

National Park Authority Board Meeting

Agenda Item 9

Reducing litter in the National Park



Paper for decision

1. Introduction

- 1.1. The National Park suffers from the damaging impact of those people who show no respect for the countryside by leaving litter, abandoned camping and barbecuing equipment, and a mess that then impairs other people's enjoyment of the National Park and is damaging to wildlife and the environment.
- 1.2. The Park Authority aims to pursue a single countryside litter policy and action plan across the four Local Authority areas that cover the Park. This will help to tackle litter issues at some of the beautiful scenic locations across the Park, from loch shores to scenic drives through the Park's stunning countryside by providing a clear and consistent approach to litter management. This work requires significant coordination and cooperation across four Local Authority areas and will remain part of our long term plans for managing litter in the Park.
- 1.3. The purpose of this paper is to provide members with information on the current litter management arrangements in the Park, provide an update on the 'RESPECT' (responsible behaviour) campaign and introduce the powers that the Authority now has to issue Fixed Penalty Notices for littering and flytipping under the Environmental Protection Act 1990.

2. Recommendation

Members are asked to:

- a) **Note** the current arrangements for litter management in the Park.
- b) **Note** the current Park Authority responsibilities for litter.
- c) **Note** the updated RESPECT Your Park messaging and how this forms a key part of approaches to reducing litter in the National Park.
- d) **Note** the approach that the Park Authority will be taking in relation to its powers under the Environmental Protection Act 1990 (The EPA).
- e) **Note** contents of the Fixed Penalty Notice (FPN) Policy in Appendix 1.
- f) **Approve** the FPN Scheme of Officer Delegation as laid out in Appendix 2.

3. Background

- 3.1. The Scottish Government estimates that nationally almost 250 million visible items are littered each year and there are at least 61,000 incidents of flytipping. The effects of litter and flytipping are a risk to public health and the environment. Tackling these problems costs at least £53 million each year – public money that could be better spent on other things. (Scottish Government Website)

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- 3.2. The National Litter Strategy '[Towards a Litter-free Scotland](#)' was published by Zero Waste Scotland in 2014 and advocates a Scotland which benefits from better environmental quality and safer, more prosperous communities, in place of the current problems of litter and flytipping. At its heart is prevention: encouraging individuals to take personal responsibility to make sure that waste does not pollute the environment in the first place. The strategy's purpose is to influence littering, flytipping and recycling behaviours through interventions on:

Information - improving the sources and nature of messages. For example, through the 2014 marketing [campaign](#) to discourage littering and a [communication toolkit](#).

Infrastructure - the facilities and services provided to reduce litter and promote recycling. For example, expanding the [Recycle for Scotland](#) initiative and increased recycling in public places.

Enforcement - strengthening the deterrent effect of legislation. For example, through [higher fixed penalties](#) for litter and flytipping.

- 3.3. 'Towards a Litter-free Scotland' complements Marine Scotland's Scottish Marine Litter Strategy, which aims to address litter affecting marine and coastal environments so is also applicable to the Park.
- 3.4. Litter is one of the most visible signs of environmental pollution. The word 'litter' is given a wide interpretation but it is any loose items of rubbish and can be as small as a sweet wrapper, as big as a bag of rubbish, or it can mean lots of items scattered about. Whatever the amount it detracts from people's enjoyment of the National Park and impacts on the quality of the Park experience.
- 3.5. Waste management and the regular emptying of bins on countryside sites is also a necessary component of managing litter in the Park. Overflowing bins and lack of easily accessible recycling opportunities contribute to increased amounts of litter in the countryside and a reduction in the quality of the environment.
- 3.6. The current National Park Partnership Plan (2012-17) sets out the vision for litter / waste management in the National Park – *Throughout the Park there are recycling facilities that people use instead of littering the ground. The bins are emptied regularly and people take pride in their countryside.*

4. Current litter management arrangements in the National Park

- 4.1. Whilst litter is a problem that everyone can help solve certain bodies have duties under the Environmental Protection Act (1990) in regard to litter and waste. The four Local Authorities that cover the Park area are Duty Bodies in terms of the Act. Duty

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Bodies have a legal responsibility for keeping public land and roads under their control free from litter and refuse as far as is practicably possible and within reason.

- 4.2. Each of the Local Authorities has a different approach to managing litter in their area of the National Park. Stirling Council does not provide bins and operates a Take Your Litter Home policy, Perth & Kinross Council provide wheeled bins that are uplifted with domestic refuse. West Dunbartonshire and Argyll & Bute provide bins in some locations and not others.
- 4.3. In recent years the National Park Authority has convened a number of joint meetings with the Local Authorities seeking to encourage more consistent approaches and the option for a shared service for managing litter, but unfortunately limited progress has been made.
- 4.4. The Park Authority owns or manages a mixture of sites including visitor centres, car parks, picnic areas and woodlands. It has a responsibility for managing litter and waste on these sites. On average around 110 tonnes of litter and waste is collected per annum via on-site litter bins and area wide loose litter picks managed through contractors. The Park Authority also supports a number of community litter picks, through the Ranger Service and the volunteer programme.

5. RESPECT Your Park campaign

- 5.1. The National Park's 'RESPECT' (responsible behaviour) campaign will be refreshed in order to include reference to the new litter powers that (subject to Board approval) will be available to National Park Rangers. Materials are being updated and a media/social media plan will be in place to support the introduction of the litter powers. This evolution will allow for the continued joint work with Police Scotland on Operation Ironworks to be communicated to the public under the 'Respect Your Park' banner alongside wider responsible behaviour messaging around fires, camping, fishing, toileting, litter and noise.
- 5.2. Longer term discussions have begun with other RAFE partner organisations about consistent messaging around responsible behaviour in the countryside.

6. The National Park Authority and the Environmental Protection Act 1990

- 6.1. Changes to the Regulatory Reform (Scotland) Act 2014 granted the Park Authority powers to issue Fixed Penalty Notices (FPNs) under the Environmental Protection Act 1990 (The EPA) enabling Authorised Officers to issue FPNs as they deem appropriate. These powers were available to the Park Authority from April 2015 and are discretionary, officers of the Park Authority are not obliged to issue notices for every litter or flytipping incident they witness.

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- 6.2. The FPN Policy [Appendix 1] defines the approach the Park Authority will take in using powers granted under Sections 33A and 88 of The EPA for the issuing of Fixed Penalty Notices. The scheme of delegation [Appendix 2] sets out how the Park Authority intends to delegate decisions relating to the issuing of Fixed Penalty Notices for offences under Sections 33 and 88 of the EPA to Authorised Officers. This will allow FPNs to be issued in the field at the time of the offence, or at a later time should an investigation into the circumstances of an alleged offence be required.
- 6.3. It follows the same format as other schemes of delegation used by the Park Authority for the transferring of decision making powers to officers and reserves the ability to refer any complex matter back to the Board. The issuing of FPNs will be a routine operational matter and only in the exceptional circumstances of a large scale or complex flytipping issue might the matter be put to the Board for a decision.
- 6.4. The focus of the Park Authority will remain on encouraging responsible behaviour with education and awareness-raising being the principal route through which behavioural change is sought. The issuing of FPNs is a last resort for when all other approaches have been unsuccessful.
- 6.5. The FPN is an opportunity for the offending person to discharge liability and pay a fine in order to avoid a conviction for the offence under the EPA. Issuing of FPNs needs to be in the public interest and based on strong evidence. The effect of giving the notice is that no proceedings shall be instituted for the offence before the expiration of 14 days following the date of the notice and that a person who pays the fixed penalty within that period shall not be convicted of the offence.
- 6.6. The Local Authorities continue to have identical powers for enforcement and the Park Authority will continue working in partnership with Police Scotland and Local Authorities to tackle litter issues. In some circumstances Park Authority Officers may choose to refer flytipping to the appropriate Local Authority and provide evidence that they can then investigate rather than pursue an investigation themselves.
- 6.7. Keep Scotland Beautiful have supported officers in drafting of the policy and associated procedures and have also delivered training to support staff and Authorised Officers who will be using the FPN powers. Training of Authorised Officers was completed on 25 May.

7. Conclusion

- 7.1. Litter and waste management present an on-going challenge to the Park Authority. A successful litter and waste strategy must involve the Local Authority partners and will need to incorporate the following elements:

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Public information and awareness
Infrastructure for visitors and rural sites
Enforcement
Monitoring and reporting

- 7.2. The Park Authority has made progress on the public information and awareness aspects with the litter emphasis of the RESPECT Your Park campaign and also the enforcement aspect with the use of Fixed Penalty Notice Powers being introduced this summer.

Appendix 1 – Fixed Penalty Notice Policy
Appendix 2 – Fixed Penalty Notice Scheme of Delegation

Authors: Claire Travis, Visitor Operations Manager
Anna MacLean, Head of Communications

Executive Sponsor: Simon Jones, Head of Conservation and Visitor Management