

Consultation on National Litter and Flytipping Strategy

Overview

General Comments

Scottish Water supports a national approach to littering and flytipping including enforcement. We believe that this will improve efficiency of information gathering, reporting and the ability to tailor campaigns to reduce impact.

We consider Dumb Dumpers (DD), run by Zero Waste Scotland (ZWS), to be an efficient and effective way to gather information and tailor campaigns to reduce litter and waste. We believe there is an opportunity to broaden the scope of DD work and to improve communication links with Local Authorities (LA) and other duty stakeholders, particularly when flytipping has occurred on private land.

ZWS is well placed to encourage reduction in waste, increase recycling and to advance the Circular Economy scope within Scotland, which will help towards our Net Zero (NZ) ambitions and reduce impacts on the environment.

Detailed Response

Specific Comments

Scottish Water considers source control to be the most appropriate mechanism to control littering. Other measures should be adopted such as bans and removal of unnecessary plastic in some commonly littered items such as wet wipes.

We believe it likely that support will increase for further action to be taken in relation to other Single Use Plastic (SUP) items. As set out in the consultation document, it is estimated that £43m is spent on dealing with litter in Scotland, so there is scope for a considerable saving if tackled through source control.

We support regulatory action to tackle litter which may be washed into drains, enter the surface water system, and potentially litter the local water course or sustainable urban drainage system (SUDS). Litter which enters the combined sewer system will flow to our Wastewater Treatment Works (WwTW) where it may be removed by screens and sent to landfill or released to the water environment.

LITTER	
1	<p>(a) Do you support the proposed action to conduct research to understand the full range of influences on littering behaviours (action 1.1)? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answer.</p>

Action 1.1. (a) Yes, Scottish Water supports the proposed action.

(b) This research would provide essential information to tailor a communication strategy, actions and would inform the development of campaigns which will effectively reduce littering through positive behavioural change.

2

(a) Do you support the proposed action to develop and adopt a national anti-littering campaign (action 2.1)? Yes / No / Do not know

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

2.1. (a) Yes, Scottish Water support the proposed action.

(b) This campaign would allow all stakeholders to use the same communication materials and to deliver messaging in a more time and cost-effective way. It would make the messages more recognisable and therefore could achieve more impactful and sustained benefits. By linking or aligning with other campaigns such as Scottish Water's 'Nature Calls', we believe further gains could be achieved.

3

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

The Strategy focuses mainly on changing behaviour and collection methods. Scottish Water considers it essential that source control should be a priority.

4

Is there a need to develop a standard definition for litter that can be used across Scotland? Yes / No / Do not know

Yes, Scottish Water agrees that there is a need to develop a clear standard definition for litter that can be used across Scotland. We consider this approach would assist in taking enforcement action.

We propose that litter should be defined simply as e.g. "Materials discarded in an inappropriate way to public or private property, land or water". This would include flushing items other than the 3 Ps (pee, poo and toilet paper down the toilet).

We have experienced activities of "wild campers" on our land where the extent of littering is similar to fly-tipping, however we recognise the need to allow a differentiation between littering and fly tipping

5

Do you support the following proposed actions to:-

Action 3.1: Review available litter data and reach an agreement between stakeholders on a common approach to data collection? Yes / No / Do not know

Action 3.2: Identify commonly littered items and litter hotspots and work with local authorities to develop targeted interventions? Yes / No / Do not know

Action 3.3: Increase the use of citizen science to support data levels and composition of litter? Yes / No / Do not know

(b) Please give reason(s) for your answers.	
<p>3.1. (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) A common approach to data collection will enable consistent and accurate reporting, which is vital to inform decision making and to identify where efforts should be targeted. This approach will also allow easy comparisons between stakeholders and areas/sectors if required.</p> <p>3.2 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) Targeted interventions will allow effort to be focused more effectively on behaviours associated with commonly littered items and to reduce littering at hotspots.</p> <p>3.3 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) Citizen science is a positive way of engaging with people and will encourage participation and ownership of the issues and their local environment.</p>	
6	What would encourage increased participation in citizen science data collection?
<p>Scottish Water has no comment.</p>	
(a) Do you support the proposed actions to:	
<p>7</p> <p>Action 4.1: Review of CoPLaR (2018) and its implementation by duty holders? Yes / No / Do not know</p> <p>Action 4.2: Explore the use of flexible and innovative interventions to support litter prevention and removal? Yes / No / Do not know</p> <p>Action 4.3: Establish an action focused group to encourage collaboration and share best practice between local authorities, national parks and other duty bodies? Yes / No / Do not know</p>	
(b) Please give reason(s) for your answers	
<p>4.1. (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) We consider a full review is required to provide clarity for duty holders and all stakeholders.</p> <p>4.2. (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) It is reasonable to explore new flexible or innovative methods for benefit.</p> <p>4.3.(a) Yes, Scottish Water supports the proposed action.</p> <p>(b) We support the establishment of an action focused group to help provide clarity on duties and allow stakeholders to share knowledge, focus effort and share</p>	

experience of best practice.	
8	Please provide examples of flexible or innovative interventions that have or have not worked well.
Scottish Water has no comment.	
9	How can increased collaboration and information sharing across local authorities, national parks and other duty bodies be achieved?
Scottish Water has no comment.	
10	<p>(a) Do you support the proposed actions to:</p> <p>Action 5.1: Create a national litter hub to provide information to community groups? Yes / No / Do not know</p> <p>Action 5.2: Create a community-focused litter education programme? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answers.</p>
Scottish Water has no comment.	
11	What advice, information and support should be included in a national litter hub?
Scottish Water has no comment.	
12	What topics should be included in a community-focused litter education programme?
Scottish Water has no comment.	
13	<p>(a) Do you support proposed actions on enforcement of litter offences to:</p> <p>Action 6.1: Conduct an evidence review of barriers to enforcement? Yes / No / Do not know</p> <p>Action 6.2: Explore raising current fixed penalty notice amounts? Yes / No / Do not know</p> <p>Action 6.3: Explore potential alternative penalties to monetary fixed penalties? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answers.</p>
<p>6.1 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) We consider this will assist in identifying how to develop a strategy which removes barriers and enables better regulation and enforcement.</p>	

<p>6.2 (a) Don't know.</p> <p>(b) We consider it beneficial to review Fixed Penalty Notice (FPN) amounts, however we consider £80 to be a considerable deterrent when applied and enforced. We understand that currently very few FPNs are issued. An action could be to explore opportunities to increase the number of FPNs issued. It is likely that an increase in enforcement would provide a more credible deterrent to litter offenders.</p> <p>6.3 (a). Don't know.</p> <p>(b) We consider it good practice to periodically explore alternative penalties; we believe this approach should not lessen the burden of proof.</p>	
14	<p>(a) Do you support the proposed action to review and further develop guidance on enforcement best practices (action 7.1)? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answer.</p> <p>(c) What should be included in this guidance?</p>
<p>7.1 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) This proposed action will streamline enforcement activities and support effective and consistent enforcement guidance supported by the Crown Office and Procurator Fiscal Service (COPFS).</p> <p>(c) Issues addressed should include; gathering evidence, burden of proof, disclosure, setting fines and penalties, when to apply alternative penalties, appeals, use of technology and General Data Protection Regulations (GDPR)</p>	
15	<p>FLYTIPPING</p> <p>(a) Do you support the proposed action to conduct research to understand behaviour that leads to flytipping (action 8.1)? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answer.</p>
<p>8.1 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) We consider research is essential to understand behaviour and why people flytip. It should provide valuable insights to help identify campaigns and actions to influence and change behaviours, and potentially show where additional support, e.g., at municipal sites, should be provided to reduce flytipping.</p>	
16	<p>(a) Do you agree with the proposed actions to:</p> <p>Action 9.1: Develop a sustained, evidence based, national anti-flytipping behaviour change campaign? Yes / No / Maybe</p> <p>Action 9.2: Create a single information point containing advice on disposal of commonly flytipped materials? Yes / No / Maybe</p>

(b) Please give reason(s) for your answer.	
<p>9.1 (a). Yes, Scottish Water agrees with the proposed action.</p> <p>(b) We consider that a sustained, evidence-based campaign will simplify the message that fly tipping is not acceptable behaviour and provide consistency and clarity about positive behaviour changes and responsibility.</p> <p>9.2 (a). Yes, we agree with the proposed action.</p> <p>(b) We agree that provision of an easily accessible information point will help people to reduce and recycle or take to an appropriate location for disposal. The information point should be adequately resourced and diligent in providing up to date information and guidance.</p>	
17	Are there topics that should be a priority to address in behaviour change interventions?
Scottish Water has no comment.	
18	What information should be included in the single information point?
Scottish Water has no comment.	
19	Is there a need to develop a definition of flytipping that can be adopted across Scotland? Yes / No / Do not know
<p>Yes, there is a need to develop a definition of fly-tipping so that enforcement action can be taken where necessary and to give clarity on how it differs from littering.</p> <p>We would welcome discussion to incorporate a definition, pan Scotland, of fly-tipping on the activity of unauthorised disposal of waste (solid and liquid) into public sewers.</p> <p>We would also welcome the definition of flytipping being extended to environmentally harmful activities sometimes related to tourism and leisure such as wild camping, motorhomes, caravans etc.</p>	
20	<p>(a) Do you support the proposed actions to:</p> <p>Action 10.1: Create a data sharing agreement to support gathering of data and work with stakeholders to improve consistence of data collection? Yes / No / Do not know.</p> <p>Action 10.2: Explore incorporating data into a national database? Yes / No / Do not know</p> <p>Action 10.3: Review the Dumb Dumpers system and ensure a fit for purpose mechanism for citizen reporting of flytipping exists in Scotland? Yes / No / Do not know</p> <p>Action 10.4: Explore the development of a live picture of flytipping across Scotland? Yes / No / Do not know</p>

	<p>(b) Please give reason(s) for your answers.</p>
	<p>10.1 (a). Yes, Scottish Water supports the proposed action.</p> <p>(b) We consider this is essential to ensure the relevant information is identified and can be shared securely and consistently between statutory authorities while satisfying the requirements of GDPR and protecting personal data. Data sharing will allow stakeholders to gain a picture of what is fly tipped and where, so that action can be targeted to reduce the occurrence, understand the type of material and tailor messaging.</p> <p>10.2 (a). Yes, Scottish Water supports the proposed action.</p> <p>(b) The use of one system to report flytipping would enable increased collaboration between statutory authorities for investigating and enforcing fly tipping offences.</p> <p>10.3 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) This should be done to ensure information provided to and captured by the system aligns with any data sharing agreement and the requirements of GDPR.</p> <p>10.4 (a) Yes, Scottish Water supports the proposed action.</p> <p>(b) Real time information would enable hot spot/priority locations to be easily identified, support informed decision making, collaboration between statutory authorities and accurate measurement of the effectiveness of targeted actions and interventions, while supporting better identification and enforcement of flytippers.</p> <p>We consider it would be useful to record whether any of the items are special or hazardous waste and pose risk public health or to the environment. We believe it would also be appropriate to record if fly tippers were a registered waste carrier and not fulfilling their Duty of Care.</p>
<p>21</p>	<p>(a) Do you support mandatory reporting of flytipping incidents for statutory bodies? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answer.</p>
	<p>(a)Yes, Scottish Water supports mandatory reporting of flytipping incidents for statutory bodies</p> <p>(b)It would allow statutory bodies to identify incidents, gather information, accurately measure and establish a baseline level of incidents, monitor the success fly-tipping strategies, and target action to prevent flytipping and improve enforcement.</p>
<p>22</p>	<p>(a) Do you think we should continue to use Dumb Dumpers as the national reporting tool?</p> <p>(b) Please give reason(s) for your answers.</p> <p>(c) What are barriers to reporting flytipping incidents that occur on</p>

	<p>private land?</p> <p>(d) Who would you report flytipping to?</p>
	<p>(a) Yes, Scottish Water supports the continued use of DD, or similar, as a national reporting tool. We believe there would be benefits in reviewing the tool in terms of scope and operation.</p> <p>(b) DD, or similar, is necessary to gather national statistics on flytipping and to target national campaigns rather than an approach where duty bodies may have separate reporting tools.</p> <p>(c) Please see our response to Q28.</p> <p>(d) Scottish Water has reported 41 incidents of fly tipping to DD in the year 2020-21 costing between £500 - £1000 each to clear and remove. This cost does not include Scottish Water staff time, return visits or remedial actions.</p>
<p>23</p>	<p>(a) Do you agree with the proposed actions to:</p> <p>Action 11.1: Support and encourage information and resource sharing between stakeholders? Yes / No / Do not know</p> <p>Action 11.2: Explore how to support and encourage more reuse and repair of products that are commonly flytipped? Yes / No / Do not know</p> <p>Action 11.3: Explore a flexible approach to waste disposal with a view to trial interventions? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answers.</p>
	<p>11.1(a). Yes, Scottish Water agrees with the proposed action.</p> <p>(b) We consider that sharing knowledge and ensuring a consistent approach through the information shared between stakeholders and with the guidance given to the public is essential in helping to tackle the barriers to recycling and reducing fly tipping.</p> <p>11.2 (a) Yes, Scottish Water agrees with the proposed action.</p> <p>(b) Waste that is well sorted is easier to identify as a raw material and to be reused. Information sharing would be useful in terms of repairing or refurbishing items and this ties in well with the circular economy and sustainability goals of reducing/minimising waste through re-use, recycling, repurposing, etc</p> <p>11.3 (a) Yes, Scottish Water agrees with the proposed action.</p> <p>(b) We consider it good practice to adopt a flexible and innovative approach.</p>
<p>24</p>	<p>How can we support and encourage sharing of data and joined up services and infrastructure?</p>
	<p>Scottish Water has no comment.</p>

25	Please provide examples of interventions (for example, amnesties or recycling groups) that have or have not work well?
<p>More coordination in the approach to waste management would be beneficial, e.g., a flexible approach to permitting deposit of waste or recycling in another LA site when it is closer to the persons home address.</p>	
26	What are the barriers to disposing of asbestos?
<p>We would suggest cost and lack of knowledge on the correct method of disposal are the main barriers. We would recommend advice being provided in the proposed hub.</p>	
27	<p>(a) Do you agree with the proposed actions to:</p> <p>Action 12.1: Explore the role of technology in assisting private landowners and land managers deter flytipping on their land? Yes / No / Do not know</p> <p>Action 12.2: Produce updated guidance for private landowners on dealing with flytipping? Yes / No / Do not know</p> <p>Action 12.3: Explore alternative financial support mechanisms available to private landowners and land managers? Yes / No / Do not know.</p> <p>(b) Please give reason(s) for your answer.</p>
<p>12.1 (a) Yes, Scottish Water agrees with the proposed action.</p> <p>(b) We consider it essential to investigate how technology can assist, while maintaining data privacy, security and complying with GDPR.</p> <p>12.2 (a) Yes, Scottish Water agrees with the proposed action.</p> <p>(b) We would welcome updated guidance on dealing with flytipping, we consider flytipping a significant issue at our assets.</p> <p>12.3 (a) Yes, Scottish Water agrees with the proposed action.</p> <p>(b) We strongly support the polluter pays principle and would welcome exploring other financial support mechanisms to enable this.</p>	
28	What support mechanisms need to be in place to help private landowners that are victims of flytipping?
<p>Scottish Water considers that support requirements fall into 3 areas, as follows: -</p> <p>Money</p> <p>Currently the landowner is responsible for the cost of clearing up flytipping by a third party. We consider this position to be manifestly unfair in terms of consequences of crime being borne by the victim.</p> <p>We would like to see a fair system of financial support; both for 'clear up' costs; and</p>	

to allow preventative measures to be undertaken to reduce/prevent the activity in the future.

Partnership Working

It is our understanding that incidents of flytipping must be reported separately to DD and to the LA. As a victim of flytipping we are not aware of any incident where a report to DD has resulted in further enquiries from ZWS.

We consider it is essential that clarity is provided on duty bodies and stakeholders roles and responsibilities. We would wish to see a national system in place were joined up working facilitates all stakeholders to work together.

Penalties

We believe that there is a strong feeling among stakeholder, communities, and victims that enforcement and consequences of being prosecuted for fly-tipping are minimal and that these issues need to be resolved.

We consider that appropriate compensation to landowners to cover their costs should be included in the range of punitive measures that can be taken against those flytipping.

29	<p>(a) Do you support the proposed actions to:</p> <p>Action 13.1: Conduct an evidence review of barriers to enforcement of flytipping offences? Yes / No / Do not know</p> <p>Action 13.2: Initially raise current fixed penalties issued by local authorities, Police Scotland, Loch Lomond and Trossachs National Park for flytipping to the maximum (£500) and explore possibility of raising the maximum further at a later date? Yes / No / Do not know</p> <p>Action 13.3: Explore the possibility and benefits of enabling local authorities and national parks to use civil penalties to enforce flytipping offences? Yes / No / Do not know</p> <p>Action 13.4: Explore raising current fixed monetary penalties that can be issue by SEPA for flytipping offences to the maximum (£1000) and explore possibility of raising the maximum further at a later date? Yes / No / Do not know</p> <p>Action 13.6: Review existing legislative powers for enforcing flytipping offences? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answers</p>
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13.1 (a) Yes, Scottish Water supports the proposed action.

(b) Due to low levels of enforcement, we consider it important to conduct an evidence review of barriers to enforcement. This will aid the development of a strategy which removes barriers and enables better regulation, enforcement, and prosecution.

13.2 (a) Yes, Scottish Water supports the proposed action.

(b) We believe that this is an important step. However, we understand that currently very few FPN's are issued, therefore an additional immediate objective could be to explore opportunities to increase the number and enforce the FPN's being issued.

We estimate each fly-tipping incident cost Scottish Water between £500 - £1000 therefore we consider that raising the cost of a FPN to reflect the true costs of flytipping to landowners should be considered.

13.3 (a) Yes, Scottish Water supports the proposed action.

(b) We consider it reasonable to explore the use of civil penalties, their use should not lessen the burden of proof.

13.4 (a) Don't know.

(b) We consider it prudent to keep FMP under review.

(13.5- There is no 13,5, the numbering in the consultation document was incorrect)

13.6 (a) Yes, Scottish Water supports the proposed action.

(b) We consider it prudent to review regularly legislative powers.

30	<p>(a) Do you support proposed actions to:</p> <p>Action 14.1: Come to an agreement and develop guidance on role and responsibilities in enforcing flytipping offences? Yes / No / Do not know</p> <p>Action 14.2: Develop guidance on enforcement best practices, including on private land and seek for this to be voluntarily adopted by statutory bodies? Yes / No / Do not know</p> <p>(b) Please give reason(s) for your answers.</p>
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14.1 (a) Yes, Scottish Water supports the proposed action.

(b) We agree there is a need to clarify roles and responsibilities in enforcing flytipping offences.

14.2 (a) Yes, Scottish Water supports the proposed action in principle.

(b) We believe it is an important step to achieve consistent and proportionate enforcement.
However, we are unclear what is meant and what would be achieved by “voluntarily adopted by statutory bodies?”, we would welcome clarity on this.

31	<p>31. Are there any additional proposals you think should be considered for the National Litter and Flytipping Strategy?</p>
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Scottish Water would welcome discussion about how to include/incorporate a definition of fly-tipping to include the activity of unauthorised disposal of waste (solid and liquid) into public sewers within the National Litter and Flytipping Strategy.

We strongly support the environmental protection principle of control at source, we would recommend that the following are considered: -

- Place responsibility on manufactures and suppliers to reduce and recycle



<p>packaging in line with Extended Producers Responsibility (EPR).</p> <ul style="list-style-type: none"> Place responsibility on manufactures and suppliers to provide appropriate labelling and equipment information to customers at the point of sale/hire. 	
32	<p>(a) Do you agree that the accompanying Impact Assessments (BRIA, EQIA, ICIA, FSDA) are an accurate representation of core issues and considerations? Yes / No / Do not know</p> <p>(b) If not, please provide detail and evidence.</p>
<p>Yes, Scottish Water agrees that the associated documents give a reasonable representation of the core issues</p>	
33	<p>(a) Do you agree with the recommendations and conclusions within the Strategic Environmental Assessment Environmental Report? Yes / No / Do not know</p> <p>(b)If not, please provide detail and evidence</p>
<p>Yes, Scottish Water agrees with the recommendations and conclusions within the SEAER, and we note and commend the inclusion of Water in the scope.</p>	

- End of Document -