

Code of Practice on Litter and Refuse (Scotland) 2018

**Statutory guidance on keeping land free of
litter and refuse, and roads clean**



Scottish Government
Riaghaltas na h-Alba
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1.0 Introduction

This Code of Practice on Litter and Refuse (COPLAR) provides practical guidance on fulfilling the duties under the Environmental Protection Act 1990¹ (“the Act”), Section 89. These are to, as far as is practicable:

- keep land clear of litter and refuse (Duty 1)
- to keep certain roads clean (Duty 2).

Bodies that are subject to the duties must have regard to this code which:

- outlines the standard required for each duty
- supports prioritisation of where and when to tackle problems
- provides maximum timescales for restoring areas to the standard.

Bodies are also encouraged to undertake robust monitoring.

There are three main changes, compared with the previous code²:

- an emphasis on the role of prevention (particularly for Duty 1)
- revised grades and response times for each duty
- greater clarity about where litter/refuse should be removed from.

This code aligns with the:

- Scottish Government’s national litter strategy, *Towards a Litter-Free Scotland*³, which encourages litter prevention through measures which influence individuals’ behaviour
- conclusion that prevention in public services is more efficient than treatment as identified by the Commission on the Future Delivery of Public Services (The ‘Christie Commission’)⁴.

The code recognises that a range of delivery tactics, including clean up, are necessary. It provides bodies with the flexibility to widen their focus from clearing litter and refuse to more sustainable approaches.

Using their insight into who uses their land, and by collecting data through regular monitoring, bodies can develop effective local prevention tactics that reinforce Scotland-wide anti-litter messages and activities.

1 Environmental Protection Act 1990, [Section 89](#)

2 The Code of Practice on Litter and Refuse ([COPLAR](#)) 2006

3 National Litter Strategy: [Towards a Litter-Free Scotland](#)

4 The ‘Christie Commission’ was established by the Scottish Government to develop recommendations for the future delivery of public services. It published its [report in 2011](#)

This code is primarily for practitioners. It is admissible evidence in court proceedings relating to the dereliction of the duties, under sections 91⁵ and 92⁶ of the Act (as amended by the Antisocial Behaviour etc. (Scotland) Act 2004). If any provision of this code appears to the court to be relevant to a question in the proceedings, the court shall take this code into account. The Act, and its supporting Orders, are the primary source of information for bodies making delivery decisions.

This is the 4th COPLAR issued under Section 89 (7) of the Act. The first (in 1991) was replaced in 1999, and covered Scotland, England and Wales. The third (2006) applied exclusively to Scotland. This version replaces it. Its development was informed by a stakeholder steering group⁷.

Further advice, for practitioners and the public, about Section 89 and litter and flytipping more generally can be obtained from Zero Waste Scotland www.zerowastescotland.org.uk/COPLAR

5 Environmental Protection Act 1990, [Section 91](#)

6 Environmental Protection Act 1990, [Section 92](#)

7 Comprised of Scottish Government, Association for Public Service Excellence, COSLA, Zero Waste Scotland, Keep Scotland Beautiful, Network Rail, Scottish Canals, Transport Scotland, Chartered Institute of Wastes Management and a former Christie Commission member.

2.0 Understanding section 89

2.1 The two duties (what action is required?)

The Act places duties on certain organisations to, **so far as is practicable**:

Duty 1: ensure that their land (or land that is under their control), is **kept clear** of litter and refuse. Descriptions of land are provided at [2.4](#).

Duty 2: ensure that public roads (for which the body is responsible) are **kept clean**.

The organisations that must comply with the duties are covered at [2.3](#).

This code supports the duties by setting a 'Grade A' standard for each: bodies should achieve this to demonstrate they have fulfilled their duties. (Section [3.1](#) provides details). The code also provides the maximum timescales for an area to be restored within.

Ultimately, it is for the courts to decide whether or not it was impracticable for a body to discharge its duty. Therefore, if a body believes there are circumstances that prevent it from fulfilling its duty/ies to the standard and/or within the appropriate response time it should have evidence to support its decision. It should also take steps to fulfil the duty at the next opportunity.

Further considerations are outlined within section [3.2](#) (see restoring areas to comply with the duties).

Understanding that the code covers two duties, and that the expected outcome of duty fulfilment is that land is clear of litter and refuse, and roads are clean, supports bodies to identify and understand what applies to them, and what they should aim to achieve.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

2.2 Materials in scope of the duties (what is covered?)

To understand the duties, and this code fully, it is necessary to consider:

- what materials fall within the meaning of “litter” and “refuse”
- which materials the obligation of “keeping clean” relates to.

The Act does not specify descriptions or limits to what litter, refuse or keeping clean means. A guide is provided below and bodies may identify other items they consider relevant.

Duty 1 requires explanations of litter and refuse.

Litter. Litter is considered to be “waste in the wrong place” where individual or a small number of items are thrown down, dropped or deposited in a public place by any person and is left there. In addition, other provisions within the Act⁸ require appropriate and sufficient waste collection containers to be used to prevent material from escaping. Escaped materials should be treated as litter. Materials that could be considered as litter are wide ranging, including: food packaging, drink containers, smoking related materials including cigarette ends, chewing gum, food items, paper and plastic bags.

Refuse. Refuse should be regarded as waste material or rubbish, including household and commercial waste, flytipped waste, dog faeces⁹, animal carcasses and car parts. Refuse tends to be larger items than litter.

Duty 2 requires that roads, as well as being kept clear of litter and refuse, should be kept clean.

A key consideration is that they should be free of detritus. **Detritus relates to Duty 2 only; it should not be regarded as litter.**

Detritus. Detritus can include dust, mud, soil, grit, gravel, stones, rotted vegetation, and fragments of twigs, glass, plastic and other materials which can become finely divided. Leaf and blossom falls are to be regarded as detritus once they have substantially lost their structure and have become mushy or fragmented.

Guidance on weed growth is contained within the UK Roads Liaison Group’s ‘Well-Managed Highway Infrastructure’ code of practice¹⁰.

Identifying which materials are relevant to each duty supports bodies’ understanding of what to target in order to keep land* clear of litter and refuse, and roads clean.

*Descriptions of land are provided at [2.4](#)

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

8 Environmental Protection Act 1990, [Section 34](#) regarding duty of care (see Duty of Care – [A Code of Practice](#))

9 The Litter (Animal Droppings) [Order](#) 1991 was made under [Section 86](#) (14) and (15) of the Act and applies the provisions in Part IV of the Act on refuse to dog faeces on most types of public land. No further orders have been made with regards to animal droppings

10 UK Roads Liaison Group’s [‘Well-Managed Highway Infrastructure’](#) code of practice

2.3 Who has to take action?

Bodies that are subject to each duty¹¹ are categorised within the following table.

Duty 1: To Keep Land* Clear of Litter and Refuse
Local authorities
Scottish Ministers
Certain Crown Authorities that occupy or manage Crown Land
Crown Estate Commissioners
Crown Estate Scotland
Educational institutions including: universities, publicly-funded colleges and schools
Any operator of a relevant railway asset (such as a railway station and track)
Passenger transport executives
Light railway/tramway operators
Road transport operators, other than taxi or other hire cars
Canal operators
Port/dock/harbour/pier operators
Airport operators
Occupiers of relevant land within a Litter Control Area

*Descriptions of land are provided at [2.4](#)

Duty 2: To Keep Roads Clean
Local authorities – in respect of roads for which they are responsible
Scottish Ministers – in respect of motorways, and other special roads that are also trunk roads and certain other roads for which they are responsible

Action may be undertaken on the body's behalf, for example outsourced to road maintenance contractors for clean-up operations or other organisations for prevention activities. However, the responsibility of meeting the duties remains with the relevant body.

Bodies that are subject to each duty, and therefore need to take action, are identified within the tables above.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

11 The original definitions for bodies are provided in sections [86](#) and [98](#) of the Act, and are supplemented by the Litter (Statutory Undertakers) (Designation and Relevant Land) [Order](#) 1991, the Litter (Designated Educational Institutions) [Order](#) 1991 and The Railways Act 1993 (Consequential Modifications) [Order](#) 1999

2.4 Where do the duties apply?

Various factors determine whether land or roads are covered by the duties.

The first is that the land or roads must be directly associated with one of the bodies in [2.3](#). It must be:

- under their direct control and/or
- a road they are responsible for and/or
- occupied or managed on behalf of the Crown.

Further considerations then apply, and these are outlined for each duty below.

Duty 1

To be within the scope of Duty 1, land must also be publically accessible.

For local authorities, Scottish Ministers, Crown Authorities, Crown Estate Commissioners and education authorities the land should also be open to the air. This means land that is open to the air on at least one side¹².

In addition, Duty 1 extends to land that is not publically accessible for:

- education authorities
- railway operators and potentially other transport providers – for example tracks and track sides near stations and in urban areas¹³.

Duty 1 applies to:

- hard-standing surfaces – roads, walkways, concreted land
- soft surfaces – grass, bushes, trees, bare-earth surfaces, verges, embankments and open space
- unsurfaced roads
- land covered by water – canals, streams/rivers and ponds.

For the purpose of fulfilling the duty, local authorities, Crown Authorities, Crown Estate Commissioners and Crown Estate Scotland are not required to consider land that is below the place to which the tide flows at mean high water springs¹⁴. However, it is recommended that all bodies with coastal and marine boundaries take a practical approach and, where appropriate, include such land in their prevention and cleansing activities.

12 The Act, [Section 86](#) (13)

13 The Litter (Statutory Undertakers) (Designation and Relevant Land) [Order](#) 1991, as amended by Litter (Statutory Undertakers) (Designation and Relevant Land) (Amendment) [Order](#) 1992 which adds article 1 (3).

14 The National Oceanography Centre defines the height of [mean high water springs](#) as “the average throughout the year (when the average maximum declination of the moon is 23.5°) of two successive high waters during those periods of 24 hours when the range of the tide is at its greatest. The height of the mean low water springs is the average height obtained by the two successive low waters during the same period.”

This applies particularly in relation to beaches, which are used as public spaces such as bathing beaches/public amenity space. Scotland's National Marine Plan contains policy about tackling marine litter.¹⁵

In addition, where litter or refuse occurs on beaches of designated bathing water and is considered to be a risk to bathers' health then the Bathing Water (Scotland) Regulations 2008¹⁶ should be regarded.

For transport operators, mentioned in [2.3](#), details of land both covered by and excluded from Duty 1 is outlined within The Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991¹⁷, as amended by The Railways Act 1993 (Consequential Modifications) Order 1999¹⁸ and The Litter (Statutory Undertakers) (Designation and Relevant Land) (Amendment) Order 1992.¹⁹

The Litter Control Areas Order 1991²⁰, as amended by The Litter Control Areas (Amendment) Order 1997²¹, sets out the descriptions of land that can be designated as a Litter Control Area. These may include land that is open to the air – such as car parks, business parks, beaches and also enclosed spaces, shopping centres, cinemas, theatres, motorway service stations, and sports facilities.

Duty 2

Duty 2 applies to public roads that are the responsibility of either local authorities or Scottish Ministers.

Describing where each duty applies allows bodies to target the roads and land that should be clean and clear of litter and refuse.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

15 [Scotland's National Marine Plan](#), 2015

16 As made by the Bathing Water (Scotland) [Regulations](#) 2008

17 The Litter (Statutory Undertakers) (Designation and Relevant Land) [Order](#) 1991

18 The Railways Act 1993 (Consequential Modifications) [Order](#) 1999

19 The Litter (Statutory Undertakers) (Designation and Relevant Land) (Amendment) [Order](#) 1992

20 The Litter Control Areas [Order](#) 1991

21 The Litter Control Areas (Amendment) [Order](#) 1997

3.0 Fulfilling the duties – considerations

This chapter explains factors that apply to both duties. Subsequent chapters focus on specifics for each duty.

3.1 The standard

In order to fulfil the duties, each body's areas should be clear of litter and refuse and/or clean. This is 'the standard' and it is referred to as 'Grade A' for each duty.

Where there is deterioration from the standard, a body is expected to restore it. There are three points to consider:

- the scale of an area's decline
- the area's character and use
- how quickly a body should restore the area to the standard.

This code provides a series of grades to determine how well an area meets the standard for each duty or how significant its deterioration is. The grades are:

Duty 1 Litter and Refuse Grades: six grades, A to F

Duty 2 Detritus Grades: four grades, A to D

The grades are set out in chapters [4.1](#) (Duty 1) and [5.1](#) (Duty 2) using photographic examples and descriptions.

Subsequent chapters explain that by combining the grades with action to zone land and roads (to take account of its character, use and any additional circumstances) bodies can prioritise how quickly they should restore an area to the standard.

Defining the standard as a Grade A supports bodies in demonstrating fulfilment of each duty. Other grades indicate how far from that standard an area is. The grades provide bodies with a way to measure attainment or deterioration, and evidence their progress.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

3.2 Zoning (how should different types of land and roads be treated?)

The first step towards fulfilling either duty is for bodies to categorise their land/roads as one of six zones – based on how busy each area is, and how many potential sources of litter it has. [Annex A](#) provides full details.

This code links the zone categories to the maximum time a body has before it should restore an area to the Grade A standard. (The maximum response time is determined by how far from the standard a zone has deteriorated, see [4.3](#) for Duty 1 and [5.3](#) for Duty 2).

The zoning process also provides valuable insight into sources and root causes of litter and refuse – which helps bodies to decide which preventative tactics to deploy.

Allocating zones

It is considered that two factors affect the rate an area declines, which are common to all land and road types:

1. **Footfall/vehicle intensity** is defined as the average hourly footfall over a seven-day period within the specific zone boundary. It is not expected that footfall/vehicle movement will be known for all areas of land. [Annex A](#) therefore provides a guide, which allows local knowledge to be applied in considering how busy an area is.

2. **Potential Litter Sources (PLSs)** are considered to be premises or sites that are a potential source of litter. PLSs have varying degrees of risk of litter being generated and therefore have been split into two groups (high risk and moderate-low risk) based on the type of premises and types of litter associated with the premises. This includes but is not limited to:

High Risk

- Fast food/food on the go outlets
- Major regular event locations
- Public houses/nightclubs
- Secondary schools

Moderate – Low Risk

- Betting establishments
- Bank ATMs
- Leisure facilities
- Primary schools

Where a combination of sources exists, four moderate-low risk PLSs should be regarded as one high risk PLS e.g. four high risk and eight moderate-low risk would become six high risk for the purpose of assigning a zone category.

Areas subject to a significantly higher volume of footfall/traffic than normal for a short period of time, such as one-off events, should be upgraded to the appropriate zone classification on a temporary basis. The original zone classification would resume thereafter.

Transparency

Categorising zones in this manner will standardise the measurement of intensity of land/road use and potential litter sources across all bodies with responsibility for fulfilling these duties. This shared starting point (and the code's grades) supports comparison of results, and the sharing of good practice, across bodies.

Bodies should assess and allocate their land/roads to the appropriate zone/s and make their findings easily accessible to members of the public – ideally by publishing the results digitally and online. Publications should also identify which duty response times apply and, for Duty 1, which response band. (See point [4.3](#)).

Zoning should be completed within one year of this code coming into effect and updated when a significant change to an area's use takes place. Zones should also be reviewed every two years to ensure they still reflect the use of the area. (Please note this does not mean a full rezone of land).

Restoring areas to comply with the duty/ies

These duties apply seven days a week throughout the year, and this code sets the maximum times that bodies have to restore areas to the standard when their grades deteriorate. Bodies are free to set themselves more challenging response time targets. They should also take account of complaints about an area's condition.

The principle behind how quickly an area should be restored is that a significant deterioration should be restored as a priority – to prevent accumulations occurring. So the bigger or more dangerous a litter or detritus problem is, the faster it should be tackled. For minor deteriorations, longer response times are acceptable.

Response times are outlined in [4.3](#) for Duty 1 and [5.3](#) for Duty 2.

In most zones, the standard can be restored within a body's normal operational hours. If the standard in zones 1-3 falls in the evening, this code recognises that it may not be practical to restore to Grade A within the response times identified. The time between 20:00 and 06:00 the following day can therefore be discounted for the purposes of assessing compliance. If the standard should fall to an unacceptable level during the evening, it should be restored to Grade A by 08:00.

Work schedules should be co-ordinated where responsibilities for different tasks are divided between departments or different organisations. For example, where responsibility falls to two separate bodies (or internal teams) for litter picking and grass cutting responsibilities or for Duty 1 (to keep land clear) and Duty 2 (keeping roads clean).

The code provides '**special consideration**' response times for zones 1-5 to account for:

- **Health and safety requirements** to help keep the staff safe before they litter pick: such as roads where traffic management needs to be installed.
- **Specialist equipment** being required for removal of materials or access to an area. For example, accumulations of chewing gum, restricted access canal embankments, railway tracks within 100m of platform end.

Special considerations are relevant to all zones, with the exception of Zone 6, as it already builds in extra time.

Additionally, bodies will wish to consider what is practicable and what is not practicable within the normal and special consideration timescales set by this code to restore areas covered by each duty.

For example:

- it may be considered impracticable to expect bodies to meet the duty on Christmas Day and/or New Year's Day, therefore they can be discounted for the purposes of assessing compliance
- it may not be practicable to meet the duties due to severe weather conditions or special events
- other legal obligations that could influence how practical it is to fulfil the duties or to do so within the code's response times. E.g. the Wildlife and Countryside Act 1981²² which protects nesting birds.

In such cases, every effort must be made to restore areas at the earliest opportunity.

It is up to the body to evidence why the special consideration times were applied or if it believed it was not practicable to fulfil their duty.

The purpose of zoning is to take account of differences in footfall and/or activities that influence how quickly an area can become littered. For example, within a town centre, a B litter and refuse grade area could rapidly become a D while on a country lane it could remain as a B for several days. By allocating zones, a body can adjust for this (which will help when planning how to meet its duty and restore zones to standard).

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

²² The Wildlife and Countryside Act 1981 ([Section 1](#)) makes it an offence if any person intentionally or recklessly takes, damages or destroys or otherwise interferes with the nest of any bird whilst the nest is in use. It is also an offence under the same section to obstruct or prevent any wild bird from using its nest.

3.3 Monitoring

To fulfil their duty/ies, bodies will wish to know that their zones are retaining the Grade A standard or, if areas have deteriorated, that restorative action is required.

Bodies should therefore have a monitoring regime that is robust and:

- identifies the scale of deterioration (using the COPLAR grades)
- supports restoration to standard within the appropriate response time (see chapter 4.3 for Duty 1 and/or 5.3 for Duty 2)
- takes account of where litter is most likely to occur (i.e. higher footfall areas are more likely to be affected than lower footfall areas).

Monitoring will help bodies to understand the effectiveness of their tactics in meeting the standard for each duty. For example, areas that are consistently graded as a D or E are not close to meeting the standard, and intervention tactics should be reviewed and adjusted.

By monitoring, each body will build evidence:

- that its land is/roads are correctly zoned
- it is complying with the code
- its duty/ies are being fulfilled.

In line with Environmental Information (Scotland) Regulations²³, details collected by Scottish public bodies should be publically accessible. Bodies are therefore encouraged to regularly publish the findings of their approaches to inspect and quantify progress.

This supports consistency across bodies and helps them to compare approaches, share good practice and benchmark.

The purpose of monitoring is to:

- identify how often areas being monitored are likely to need to be restored
- identify what action will help areas being monitored to meet or maintain the standard
- measure the level of deterioration from the standard – using the grades
- restore areas being monitored to the standard within the appropriate response time.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

23 The Environmental Information (Scotland) [Regulations](#) 2004

4.0 Fulfilling Duty 1

4.1 Litter and refuse grades

These are set as grades from A to F, with A reflecting that no litter or refuse is present (the standard) and F that potentially dangerous materials need to be removed as early as practicable. Bodies should draw on the photographed examples, provided on pages 14 to 15, to assess their land and roads.

These grades should be used when monitoring. The guideline number of items specified in the following photographs should be applied to areas of 100m².

Note that:

- large items (larger than a credit card) include but are not limited to drinks containers, food packaging, carrier bags, newspapers, crisp packets/large sweet packets, cigarette packaging items, food waste (banana skin, sandwich etc.), and dog faeces
- small items include but are not limited to cigarette ends, receipts, tickets, individual sweet wrappers, and small food waste items (e.g. individual crisps)
- where a combination of both exists, six small items should be regarded as one large item e.g. 13 large items and 30 small items would become 18 large items making it a grade D
- flytipping is the illegal disposal of controlled waste – from a single bag of waste to large quantities of domestic, commercial or construction waste.

A body should be able to justify its litter and refuse grades and have evidence to prove that it is fulfilling its duty/ies.

Further advice and high resolution photographs can be found at www.zerowastescotland.org.uk/COPLAR

Litter and Refuse Grade A:

No litter or refuse is present on any type of land



Litter and Refuse Grade B:

Small amounts of litter and refuse



As a guide, fewer than 5 large items or fewer than 30 small items of litter and refuse

Litter and Refuse Grade C:

Moderate amounts of litter and refuse, with small accumulations



As a guide, 5-15 large items or 30-90 small items of litter or refuse

Litter and Refuse Grade D:

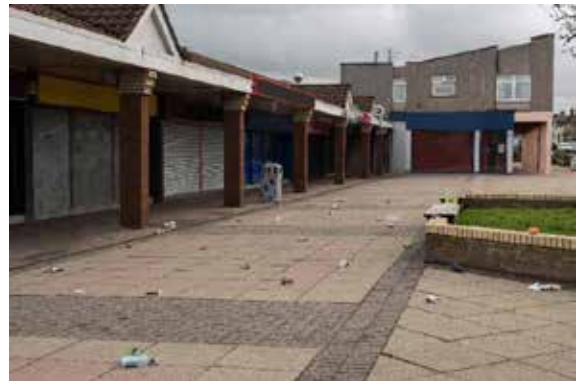
Significant amounts of litter and refuse, with consistent distribution and accumulations



As a guide, 16-30 large items or 91-180 small items of litter and refuse

Litter and Refuse Grade E:

Substantial amounts of litter and refuse with significant accumulations



As a guide, more than 30 large items or more than 180 small items of litter and refuse

Litter and Refuse Grade F:

Incidents of flytipping and hazardous/special waste (drug related waste, broken glass, animal carcasses, car parts, chemicals, and spillages)



4.2 Tactics – how prevention can be used to meet the standard

An area that has no litter or refuse does not need to be cleared. Bodies should therefore consider what they can do to encourage people not to litter in the first place. By implementing a sustainable approach to meeting the duty, bodies will have a greater degree of flexibility to allow resources to be used in a proactive manner.

The zoning exercise will help bodies to determine where litter and refuse problems are, and how they might prevent these. Drawing on zone assessment findings, bodies should then find ways to influence positive litter/refuse behaviours.

The decisions bodies make about appropriate preventative measures should be tailored to their zones' particular circumstances and may include, but are not limited to, the following examples:

- improved monitoring – understanding where and why a zone is not meeting the standard can help make decisions about further tactics to use
- communications – signs, news stories, marketing materials, social media
- engagement – stakeholder and community engagement
- partnership working – with other bodies/businesses/community groups to address problems across boundaries
- infrastructure – facilities/services including smart bins and recycle on the go containers
- service optimisation – cleansing schedules, action to reduce waste escaping from kerbside collections, deployment of temporary resources (such as for a short-life event), upskilling staff, litter pick grass areas before mowing
- enforcement – where, when and how enforcement teams are deployed or to create Litter Control Areas
- demand management – focus resources according to needs, for example one-off events or better weather means more visitors to parks.

In deciding the appropriate mix of tactics to develop and deploy, bodies may find the National Litter Strategy's content about influencing people's behaviour²⁴ helpful. It is based on research and evidence that people's choices and behaviours are influenced by three contexts: individual, social and material.

24 National Litter Strategy: Towards a Litter-free Scotland, [Influencing Behaviour Annex B](#)

Preventing litter and refuse from being dropped means that:

- areas should retain the standard (Grade A) for longer – as it should take longer for the grade to deteriorate
- the speed and frequency of restorative action to meet the standard can therefore reduce – meaning expensive clean-up operations can be focused on priority areas.

The way that prevention contributes to fulfilling Duty 1 is that when people dispose of materials responsibly, rather than letting them become litter or refuse, there is less for a body to remove in order to meet the standard.

How far prevention goes towards fulfilling the duty will be determined by the effectiveness of the tactics that each body decides to use.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

4.3 Response Times

Duty 1 response times are structured as four bands that recognise bodies' investment in prevention. It reflects that effective measures increase the likelihood of zones being cleaner for longer, which reduces the need for rapid restoration.

The basic response times (band 1) are based on a body allocating between 0 and 10% of its overall litter and flytipping spend on prevention tactics. The response times (bands 2 to 4) increase in proportion to prevention spend.

Note that litter and refuse clearance should not count as prevention spend. Although it supports preventing further problems, the motivation for deploying it is to restore zones to the standard. However, activities that improve local environmental quality would be considered preventative spend. Bodies must be able to clearly demonstrate how they allocate spend if asked by a court to do so.

To justify moving up the extended response time bands, a body must continue to invest in prevention and be satisfied that the success of its preventative measures meets the standard. Consideration should be given to how this can be evidenced e.g. through regular monitoring.

It is expected that each body's response times will reflect its preventative spend in the previous financial year, unless it has certainty and evidence of its finance within a current financial year.

Special considerations are outlined within [3.2](#).

Bodies should also recognise their duties under The Bathing Waters (Scotland) Regulations 2008, where pollution by litter and refuse is of risk to bathers' health and safety. Remediation should take place within the response times indicated above or within a maximum of seven days, whichever is a lesser time period.

Once an area is restored, prevention tactics should support maintaining the standard.

Duty 1 response times

The bands and percentage of overall litter/flytipping spend on prevention tactics are:

Band 1: basic response times, based on 0-10% spend on prevention

Zone	F	Litter and Refuse Grade					A	Special Considerations
		E	D	C	B			
1	At the earliest practicable opportunity	1 hour	2 hours	3 hours	12 hours	Clear of litter and refuse	14 days	
2		2 hours	4 hours	5 hours	24 hours		21 days	
3		6 hours	8 hours	9 hours	48 hours		28 days	
4		24 hours	36 hours	48 hours	7 days		35 days	
5		48 hours	60 hours	3 days	14 days		42 days	
6		14 days	21 days	28 days	42 days		No additional time	

Band 2: Response times based on 11-20% spend on prevention

Zone	F	Litter and Refuse Grade					A	Special Considerations
		E	D	C	B			
1	At the earliest practicable opportunity	2 hours	3 hours	4 hours	24 hours	Clear of litter and refuse	21 days	
2		4 hours	6 hours	8 hours	48 hours		28 days	
3		8 hours	10 hours	12 hours	3 days		35 days	
4		36 hours	48 hours	3 days	10 days		42 days	
5		3 days	4 days	5 days	18 days		49 days	
6		21 days	28 days	35 days	49 days		No additional time	

Band 3: Response times based on 21-30% spend on prevention

Zone	F	Litter and Refuse Grade					A	Special Considerations
		E	D	C	B			
1	At the earliest practicable opportunity	4 hours	5 hours	7 hours	36 hours	Clear of litter and refuse	28 days	
2		6 hours	8 hours	12 hours	3 days		35 days	
3		12 hours	14 hours	18 hours	4 days		42 days	
4		3 days	4 days	5 days	13 days		49 days	
5		5 days	6 days	8 days	22 days		56 days	
6		28 days	35 days	42 days	56 days		No additional time	

Band 4: Response times based on >30% spend on prevention

Zone	F	Litter and Refuse Grade					A	Special Considerations
		E	D	C	B			
1	At the earliest practicable opportunity	8 hours	10 hours	12 hours	48 hours	Clear of litter and refuse	42 days	
2		12 hours	14 hours	18 hours	4 days		49 days	
3		24 hours	48 hours	60 hours	5 days		56 days	
4		5 days	6 days	7 days	16 days		63 days	
5		7 days	9 days	10 days	26 days		70 days	
6		35 days	42 days	49 days	70 days		No additional time	

As examples:

- For a body that allocates 0-10% (band 1) of its overall spend on litter and flytipping to prevention tactics, when its category 1 zone is of a D grade, it has two hours to restore it to an A.
- For a body that allocates >30% (band 4) of its overall spend on litter and flytipping to prevention tactics, when its category 1 zone is of a D grade, it has 10 hours to restore it to an A.

As effective prevention tactics reduce the scale of a zone's litter and refuse problem, the need for rapid and frequent restoration to standard also reduces.

Extended response time bands recognise this principle and reward bodies for investing in appropriate preventative tactics. A body can only progress through the bands when it can demonstrate that its tactics are effective and support meeting the standard.





Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

5.0 Fulfilling duty 2

5.1 Detritus grades

The grades are A to D – with A reflecting that surfaces are free from detritus (the standard) and D that surfaces are obscured or at high risk of hazard caused by detritus. A body should be able to justify its grades and have evidence to prove that it is fulfilling its duty/ies.

Bodies should draw on the following photographed examples to assess their roads. These grades should be used when monitoring.

Detritus Grade A	Detritus Grade B
 <p data-bbox="312 1016 675 1048">Road is free from detritus</p>	 <p data-bbox="903 1016 1297 1081">A slight presence of detritus on roads and gullies</p>
Detritus Grade C	Detritus Grade D
 <p data-bbox="264 1514 722 1579">A significant presence of detritus on roads and gullies</p>	 <p data-bbox="823 1514 1377 1579">Road surfaces are obscured or at high risk of hazard caused by detritus</p>

Further advice and high resolution photographs can be found at www.zerowastescotland.org.uk/COPLAR

5.2 Tactics

Regular sweeping and maintenance schedules should be prepared by the bodies to allow the duty to be met. This approach can prevent small problems from escalating and ultimately becoming more expensive to fix. For example, regular removal of detritus will prevent difficult to remove build-up of materials and will also prevent other maintenance issues such as weed growth.

Where a hard surface of a road ends without a clear edge, for example a grass verge alongside a road, a logical judgement as to its definitive edge should be made. It should be regarded as good practice to cut back or remove any surface vegetation that infringes upon any hard surface of the road.

The tactics to support detritus-free roads should be deployed regularly to prevent small accumulations from becoming more significant, and expensive, problems to address.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

5.3 Response times

The scale of detritus accumulations can be reduced through regular sweeping and maintenance. However, it cannot be reduced by influencing people as is the case for litter and refuse. Therefore there is a single set of response times

Special considerations are outlined within [3.2](#).

Duty 2 response times

Zone	Detritus Grade			A	Special Considerations
	D	C	B		
1	1 day	5 days	14 days	No detritus	28 days
2	2 days	10 days	21 days		35 days
3	3 days	14 days	28 days		42 days
4	4 days	28 days	42 days		56 days
5	5 days	35 days	56 days		70 days
6	7 days	42 days	84 days		No additional time

For example, this means that when a category 1 zone is of a D grade it should be restored to an A within one day.

The response times reflect the ongoing need for sweeping and maintenance in order to meet the standard.

Further advice can be obtained from Zero Waste Scotland
www.zerowastescotland.org.uk/COPLAR

Annex A

Zone	Description	Location Type	Example (Relevant in 2018*)
1	Areas subject to extremely high footfall and/or vehicular movement and/or very high number of potential litter sources.	This means areas that have the highest risk of litter regularly occurring or accumulating such as:	
		Major city centres	Edinburgh Glasgow
		Very busy visitor attractions	Helix, the home of the Kelpies Edinburgh Castle Strathclyde Country Park
		Areas in and around regular event locations	Scottish Events Campus Hampden, Scotland's National Stadium
		Primary commercial and retail areas in city centres	Princes Street Edinburgh Buchanan Street Glasgow
		Major transport hubs	Waverley Train Station, Edinburgh Buchanan Bus Station, Glasgow
		Land of designated educational institutions – schools, colleges, universities	University of Strathclyde Aberdeen College City Campus
		Other land, including canal land**, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
As a guide this should include areas where the average hourly footfall/ vehicle movements is more than 1,000 over a 7 day period and/or 20 or more high risk potential litter sources.			

Zone	Description	Location Type	Example (Relevant in 2018*)
2	Areas subject to high footfall and/or vehicular movement and/or high number of potential litter sources.	This means areas that have a high risk of litter regularly occurring or accumulating such as:	
		Small city centres and large town centres	Perth Hamilton Falkirk
		High density residential areas mixed with retail premises	Gorgie Road, Edinburgh
		Popular visitor attractions	Stirling Castle
		Primary commercial and retail areas in large towns/city suburbs	Livingston Designer Outlet
		Large, heavily used industrial estates	Tullos Industrial Estate, Aberdeen
		Busy recreational land – beaches, parks, walks, cycle paths, canal land** etc.	Glasgow Green Aberdeen beach boulevard
		Transport interchanges in busy public areas – car parks, bus stations, railways stations, ports, harbours, airports.	Aberdeen Airport Seagate Bus Station, Dundee
		Land of designated educational institutions – schools, colleges, universities	Holyrood Secondary School
		Other land, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
As a guide this should include areas where the average hourly footfall/ vehicle movements is 601-1,000 over a 7 day period and/or 15-19 high risk potential litter sources.			

Zone	Description	Location Type	Example (Relevant in 2018*)
3	Areas subject to moderate footfall and/or vehicular movement and/or a moderate number of potential litter sources.	This means areas that have a moderate risk of litter regularly occurring or accumulating such as:	
		Medium town centres	Kirkintilloch Stonehaven
		High density residential areas – predominately terraced, flatted, where more than 50% of the dwelling have no off road parking	Seaton, Aberdeen Merkinch, Inverness
		Moderately used visitor attractions	Nevis Range
		Secondary retail, office and commercial areas	St Catherine’s retail park, Perth
		Moderately used Industrial estates and business parks	Dryburgh Industrial Estate, Dundee
		Moderately used recreation land – beaches, parks, walks, cycle paths, canals land**	Callendar Park
		Transport interchanges with moderate usage – car parks, bus stations, railway stations, ports, harbours	Falkirk Bus Station
		Land of designated educational institutions – schools, colleges, universities	Mearns Primary School
		Other land, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
As a guide this should include areas where the average hourly footfall/ vehicle movements is 301-600 over a 7 day period and/or 10-14 high risk potential litter sources.			

Zone	Description	Location Type	Example (Relevant in 2018*)
4	Areas subject to low footfall and/or vehicular movement and/or low number of potential litter sources.	This means areas that have a low risk of litter regularly occurring or accumulating such as:	
		Small town/village centres	Huntly Duns
		Moderate to Low density residential areas – 50% or more dwellings have off road parking	Kinnaird Village, Larbert
		Suburbs of towns	Monkton Hall
		Low use industrial estates, business parks	Tillybrake Industrial Estate, Banchory
		Low usage recreational land – beaches, parks, walks, cycle paths, canal land**	Roseburn Park, Edinburgh
		Transport interchanges with low usage – car parks, bus stations, railway stations, ports, harbours	Alloa railway station
		Land of designated educational institutions – schools, colleges, universities	Ullapool High School Machanhill Primary School
		Other land, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
As a guide this should include areas where the average hourly footfall/ vehicle movements is 20-300 over a 7 day period and/or 5-9 high risk potential litter sources.			

Zone	Description	Location Type	Example (Relevant in 2018*)
5	Areas subject to very low/no footfall and/or vehicular movement and/or few/no potential litter sources.	This means areas that have little risk of litter regularly occurring or accumulating such as:	
		Land that is publically accessible subject to infrequent or little use, includes remote beaches	Large parts of Highlands where land is publically accessible but infrequently visited
		Land of designated educational institutions – schools, colleges, universities	Gartmore Primary School
		Other land including canal land**, roads of 40mph or less, waterways and embankments, railway land and track within 100 metres of a railway station platform end, all within and around these areas with equivalent footfall/vehicle movements	
As a guide this should include areas where the average hourly footfall/ vehicle movements is less than 20 over a 7 day period and/or 0-4 high risk potential litter sources.			
6	Roads over 40mph and Operational Railway Land.	Any road/above the 40 mph speed limit including all surfaces within the road boundary. Operational railway land including the track, tracksides through to the fence line, excluding land and track within 100 metres of a railway station platform.	

* the body that holds the duty/ies is responsible for allocating zones and updating these

** as detailed in the Litter (Statutory Undertakers) (Designation and Relevant Land) Order 1991



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