

TOWARDS A LITTER-FREE SCOTLAND: A STRATEGIC APPROACH TO HIGHER QUALITY LOCAL ENVIRONMENTS

Post-Adoption Strategic Environmental Assessment (SEA) statement

1. The Environmental Assessment (Scotland) 2005 Act (hereafter referred to as the 2005 Act) requires public bodies in Scotland to carry out a Strategic Environmental Assessment (SEA) of their plans, programmes and strategies. SEA examines plans, programmes or strategies as they are developed, to identify any significant effects they may have on the environment. It ensures that environmental considerations are taken into account and, where available, proposes mitigation measures to avoid or minimise any potentially significant adverse effects on the environment. Where possible, opportunities to enhance environmental performance also need to be identified and understood.
2. The Scottish Government undertook a public consultation on a [draft national litter strategy](#)¹ from 4 July to 27 September 2013. The [SEA Environmental Report](#)² that documented the potential significant effects of both the national litter strategy and marine litter strategy was made available for public consultation alongside the draft programme of improvements.
3. The national litter strategy complements proposals for the marine litter strategy, which targets litter affecting marine and coastal environments. While the two strategies reflect the synergies and overlaps they have a different focus in terms of outcomes, target audience and potential solutions.
4. As required under the 2005 Act, this post adoption statement forms the final output from the SEA process for the national litter strategy. It outlines how the findings of the SEA and the views of consultees have been taken into account in the development of the national litter strategy, '[Towards a Litter-Free Scotland: a strategic approach to higher quality local environments](#)'.

Environmental Report

5. The SEA Environmental Report was produced to support consultation on this strategy and the marine litter strategy. It found that the strategy, together with the marine litter strategy, would be likely to have a positive effect for the environment in the long term in reducing litter and fly-tipped material. The SEA established that the efforts of the strategies to reduce and clear existing litter would also have long-term benefits in terms of biodiversity, water quality, and improvements in amenity.

¹ Towards a Litter-Free Scotland: Consultation on a strategy to tackle and prevent litter and flytipping

² Marine Litter Strategy, National Litter Strategy: Strategic Environmental Assessment Environmental Report

Building on public consultation feedback

6. The draft national litter strategy was reviewed following [analysis](#)³ of the relevant consultation responses. The vision, mission and values in the final strategy were further focused as a direct result of the public consultation, reflecting the drive to improve local environmental quality, and better reflect the importance of retaining the economic value of materials currently littered and flytipped.
7. The final strategy is also clear that its primary audience is people and organisations with a role in helping to tackle litter and flytipping, and boost recycling. Our approach respects and strengthens the current delivery model, in which the duties of local authorities, land owners and land managers are set in legislation.
8. The strategy builds on feedback by setting out the roles and responsibilities for key litter interests including the Scottish Government, Local Authorities and other land owners/managers, businesses and third sector. It also sets out outcomes, which reflect the aspirations of Towards a Litter-free Scotland.
9. The views expressed in the consultation recognised that people are likely to litter and flytip for different reasons. While littering behaviour can be habitual or thoughtless, flytipping is understood to be a deliberate act which may be motivated by the desire to avoid charges for legitimate recycling or treatment of waste. As a consequence, the strategy includes a commitment to explore the motivations and possible solutions for flytipping.
10. Flytipping has been retained within the litter strategy because the consequence of both behaviours is similar in terms of poor-environmental quality. The legal aspects of litter and flytipping sit predominantly within the same piece of legislation (the Environmental Protection Act 1990) and there is overlap between the delivery partners who tackle these issues. In addition, the strategy's ambition is to retain the value from both littered and flytipped materials.
11. Following feedback, Zero Waste Scotland reviewed its funding arrangements to make its approach to applying for funding easier.
12. We will take forward improved communications and support that empowers local communities. We will also build on the consultation feedback in relation to the importance of training, by exploring how to support it in relation to improved guidance, how businesses can champion positive approaches and drive change through their staff.
13. While consultation feedback welcomed the principle of a national recognition scheme for business it also identified that it should not be a priority ahead of

³ The Scottish Government's Litter and Flytipping Strategy 'Towards a litter-free Scotland' Analysis of Responses to the Public Consultation.

other action. Therefore the final strategy has been amended to instead encourage organisations to demonstrate their commitment to continuous environmental improvement through the Resource Efficiency Pledge.

14. A minority of consultation respondents called for the flytipping fixed penalty to be set higher than £200. The £200 level was adopted because it sits within a range of sanctions that people risk depending on the severity of the alleged offence. We will take forward wider work to support strengthening the enforcement system.
15. Several respondents raised points about equality and accessibility. As delivery partners update their approaches, they should reflect the continuing need to follow equalities legislation and take account of best-practice, for example in delivering inclusive communications.
16. We will work with delivery partners to agree how best to deliver interventions that influence behaviour across the population and we will engage with equality organisations in taking the strategy forward. This will be informed by the [equalities impact assessment](#), published to accompany the strategy.
17. We will give further consideration to other points raised through the consultation when working with delivery partners to shape tactics that take the strategy forward.

Statutory Consultation Authorities views on the Environmental Report

18. The Environmental Report's statutory Consultation Authorities made the following points:
 - Scottish Environment Protection Agency (SEPA) highlighted weaknesses within the current approach to monitoring flytipping. SEPA suggest that monitoring mechanisms should be aimed at monitoring the effects of the implementation of both strategies, rather than monitoring the problem. SEPA identified its pilot work to improve data on flytipping and believes a similar initiative is needed for littering to better estimate arisings and direct and indirect costs.
 - Scottish Natural Heritage (SNH) was generally content with the Environmental Report, and with the conclusions made. SNH commented on the value of both strategies being aligned, with similar objectives. However, SNH suggested that the monitoring measures needed to be developed further as the monitoring suggested is more related to monitoring of the problem (or setting a baseline) rather than monitoring of the strategies' success.
 - Historic Scotland was content with the Environmental Report.
19. We will take SEPA and SNH's views into account when developing the monitoring approach.

20. The strategy underlines our intention to work closely with other delivery partners to establish an effective approach to measurement which clarifies the scale of the existing challenges; the impact of actions to address these challenges; baselines to support measurement; key indicators to measure progress; and timescale for actions and benefits (see [Intervention 9. Research and monitoring](#) from within the strategy).
21. The national and marine litter strategies are designed to work together. This approach will allow delivery partners to work across the strategies.

Consultation Analysis feedback on the Environmental Report

22. The consultation analysis included other feedback on the Environmental Report.
23. One individual respondent argued that the recycling value of litter and flytipped material is 'deferred' rather than lost because councils collect it. While this can be true to some extent, it is also much more difficult and costly to recover recyclable materials once they have been mixed and contaminated as litter and flytipping. The strategy also recognises that councils are only responsible for certain land and therefore other land owners and managers have responsibilities too.
24. Another individual respondent felt that the draft strategy proposed the use of legislation as the primary means of addressing litter. However, the focus is prevention: this recognises that communication, the facilities and services provided and the role of enforcement as a deterrent can all influence behaviour.
25. Angus Council indicated its support for the Environmental Report's findings generally. The Chartered Institute of Waste Management's comments are also taken to refer to general support for the strategy as a whole.
26. Scottish Water highlighted the impact of litter on its ability to deliver. We expect to work with Scottish Water on prevention. The effects on its delivery (and water environments) is further justification for people to do the right thing.
27. An individual's response suggested that environmental assessments should cover community behaviour as well as littering actions. This can be explored, as set out in the 'research and monitoring' intervention.
28. The Environmental Report itself did not identify considerations for the final strategy to take forward.