

National Litter and Flytipping Strategy

Strategic Environment Assessment

Post Adoption Statement

June 2023

Contents

1	Introduction	3
2	Consultation	4
3	Strategic Environmental Assessment	5
4	Purpose of this Post Adoption Statement.....	5
5	How environmental considerations have been integrated into the strategy	6
5.1	Environmental considerations in the strategy.....	6
5.1.1	Litter – Outcomes and Objectives	8
5.1.2	Flytipping – Outcomes and Objectives	8
5.2	Environmental considerations through the SEA	10
5.2.1	Topics scoped into the SEA	10
6	How the Environmental Report has been taken into account	13
7	How opinions expressed on the consultation have been taken into account	16
7.1	Overview.....	16
7.2	Public Consultation	16
8	Consultation on the SEA	17
8.1	Screening and Scoping	17
8.2	Environmental Report	18
8.2.1	Statutory consultees.....	18
8.3	Public consultees responses	18
8.3.1	Responding to the Consultation.....	19
8.4	Reasons for choosing preferred options in light of reasonable alternatives	20
8.5	Reasons for choosing the preferred options to prevent litter and flytipping as detailed in the SEA Consultation	20
8.6	Reasons for the rejection of reasonable alternatives	20
9	The measures decided concerning monitoring	21

1 Introduction

Summary of National Litter and Flytipping Strategy

Litter and flytipping are well-documented indicators of local environmental quality and have significant social, environmental and economic impacts, and health implications. Research indicates that at least 15,000 tonnes of litter is disposed of into our urban and rural environment and is subsequently cleared by local authorities every year. This is composed of around 250 million easily visible items¹. A further 26,000 tonnes of waste is flytipped each year and dealt with by local authorities, with over 60,000 incidents occurring per year. This estimate excludes the vast majority of cases on private land¹ and marine litter.

In June 2014, the Scottish Government published the country's first National Litter Strategy "*Towards a Litter Free Scotland: A Strategic Approach to Higher Quality Local Environments*"². A review of this strategy was completed in November 2019³ which highlighted that significant progress had been made and identified key successes of the strategy. However, it also recognised that litter and flytipping still pose significant challenges that require further concerted action; and identified opportunities for potential future measures. In response, Scottish Government committed to launch a new National Litter and Flytipping Strategy, recognising that litter and flytipping are related but separate issues, that require a tailored approach to be taken in each case.

The National Litter and Flytipping Strategy sets out the vision of the Scottish Government for a future where Scotland's environment is unblighted by litter and flytipping. To achieve this vision, potential actions have been identified for litter and flytipping under **three** key themes:

- Behaviour Change

This theme recognises the need for improved communications and engagement, but also the need to take a holistic approach to behaviour change; understanding key

¹ Zero Waste Scotland (2013) - Scotland's Litter Problem: Quantifying the scale and cost of litter and flytipping

<https://www.zerowastescotland.org.uk/resources/scotlands-litter-problem>

² Scottish 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/>

³ Scottish Government (2021) Litter Strategy – five years on: review

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

audiences, issues and developing a framework to identify solutions that enable behaviours to be changed. It should also be noted that the key behaviours related to litter will differ from those for flytipping. Successful measures under this theme would improve the accessibility, consistency and nature of messaging that motivates people to change their behaviour.

- **Services and Infrastructure**

In order for prevention of litter and flytipping to be effective there needs to be services and infrastructure in place to support people to behave responsibly. This includes services offered by local authorities, but also more widely looking to businesses and community groups. Successful measures under this theme would ensure Scotland's services and infrastructure are fit for purpose and prioritise action and innovation that proactively prevents litter and flytipping and supports a circular economy.

- **Enforcement**

Enforcement and deterrents have been identified as an important link in the chain for achieving the prevention of litter and flytipping, identified from numerous stakeholder calls to review the enforcement process, procedures and to understand if alternative solutions are available (such as education or volunteering for those who cannot afford to pay fines) with collaborative measures seen as crucial. Success in relation to this theme would ensure there is a strong and consistent enforcement model across Scotland that acts as a proportional deterrent.

Underpinning any next steps, improved data and evidence is crucial to successfully understanding the root causes of the issue, evaluating the success of any interventions, collaborating successful and monitoring progress. This includes reporting of issues by the public and communities, national reporting and monitoring, citizen science and measurable outcomes. Success for this theme would include an improved understanding of the behaviours, attitudes and drivers behind both littering and flytipping behaviours and develop an evidence base that can facilitate the implementation and monitoring of effective interventions.

2 Consultation

Public consultation on the National Litter and Flytipping Strategy took place from 13th December 2021 to 31st March 2022 and has provided an opportunity to engage with stakeholders on the proposed actions, to help shape and deliver the final strategy. The Scottish Government has now finalised the strategy, taking into account the consultation responses⁴.

⁴ Scottish Government (2022) National litter and flytipping strategy: consultation analysis <https://www.gov.scot/publications/national-litter-flytipping-strategy-consultation-analysis-report/>

3 Strategic Environmental Assessment

To help inform the Scottish Government's decisions on the introduction of the National Litter and Flytipping Strategy in Scotland, screening of the strategy proposals against the requirements of the Environmental Assessment (Scotland) Act 2005 (the '2005 Act') and identified that, as they are likely to have significant environmental effects, a Strategic Environmental Assessment (SEA) was required. The SEA was carried out to assess the likely significant environmental effects of the actions proposed to combat litter and flytipping, and to identify ways in which any adverse effects could be avoided, minimised or mitigated. The SEA also explored how any positive effects could be enhanced. The findings were presented in an Environmental Report⁵. This document (the Post Adoption Statement) is the final output of the SEA process.

4 Purpose of this Post Adoption Statement

Section 18 of the 2005 Act requires that when a plan or programme is adopted (in this case, the National Litter and Flytipping Strategy), the consultation bodies and the public are informed, and the following specific information is made available:

- the plan as adopted.
- a statement summarising:
 - i. how environmental considerations have been integrated into the design of the National Litter and Flytipping Strategy (Section 18(3)a of the 2005 Act).
 - ii. how the Environmental Report has been taken into account (Section 18(3)b).
 - iii. how consultees opinions have been taken into account (Section 18(3)c and d).
 - iv. the reasons for choosing actions in the National Litter and Flytipping Strategy, as adopted (Section 18(3)e); and
 - v. the measures to be used to monitor the significant environmental effects of the implementation of the National Litter and Flytipping Strategy (Section 18(3)f).

The purpose of this Post Adoption Statement is to provide the specific information outlined under each of the points listed (i) to (v) above and which is presented in the following sections of this statement.

⁵ Scottish Government (2021) National litter and flytipping consultation: strategic environmental assessment <https://www.gov.scot/publications/national-litter-flytipping-consultation-strategic-environmental-assessment/>

5 How environmental considerations have been integrated into the strategy

5.1 Environmental considerations in the strategy

The design, development, and implementation of the National Litter and Flytipping Strategy considers existing commitments on the environment, reflecting key Scottish Government objectives and ambitions:

- To enable the public to adopt alternative behaviours to waste management, through access to improved recycling opportunities, improved product design, awareness campaigns and targeted exploration to tackle litter on beaches (as part of *Towards a Litter Free Scotland: A strategic Approach to Higher Quality Local Environments*⁶ and the marine *Scotland: A Marine Litter Strategy for Scotland*⁷).
- To clarify responsibilities for clearing of litter and flytipping through the provision of guidance in the *Code of Practice on Litter and Refuse (Scotland) 2018*⁸, identifying statutory duties under the *Environmental Protection Act 1990, Section 89*⁹.
- To reduce the environmental impact of single-use plastic products that contribute to some of the most commonly littered items on European beaches and move towards a more circular economy by implementing a ban on the use of certain single-use plastic products. The *Environmental Protection (Single-use Plastic Products) (Scotland) Regulations*¹⁰ came into force on 1 June 2022 (subject to some exemptions).
- To examine how Extended Producer Responsibility¹¹ could reduce the prevalence of packaging materials in littered and flytipped items and to embed circular economy principles into the design of packaging materials for reuse, recycling and recovery in partnership with packaging industries, as part of the transformation led by the Scottish Government's *Making Things Last – A Circular Economy Strategy*¹² and the *Safeguarding Scotland's Resources: Blueprint for a more Resource Efficient and Circular Economy (SSR)*¹³.

⁶ The Scottish 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/>

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

⁸ *Code of Practice on Litter and Refuse (Scotland) 2018* <https://www.gov.scot/publications/code-practice-litter-refuse-scotland-2018/>

⁹ *Environmental Protection Act 1990, Section 89* <https://www.legislation.gov.uk/ukpga/1990/43/section/89>

¹⁰ *The Environmental Protection (single-use Plastic Products) (Scotland) Regulations 2021* <https://www.legislation.gov.uk/ssi/2021/410/contents/made>

¹¹ *Zero Waste Scotland – Extended Producer Responsibility* <https://www.zerowastescotland.org.uk/our-work/extended-producer-responsibility>

¹² The Scottish Government (2016) *Making Things Last – A Circular Economy Strategy for Scotland* <https://www.gov.scot/publications/making-things-last-circular-economy-strategy-scotland/>

¹³ The Scottish Government (2012) *Safeguarding Scotland's Resources - A Programme for the Efficient Use of Our Materials* <http://www.gov.scot/Publications/2012/06/4215>

- To address factors contributing to climate change through implementation of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019¹⁴ and proposals and policies outlined in the Scottish Government (2018): The Climate Change Plan: The Third Report in Proposals and Policies 2018-2032¹⁵, 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 the *Scottish Biodiversity Strategy*¹⁶ (in the process of public consultation for an updated version for 2022¹⁷), and development of the *Scotland's Biodiversity A Route Map to 2020*¹⁸, setting out priorities to meet the international Aichi Targets for biodiversity and improve the state of nature in Scotland.

The Scottish Government's overarching vision is one where Scotland's environment and communities are unblighted 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.

It is also to encourage and support positive behaviours, enabling individuals and organisations to choose the correct route of waste disposal and therefore improve the quality of their local environment, ensuring that individuals and organisations:

- Understand the harm (environmental, social, economic, wellbeing) that litter and flytipping cause and their responsibilities for prevention;
- Have the tools and incentives to effectively prevent litter and flytipping by making it easier for people to do the right thing at the right time
- Are aware of the consequences of not taking responsibility for their waste.

The measures being introduced are intended to prevent litter and flytipping, which will therefore reduce impacts on local environmental quality. As described in Section 1, litter and flytipping are being treated as separate but inter-related issues, which will allow for improved targeting of measures to bring about change; the National Litter and Flytipping Strategy identifies three key action themes for preventing litter and flytipping: *Behaviour Change*, *Services and Infrastructure*, and *Enforcement*. In accordance with these key themes the aims and objectives of the National Litter and Flytipping Strategy are outlined below.

¹⁴ Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
<https://www.legislation.gov.uk/asp/2019/15/contents/enacted>

¹⁵ Scottish 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/>

¹⁶ Scottish Government (2004/2013) Scottish Biodiversity Strategy
<https://www.gov.scot/policies/biodiversity/scottish-biodiversity-strategy/>

¹⁷ Scottish Government (2022) Scottish Biodiversity Strategy Consultation
<https://consult.gov.scot/environment-forestry/scottish-biodiversity-strategy-2022/>

¹⁸ Scottish Government (2015) Scotland's biodiversity: a route map to 2020
<https://www.gov.scot/publications/scotlands-biodiversity-route-map-2020/>

5.1.1 Litter – Outcomes and Objectives

Behaviour Change

Outcome: Individuals, communities and organisations have greater awareness of the problems caused by litter, understand their responsibilities in preventing litter and are motivated to behave responsibly.

- *Objective 1:* Build our understanding of litter perceptions and behaviour to further 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.

Services and Infrastructure

Outcome: Scotland's services and infrastructure are fit for purpose, they encourage and enable responsible behaviour, and prioritise action and innovation that proactively prevents litter and supports a circular economy.

- *Objective 3:* Work with stakeholders to improve understanding of the sources, amount and composition of litter
- *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:* Empower community groups to take action by providing clear information, support and signposting.

Enforcement

Outcome: There is a strong and consistent enforcement model across Scotland that is fit for purpose and acts as a proportional deterrent and effectively stops people from littering.

- *Objective 6:* Develop a more effective enforcement model to deter and robustly tackle littering.
- *Objective 7:* Improve the consistency of enforcement practices.

5.1.2 Flytipping – Outcomes and Objectives

Behaviour Change

Outcome: 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.

- *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.

Services and Infrastructure

Outcome: There is a resilient national framework which provides consistent and joined up services that prevent flytipping where possible and tackle it effectively where it does occur.

- *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.

Enforcement

Outcome: 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

- *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 workings.

The National Litter and Flytipping Strategy will support progress towards the 2025 waste targets and accelerate Scotland's transition from a 'linear' economy to a more resource efficient and sustainable circular economy. In addition, the United Nations, in their report "Making Peace with Nature"¹⁹, describe three interlinked crises of climate change, pollution and biodiversity loss. These three crises are driven by our use of materials and now threaten our viability as a species. Litter and flytipping are a highly visible form of pollution caused by uncontrolled material losses into the environment and, as such, preventing these will contribute to addressing all three crises.

In addition, there are significant economic and social benefits to addressing litter and flytipping. Indirect costs are the negative impacts or consequences of litter that

¹⁹ UNEP (2021) Making Peace With Nature: A scientific blueprint to tackle the climate, biodiversity and pollution emergencies <https://www.unep.org/resources/making-peace-nature>

impact on society more widely, for example, crime, mental health and wellbeing. Further indirect costs due to environmental, economic and social impacts to the terrestrial and marine environments were estimated to exceed £196.7 million in 2019 according to recent research undertaken to update the figures referenced in the previous strategy on the scale and cost of litter and flytipping in Scotland.²⁰ The availability of data, which is often limited and inconsistently collected or reported, was a significant barrier to this research project and so these overall figures have to be treated with some caution but, based on available evidence, are the best estimate of the scale and cost of litter and flytipping in Scotland.

5.2 Environmental considerations through the SEA

The SEA has played an integral role in highlighting the environmental factors to be considered in the development of the measures for preventing litter and flytipping. Initially, the 12 topics covered by Schedule 3 (6) of the 2005 Act were reviewed, with 6 relevant topics scoped into the assessment (confirmed through scoping consultation).

5.2.1 Topics scoped into the SEA

SEA Topics and Justification

Biodiversity, flora and fauna

Litter and flytipping adversely affects biodiversity through entanglement of fauna, ingestion of litter, particularly plastics, and the exposure to hazardous materials such as asbestos. The new strategy could have positive effects on biodiversity by reducing these problems.

Human health

Litter and Flytipping has the potential to affect human health, for example through exposure to hazardous materials. Studies suggest that neighbourhood environmental incivilities such as flytipping and litter have a real and meaningful impact on people's wellbeing and mental health²¹. Litter also affects the amenity of recreational assets such as beaches. It can also become entangled in the gear of recreational vessels, or cause divers to become entangled: both have human health and safety implications.

²⁰ Eunomia (2023) – Scale and Cost of Litter and Flytipping Scotland
<http://www.gov.scot/ISBN/9781805251538>

²¹ Carnegie (2013) - Pride in Place: Tackling Incivilities
https://d1ssu070pg2v9i.cloudfront.net/pex/pex_carnegie2021/2012/09/09205334/pub1455011643.pdf

The new strategy could have positive effects on human health by addressing these problems

Water

Litter and flytipping affects water quality and the ecological/ environmental status of water²². Effects on ecological/environmental status are covered under “biodiversity”. Effects on water quality, including bathing waters, are explored under the “water” topic.

Climatic factors

Litter and flytipping contribute to climate change in two main ways. The requirement to extract and transport raw materials results in additional carbon emissions, instead of using the resources and embodied carbon held in litter and flytipped materials. As well as the embodied energy of the resource itself being wasted, further carbon emissions are released during the collection and processing of litter or flytipped material, most of which can then only be sent to energy from waste or landfill, due to the poor quality of the material.

Material assets

Litter and flytipping affects economic operations in the terrestrial, coastal and marine environments, through fouling of equipment and delays for clean-up operations. It may also affect sectors which depend on environmental quality as the basis for their activities, e.g. recreation. The requirement for disposal of low quality waste streams in litter and flytipping also increases pressure on landfill sites.

Landscape and visual impacts

Litter and flytipping affects the tranquillity and amenity of landscapes and seascapes. The SEA has focused on the potential effects on nationally important landscapes, given the high-level nature of the strategies.

As part of the SEA, and consistent with the requirements of Schedule 3 (1) and (5) of the 2005 Act, the SEA identified and reviewed other relevant plans, programmes and strategies (PPS) which could influence the development and objectives for preventing litter and flytipping. These included PPS at an international/European, national, regional or local level, commensurate with the scope of the strategy. The review identified the relationships between the strategy and these other documents i.e. how the measures for preventing litter and flytipping could be affected by the aims, objective and targets of other plans and programmes, or how the strategy could contribute to the achievement of their environmental and sustainability objectives.

²² The Water Framework Directive (WFD) relates to ecological status; the Marine Strategy Framework Directive (MSFD) relates to environmental status. We therefore refer to both in this report.

For each SEA topic, baseline information was also reviewed to identify and characterise existing receptors that could be impacted by introduction of the measures to prevent litter and flytipping. The baseline provided context for assessing the potential factors that would be impacted by implementation of actions in the National Litter and Flytipping Strategy, including current trends that may be exacerbated by the absence of measures to prevent litter and flytipping (e.g. declining marine and terrestrial biodiversity, the contribution of litter and flytipping to waste arisings). The evolution of the baseline was taken to be the Business-as-Usual scenario for the assessment.

The activities associated with implementing measures proposed in the National Litter and Flytipping strategy were analysed to identify and evaluate (where applicable) the likely significant effects that could arise against the Business-as-Usual baseline. Where the baseline data has been slight, uncertain or incomprehensive, the best available information together with professional assumptions and judgement has been utilised to assess the anticipated significant effects, positive or negative, of introducing new measures proposed to prevent litter and flytipping.

An assessment of the measures for preventing litter and flytipping was undertaken in relation to the SEA topics: biodiversity, flora and fauna; human health; water; climatic factors; material assets and landscape and visual impacts. Assessment criteria were developed to ensure that the SEA focussed on the significant environmental impacts relevant to each scoped in topic area.

The table below sets out the assessment framework and criteria used for each topic.

SEA Topic	SEA Criteria
Biodiversity, flora and fauna	<ul style="list-style-type: none"> • To safeguard terrestrial, marine and coastal ecosystems, including species and habitats, and their interactions • To avoid pollution of the terrestrial, coastal and marine environments • To maintain or work towards good ecological and environmental status
Human health	<ul style="list-style-type: none"> • To safeguard the amenity of recreational assets • To safeguard human health
Water	<ul style="list-style-type: none"> • To safeguard water quality, including bathing waters
Climatic factors	<ul style="list-style-type: none"> • To prevent any increase in net carbon impacts and to contribute to Scotland's journey to meet the 2045 net zero commitment.
Material assets	<ul style="list-style-type: none"> • To maintain the environmental quality which supports economic activities • To prevent increased pressure on material assets such as landfill sites
Landscape and visual impacts	<ul style="list-style-type: none"> • To protect and, where appropriate, enhance the landscape/seascape

The potential effects of the measures for preventing litter and flytipping were examined to identify, detail and appraise the likely significant effects that could arise drawing on the following to inform the assessment:

- consultation with statutory consultees and other stakeholders;
- the contextual information including a review of PPS, the regulatory framework and baseline;
- the nature of the potential effect (what is expected to happen);
- the timing and duration of the potential effect (e.g., short, medium or long term);
- the geographic scale of the potential effect (e.g., local, regional, national);
- the location of the potential effect (e.g., rural or urban communities);
- the potential effect on vulnerable communities or sensitive habitats;
- the reasons for whether the effect is considered significant;
- the reasons for any uncertainty, where this is identified; and
- the potential to avoid, minimise, reduce, mitigate, or compensate for the identified effect(s) with evidence (where available).

6 How the Environmental Report has been taken into account

The Strategy has a lifespan of six years. It will be reviewed at its mid-point and at the end of its lifespan. It will be published with an associated action plan, which will be reviewed annually through the governance and delivery framework which will comprise of a high-level strategy delivery group to drive implementation, agree priorities, review progress and adapt plans. This will be supported by topic-focused delivery working groups and other mechanisms for engaging key stakeholders and sectors to ensure a wide level of input into and scrutiny of future action plans.

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. The overarching ambition of the Strategy is to prevent littering and flytipping behaviour in Scotland.

This will be achieved through the application of a systems approach, to identify where the necessary incentives are not in place to ensure a product is disposed of legally and in a way which maximises the value of that product or the materials within it. This involves looking at the entire lifecycle of products in question and those actors who are involved in influencing individuals at the point of disposal.

The Environmental Report presented the findings of the assessment of the likely significance of the strategy measures to prevent litter and flytipping, structured by the key overarching themes for action: *Behaviour Change*, *Services and Infrastructure*, and *Enforcement*, along with the additional cross-cutting aspect, *Data and Research* with respect to the six SEA environmental topics and 10 associated assessment criteria. It showed that the proposed measures for preventing both litter and flytipping will generate cumulative positive effects across each of the environmental topics.

No cumulative significant negative effects were identified from the assessment.

In the case of the measures for both littering and flytipping, although positive effects were determined for each of the environmental topics, it was impossible to quantify the exact impact until detailed design of these actions is undertaken. A significant cumulative positive effect was determined for material assets, where there are considered to be benefits in recouping the resource value of materials in litter that would otherwise be lost, as well as avoiding disposal of litter and therefore reducing pressure on landfill capacity.

The assessment of measures to prevent litter and flytipping presented in the Environmental Report has identified the following key measures to enhance the environmental benefits of the prevention measures:

- Improved consistency in data collection between duty bodies should be encouraged and informed through guidance.
- Improving shared access to information on enforcement and prosecutions may assist in deterring repeat offenders.
- Efforts must be made to ensure that reporting into a national database is consistent and comprehensive.
- Improve reporting by local authorities and landowners through the use of technology.
- Consider increasing the prominence of enforcement in nudging behavioural change.
- Provide reminders on the availability of waste recycling facilities and collections.

It is anticipated that the National Litter and Flytipping Strategy will assist in preventing the presence of litter and flytipped material, thus helping to break the link between the adverse effects of these wastes on each of the environmental topics. Where incidents of litter and flytipping do occur the proposals are also expected to limit the duration that uncontrolled waste is present in the environment and improve the onward management of these materials.

Proposed mitigation measures of relevance to each of the overarching action themes identified in the Environmental Report are summarised in the table below.

Environmental effect	Proposed mitigation effort
Impacts on biodiversity, flora and fauna	<ul style="list-style-type: none"> • Carry out research to clarify the link between litter and flytipping and adverse effects on land-based biodiversity and ecosystems, using case studies. • Use of alternative forms of surveillance (e.g. drones). • Ensure that services and infrastructure are optimised for particularly sensitive habitats
Impacts on human health	<ul style="list-style-type: none"> • Carry out research to improve the understanding of the effects of litter and flytipping on the physical health risks from exposure to materials in litter and flytipping, along with the mental health and well-being associated with blight from these wastes.

	<ul style="list-style-type: none"> Public health bodies should be included in data sharing agreements in order to study impacts from litter and flytipping on human health.
Impacts on water quality	<ul style="list-style-type: none"> Information on water testing quality and use of GIS mapping of litter and flytipping hotspots may be used to improve the understanding of the relationship between levels of litter and flytipping and effects on the water environment. Storm water drainage systems are becoming critical systems for managing water in urban areas and safeguarding water quality, so this infrastructure should be included in the consideration of proposals relating to infrastructure and services. Collaboration between duty bodies and other stakeholders including those involved in developing and delivering the new Marine Litter Strategy would support consistency to approaches and improved monitoring of the effects of litter and flytipping.
Climatic factors	<ul style="list-style-type: none"> The development of best practice guidelines and sharing of resources to limit or avoid carbon emissions associated with services and infrastructure. Infrastructure used for the management of litter and flytipped material should prioritise low carbon design, including first and foremost a 're-use not replace' approach. Review and promote the options for recycling of commonly flytipped materials to avoid emissions associated with landfill or incineration. More frequent studies into littering and flytipping arisings to improve accuracy of climatic factor monitoring. Improvements in technology to measure carbon and other climatic indicators to improve data collection and monitoring quality.
Material assets	<ul style="list-style-type: none"> A review and promotion of the options for recycling of commonly flytipped materials should be considered, as this would support maintaining the value of resources and reduce the pressure on landfill sites. More frequent studies into littering and flytipping arisings would improve accuracy of the resources available in these materials. If a robust system for live reporting on flytipping incidents is introduced then 'real time' monitoring could consider capturing key metrics on the quantities and composition of materials, which help in measuring the effectiveness of the strategy proposals.
Landscape and visual impacts	<ul style="list-style-type: none"> Campaigns aimed at behavioural change should ensure the inputs from all relevant stakeholders, including those involved in preserving the landscape (e.g. park rangers and street cleaners), and enforcement authorities as they may sometimes be side-lined. The method for the collection of information from citizen science should be clearly established and straightforward to encourage participation.

	<ul style="list-style-type: none"> • As with the suggested measure for biodiversity, ensure that services and infrastructure are optimised for particularly sensitive landscapes, e.g. through the provision and design of recycling facilities or enabling a rapid response to clear up of flytipping incidents.
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In refining and developing the adopted National Litter and Flytipping Strategy, Scottish Government has, as appropriate, sought to take into account the findings of the Environmental Report by for example, ensuring a broader range of impacts are included and that actions have been revised or supplemented in the action plan to accommodate the above proposed mitigation measures.

7 How opinions expressed on the consultation have been taken into account

7.1 Overview

Consultation lies at the heart of any meaningful assessment or appraisal process and is based on the key principle that plan and programme making is better where it is transparent, inclusive and uses information that has been subject to public scrutiny. In this context Scottish Government, has sought to ensure that those with an interest in, or who are affected by the National Litter and Flytipping Strategy should have the opportunity to present their views on the consultation documentation.

7.2 Public Consultation

Public consultation was held, from 13th December 2021 to 31st March 2022 to obtain the opinion of public individuals and organisations on the proposed National Litter and Flytipping Strategy, the actions considered and the possible impacts of such an approach. Views were obtained through the completion of a 33 question questionnaire hosted on the Scottish Government’s Consultation Hub. The consultation documentation also included the Environmental Report, along with online links to a Business Regulatory Impact Assessment, an Equality Impact Assessment, a Fairer Scotland Duty Assessment, the Islands Communities Impact Assessment, and the Marine Litter Strategy Consultation.

A detailed analysis and response to the completed public consultation has been published by the Scottish Government.²³

A total of 978 responses (from 892 individuals and 86 organisations) were received to the consultation on the National Litter and Flytipping Strategy. There are generally high levels of support for almost all actions proposed within the consultation

²³ The Scottish Government (2022) National Litter and Flytipping Strategy Consultation Analysis Report <http://www.gov.scot/ISBN/9781804357156>

documents to prevent litter and flytipping. Where people disagreed, it was primarily due to not seeing the benefit of broader supporting action and wanted resources focused on cleansing and enforcement.

The Scottish Government are still committed to a prevention focus for the strategy and recognising the role in cleansing and enforcement in this. Prevention is recognised as the most efficient way to deliver public services and preventing material from becoming litter or flytipped, it will eliminate the negative impacts and offer the greatest chance to maximise the positive impacts e.g. ensuring material is recycled or products reused.

In refining and developing the adopted National Litter and Flytipping Strategy, where relevant, Scottish Government has updated the language in the strategy document to capture the broader range of impacts. Actions have been clarified and new actions added to ensure we are covering the full range of issues identified by stakeholders. Finally, a commitment is made to establish a clear and robust governance process, to embed stakeholder ownership of the strategy and make full use of collective skills and knowledge in delivering the strategy aims and objectives.

8 Consultation on the SEA

8.1 Screening and Scoping

Consultation was first undertaken with the statutory consultees (Scottish Environment Protection Agency (SEPA), NatureScot and Historic Environment Scotland), on the proposed scope of SEA for a 5-week consultation ending on 20th October 2021. Each statutory consultee was provided with the SEA Screening and Scoping Report issued by the Scottish Government and comments invited. Consultation responses were received from all three statutory consultees to determine the final scope of the Environmental Report and assessments. The comments received from statutory consultees on the SEA Screening and Scoping Report were included in an Appendix to the Environmental Report²⁴, which also identifies how the comments were addressed for the SEA.

²⁴ Consultation on National Litter and Flytipping Strategy Strategic Environmental Assessment Environmental Report. *Appendix A: Addressing Responses from Consultative Authorities*. <https://www.gov.scot/publications/national-litter-flytipping-consultation-strategic-environmental-assessment/>

8.2 Environmental Report

The Environmental Report was published to accompany the public consultation documentation on the National Litter and Flytipping Strategy, from 13th December 2021 to 31st March 2022.²⁵

To direct consultee responses, the Environmental Report included the following question (Q33):

(a) Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report? Yes / No / Do not know

(b) If not, please provide detail and evidence

Of the 978 respondents to the public consultation, 828 (85%) responded to this question, of which 760 individuals and 68 organisations provided a response. These included responses from local authorities (17 in total; 25% of responses from organisations), industry trade associations/federations, (9 in total; 13% of responses from organisations), statutory, public, or government funded bodies (4 in total; 6% of responses from organisations), voluntary, charity, community organisations (32 in total; 47% of responses from organisations), waste and/or recycling firms (3 in total; 4% of responses from organisations), other that could not be categorised (3 in total (including 2 landowners); 4% of responses from organisations).

8.2.1 Statutory consultees

Statutory consultees were included in the consultation on the Environmental Report to accompany the proposed National Litter and Flytipping Strategy.

Consultation responses were received from one²⁶ of the three statutory consultees, Historic Environment Scotland, who provided the following response:

Historic Environment Scotland At scoping, you proposed to scope the historic environment out of the assessment, as you considered significant effects on the historic environment were unlikely and consideration of the amenity of heritage assets is included under “landscape and visual impacts and human health”. We are content with this approach, and consequently have no comments to make on the Environmental Report.

8.3 Public consultees responses

The key findings from the analysis of the public consultation to the question regarding the SEA Environmental Report are as follows.

Of the 828 respondents that responded to this question 39% confirmed agreement with the recommendations and conclusions within the Environmental Report. A total

²⁵ Scottish Government (2021) Consultation on National Litter and Flytipping Strategy: Strategic Environmental Assessment: Environmental Report

<https://www.gov.scot/publications/national-litter-flytipping-consultation-strategic-environmental-assessment/documents/>

²⁶ No responses were received for the public consultation from SEPA or NatureScot

of 6% of the respondents did not agree. The remainder of respondents answered “*Maybe*” in response to the question.

The main opportunities identified by respondents are summarised as follows:

- That implementation of the actions represents an opportunity to reduce the environmental impacts of litter and flytipping.
- That the key overarching themes: *Behaviour Change*, *Services and Infrastructure*, and *Enforcement*, should provide a good basis for addressing issues with litter and flytipping.
- That improvements to services and infrastructure would have a positive impact on preventing litter and flytipping.
- That awareness of the impact of litter on the environment can be raised.
- That litter can be considered to be a resource, supporting the adoption of a circular economy approach.

The main risks of concern which could jeopardise the success of the actions to prevent litter and flytipping, are:

- That a lack of detail, ambition and defined targets may limit the success of measures to reduce incidents of litter and flytipping and impacts on the environment.
- That the effectiveness of measures to improve services and infrastructure for managing litter and flytipping will be inhibited by a lack of funding.
- That a generalised, one-size-fits-all approach may not be effective at addressing the environmental impacts of litter and flytipping, particularly for rural areas.
- That too much focus on actions relating to behaviour change and data collection will divert attention away from measures that are more effective at preventing litter and flytipping.

The main recommendations proposed by respondents include:

- That actions to prevent litter and flytipping should include quantifiable measures to assess effectiveness, identify responsibilities and include definite timescales for implementation.
- That existing research should be considered and incorporated into information and data gathering measures.
- That the impact of the introduction of the Deposit Return Scheme should be evaluated before implementing measures to prevent litter and flytipping.
- That specific measures should be developed to target the behaviour of people that litter or flytip, with suggestions related to litter generated by users of fast-food outlets, rebates for recyclable materials and stricter enforcement penalties.
- That additional investment is needed to support accessibility to waste management services amenities to reduce incidents of littering and flytipping, and additional human resource is needed to identify and prevent incidents of litter and flytipping.

8.3.1 Responding to the Consultation

The high number of responses to the consultation is welcomed by the Scottish Government. It is evident that National Litter and Flytipping Strategy has attracted

considerable public interest and that overall, the majority of respondents appear to view measures to improve the prevention of litter and flytipping in Scotland as an opportunity to achieve positive outcomes for Scotland's environment.

Much of the feedback relates to the implementation of the actions, which is the next stage after publication of the strategy and action plan. Recognising the importance of this next stage, a robust governance process is being established, involving key stakeholders, and the action plan will be reviewed on an annual basis. We have integrated new actions to reflect areas of feedback received in the consultation process and in stakeholder engagement sessions.

8.4 Reasons for choosing preferred options in light of reasonable alternatives

The adopted approach for preventing litter and flytipping reflects the evidence gathered, the assessments undertaken and the consultation findings. The outcome has shown that the proposed actions on littering and flytipping can provide positive outcomes for Scotland.

8.5 Reasons for choosing the preferred options to prevent litter and flytipping as detailed in the SEA Consultation

The final actions to be adopted in the National Litter and Flytipping Strategy have been developed to balance environmental benefits with commercial viability and technical practicalities, along with considering the views of consultees.

The strategy identifies a suite of measures to prevent litter and flytipping and therefore reduce impacts on the environment, structured according to the overarching themes for action: *Behaviour Change*, *Services and Infrastructure*, and *Enforcement* (with *Data and Evidence* considered to be a crosscutting aspect underpinning these three themes).

There is a need to build on the learnings from the last Strategy, *Towards A Litter-Free Scotland*, fully embedding a focus on prevention but recognising the need to distinguish between litter and flytipping.

This strategy and initial action plan have been shaped by the consultation process and stakeholder engagement to date. It is intended to be a stakeholder-led strategy, drawing on the knowledge, skills and resources across the diverse range of stakeholders who influence both the products which are littered or flytipped and individual behaviour at the point of disposal.

The annual review of the action plan will ensure this is consistently addressing the priorities in aligning incentives to ensure a product is disposed of legally and in a way which maximises the value of that product or the materials within it.

8.6 Reasons for the rejection of reasonable alternatives

The 2005 Act requires that the likely significant environmental effects associated with reasonable alternatives to the plan or programme to be adopted (in this case, the proposed actions on littering and flytipping) are assessed as part of the SEA process.

Within the context of SEA, reasonable alternatives are defined in reference to the objectives and geographic scope of the plan or programme.

Reasonable alternatives were considered as part of a review of the existing National Litter Strategy²⁷ completed in November 2019. The review identified areas of success of the strategy, good practice case studies and initial views of what the focus could be for future strategy development. The review process considered the following with respect to reasonable alternatives.

- Do-nothing alternative: Continuation of the existing National Litter Strategy was not considered a viable option, i.e. a 'Do Nothing' scenario. Feedback from the review steering group noted that the policy landscape within which the strategy operates had altered significantly since its original publication in 2014. There was a consensus that a light touch revision would not therefore be sufficient and review participants supported a more substantive review and refresh to tackle litter and flytipping.
- Scope of the new strategy: The existing National Litter Strategy included messages on flytipping, however, a decision was made to update the strategy as a new National Litter and Flytipping Strategy. This approach, reflecting feedback from stakeholders, recognised that whilst they are interrelated, they are separate issues with different drivers, and the distinction allowed a tailored approach to be taken to each of them. Whilst an alternative could be to retain the existing strategy emphasis, it is not considered reasonable to do so, given stakeholders responses. Another alternative could be to develop separate strategies; however, as such an approach limits the opportunity for integration and synergies and diminishes the value of the resultant strategies, it was not considered a viable alternative in this instance.

The inclusion of quantifiable targets for the National Litter and Flytipping Strategy was also considered for measures to prevent litter and flytipping but given that the strategy includes proposals that identify the need to improve data and understanding of current sources, levels and composition of litter and flytipping, it was decided that including such targets at this stage was not appropriate but should be an area for future development.

9 The measures decided concerning monitoring

Section 19 of the 2005 Act requires the Scottish Government, as the responsible authority, to monitor significant environmental effects of the implementation of the Plan.

It is not necessary to monitor everything or monitor an effect indefinitely. Instead, as noted in the SEA guidance²⁸, it is "practical to make a clear link between the significant

²⁷Scottish Government (2021) Litter Strategy-five years on: review
<https://www.gov.scot/publications/five-years-review-scotlands-national-litter-strategy/>

²⁸ Scottish Government (2013) Strategic Environmental Assessment: guidance
<https://www.gov.scot/publications/strategic-environmental-assessment-guidance/>

effects predicted within an assessment and the indicators selected to monitor the likely environmental effects”.

The Environmental Report identified that subject to the practical implementation of what are recognised to be high level visions, aims and actions for preventing litter and flytipping, the proposals in the National Litter and Flytipping Strategy have the potential to produce positive environmental effects across all of the environmental topics assessed.

- It is anticipated that the measures will assist in preventing the presence of litter and flytipped material, thus helping to break the link between the adverse effects of these wastes on each of the environmental topics.
- Where incidents of litter and flytipping do occur the measures are expected to limit the duration that uncontrolled waste is present in the environment and improve the onward management of these materials.
- A significant level of cumulative positive effects is determined for the measures related to data and research for material assets, where there are considered to be benefits in recouping the resource value of materials in litter that would otherwise be lost, which may also support a reduction in carbon emissions and reduce pressure on landfill capacity.

Whilst the actions on littering and flytipping are expected to deliver positive impacts, the Scottish Government should undertake ongoing monitoring exercises to assess the response to the proposed measures. Monitoring of these aspects can help to answer questions such as:

- Were the Environmental Report assessments of effects accurate?
- Are the prevention measures contributing to the achievement of the Scottish Government objectives?
- Are mitigation measures performing as well as expected?
- Are there any unforeseen adverse effects? Are these within acceptable limits, or is remedial action desirable?

The Environmental Report proposed a monitoring framework to ensure that the intended benefits of the National Litter and Flytipping Strategy are realised. For the six environmental topics considered, monitoring of the aspects will be critical to assess the success of the measures to prevent litter and flytipping, and, to allow for the identification of unexpected challenges that require further intervention to ensure the effective realisation of the aims and objectives of the prevention measures.

The Environmental Report reflected the understanding of the proposed policy at the point of consultation. Following further review and in response to the public consultation the proposed monitoring measures have been revised.

The Strategy itself will have a mid-point and end of strategy reviews, in year 3 and 6, to evaluate the overall approach adopted and ensure sufficient progress is being achieved against the aim of preventing litter and flytipping but also the individual objectives within the document. This will include evaluation of the six environmental topics considered by the Environmental Report. This will be supported by a number of actions in the Year 1 Action Plan that aim to improve existing sources of data or

investigate opportunities for new sources of data to support development, delivery and monitoring of litter and flytipping prevention and associated activities.



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