming Deposit Return Scheme and the Scottish Government's legislation to ban the supply and manufacture of certain single-use plastics items.

We will also take steps to maximise the contribution of research to ensure that interventions are based on the best available evidence. Research across all the themes will give valuable insight and support targeted planning and prioritisation. It will bring improvement in intervention design, delivery, communication and measurement by giving a greater understanding of audiences and motivations.

Our high level objectives to improve data and address gaps in existing research are set out in **Section 3**. These recognise the need to better understand the behaviours that lead to litter and flytipping as well as the scale of these issues in Scotland. In the first year of delivery we will prioritise the development of a data strategy to support the monitoring, evaluation and prioritisation of litter and flytipping prevention activity, which will inform the development of further measures to be taken forward over the lifetime of the Strategy.

²⁹ Marine Conservation Society Beach Watch - <https://www.mcsuk.org/what-you-can-do/join-a-beach-clean/>

³⁰ Keep Scotland Beautiful Upstream Battle - <https://www.keepsotlandbeautiful.org/upstream-battle/>

* National Litter and Flytipping Strategy 2023-24 Action Plan <http://www.gov.scot/ISBN/9781805251545/documents/>





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This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80525-154-5 (web only)

Published by The Scottish Government, June 2023

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1182462 (06/23)

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