

**National litter and fly-tipping consultation:  
Response from the Advisory Committee on Packaging (ACP)**

*March 31<sup>st</sup> 2022*

1. We applaud you for revising your strategy to be relevant to developments. We support your approach to reducing litter and fly-tipping by focusing on specific sub-sets of litter, eg, marine litter, park litter.
2. We agree litter and fly-tipping are bad for the environment and society. We note that one element of your proposal suggests more and better data collection. Those will help but we recommend that your strategy is clearly connected to the data on litter and fly-tipping so that its direct effects and any negative externalities can be appreciated. We recommend a sample survey to represent Scotland's diversity, say, every three years showing the quantity of litter and fly-tipping and their qualitative constituents and motivations.
3. While your other suggestions in the strategy, eg, a communications plan, are well-meaning they appear to be general in intent. We recommend instead, as above, a clear strategy that can be monitored for its results and possible negative side-effects.
4. The best model for such a successful strategy is the car seat-belt campaign. Like litter and fly-tipping the harmful action is committed by the citizen or consumer or business. But because citizens and businesses are numerous and changing habits by just exhortation is neither easy nor quick, other actions are simultaneously necessary for positive effects. Thus, in addition to consumer communication, vehicle manufacturers were required to modify their products and enforcement mechanisms strengthened to penalise the small minority of consumers who still did not change their behaviour.
5. Similarly, in addition to research, we recommend three main planks for your strategy:
  - (I) Persuasion of consumers and businesses to minimise litter and fly-tipping,
  - (II) Annually grouping together manufacturers of, say, the top 10 litter and fly-tipping items (possibly mattresses, batteries, electrical items, plastic bottles, aluminium cans, food wrappers, cigarettes and so on) into something like 'Extended Producer Responsibility' and asking them to organise and pay into a fund and then be responsible for litter or fly-tipping collection in specified areas, subject to independent monitoring, and
  - (III) Not only increasing penalties for litter and fly-tipping but asking owners of typical litter or fly-tipping locations such as local authorities and national parks to show results produced by each location by either directly or through contractors implementing a proxy of licensing for use and litter or fly-tipping collection.

We support the polluter-pay principle but only by this sort of model could the state come close to getting users and polluting product-consumers to pay. In other policy-mixes taxpayers in general pay and in fact do not know they are paying.

6. We feel plastic and metal litter might need greater focus given that they do not decompose as readily as, say, paper, but we would recommend considering better data based on research before any strategic action.

## **Annex D: Summary of consultation questions**

Litter

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 is a complex issue which cannot be easily defined. The more research undertaken to understand influences the better the evidence and development of solutions and targets.**

2. (a) Do you support the proposed action to develop and adopt a national antilittering campaign (action 2.1)? **Yes**

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

**Public facing campaigns are necessary but need to be engaging and regularly refreshed while being in parallel and linked to manufacturer responsibility and enforcement.**

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

**(i) Peer pressure, (ii) Effect on parts of the community, eg, children who play in parks, (iii) Lifecycle by material, eg, plastic and metals do not decompose readily, (iv) Awareness of main litter items like cigarettes, (v) Taxes spent on litter clearance.**

4. Is there a need to develop a standard definition for litter that can be used across Scotland? **No.**

5. 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.

**Based on evidence on, say, the top 10 littered items, targeted campaigns can be developed to persuade consumers (eg, cigarette consumers) and exhort concerned producers and retailers to pay for and organise litter prevention, collection and monitoring. Enforcement could also be tailored to have long-term impact.**

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

**Citizen and businesses' awareness of present costs, issues and plans.**

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

**Collaboration and sharing of information and best practice are good but should not be a substitute for accountability of individual owners of locations and concerned businesses whose products are the main constituents of litter.**

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

**Coffee-cup collection schemes, silage wrap scheme, tyres collection scheme, coffee pod collection scheme, grocery bag charge. The grocery bag charge has worked well. Others are developing well.**

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

**Zero Waste Scotland are a useful organisation and could have a portal which publishes citizen-focused and business-focused data on litter so that all local authorities and other land owners' results can be compared.**

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.

**The community campaign should be in parallel and linked with producer/retailer actions and enforcement and for best results be designed and executed by producers/retailers in consultation with local authorities.**

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

**(i) Quantity of litter and enforcements by local authority, (ii) Number and detail of producer/retailer responsibility programmes, (iii) Qualitative constituents and motivators for litter, (iv) Tool-kits for citizens, businesses, groups and help available, (v) Tax and business costs.**

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

**As in 3 above.**

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

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

**Not only should fines be increased but enforcers asked to consider outsourcing to private agents incentivised to maximise fair enforcement.**

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.

**Enforcement is seen by all concerned presently as weak. Each enforcer should be exhorted to be at the level of best practice.**

(c) What should be included in this guidance?

**(i) Maximisation of enforcement results, (ii) Fair and tolerant treatment of the public.**

### **Flytipping**

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 reasons for your answer.

**Fly-tipping is deliberate and thus fully criminal as opposed to littering. Its understanding and enforcement have to be separated from litter.**

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?

**(i) Digital Waste tracking, (ii) revisions to waste carriers licensing, (iii) duty of care regulations, (iv) Top 10 fly-tipped items, (v) Manufacturer/producer responsibility programme, (vi) licensing of monitoring of commonly used fly-tipping locations.**

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

**(i) Involvement of top 10 fly-tipped items' manufacturers/retailers, (ii) Monitoring of common fly-tipped locations, (iii) Tax costs of fly-tipping, (iv) Lessons from areas with best results v fly-tipping.**

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

**As in 3 above.**

19. Is there a need to develop a definition of flytipping that can be adopted across Scotland? **Yes**

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 fly tipping across Scotland? **Yes**

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

**As in 7b above.**

21.(a) Do you support mandatory reporting of fly tipping incidents for statutory bodies? **Yes**

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

**Land owners like local authorities and national parks and manufacturers/retailers of top 10 fly-tipped items should be accountable.**

22.(a) Do you think we should continue to use Dumb Dumpers as the national reporting tool? **No**

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

**The form on Zero Waste Scotland site is not user-friendly. Reporting should be possible by letter, email, telephone, text, social media, etc. Anonymous reporting should be allowed. Reporters should be incentivised by getting a share of the fine collected.**

(c) What are barriers to reporting flytipping incidents that occur on private land?

**As in 22(b) and lack of awareness of what is possible.**

(d) Who would you report flytipping to?

**Local authority or police.**

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.

**As in 3 above.**

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

**As in 9 above.**

25. Please provide examples of interventions (for example, amnesties or recycling groups) that have or have not work well?

**No comment**

26.What are the barriers to disposing of asbestos?

**The lack of sites to dispose of asbestos legally and the cost of disposal are the largest barriers to Asbestos disposal.**

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.

**Private landowners do not know what is possible.**

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

**Legal support would be a high priority together with help in facilitating appropriate disposal outlets. Costs reimbursement.**

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**

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

**Enforcers need to be accountable and encouraged to maximise their effect.**

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.

**As in 3 above.**

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

**Please see our introduction above.**

32. (a) Do you agree that the accompanying Impact Assessments (BRIA, EQIA, ICIA, FSDA) are an accurate representation of core issues and considerations? **No**

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

**They are very general.**

33.(a) Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report? **No**

(b) If not, please provide detail and evidence? **It is very general.**