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Our Reference: 202400436169
Your Reference: Fly-tipping & Recycling Issues

31 October 2024

Dear Alex,

Thank you for your email of 10 October 2024 on behalf of your constituent regarding flytipping and the National Farmers Union Scotland's desire to improve this in Fife.

Local authorities are responsible for decisions regarding the provision of waste and recycling services in their area. This means that the approach to recycling, separation of waste and waste disposal is determined by each individual local authority. This means that not all local authorities charge for access to recycling centres.

The Waste and Circular Economy Route map sets out our intention to review local authorities ability to charge for services to make sure that the right incentives are in place. The Circular Economy (Scotland) Act includes proposals to co-design a statutory Code of Practice for service provision, which, as outlined in the Circular Economy and Waste Route Map, will develop high-performing services, resulting in improvements to data and reporting by local government, as well as mandatory recycling and reuse targets. The co-design of the new Household Recycling Code of Practice will consider many issues and seek to make recycling the easiest option for households. However, these proposals are in early stages of development and will require further analysis as measures are developed to understand the impact.

Flytipping in Scotland remains a significant issue, with various measures introduced to tackle it. Key actions include the introduction of Fixed Penalty Notices (FPNs) and support for landowners to manage illegal waste disposal on their land with fines for flytipping raised to £500 (under SSI 2023/335, effective from January 1, 2024). This legal framework empowers authorities to hold individuals accountable when their waste is illegally dumped on private land.

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Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot



Additionally, the Scottish Environment Protection Agency (SEPA) supports private landowners through guidance and the Flytipping Private Landowners Grant Fund, which helps fund innovative deterrence measures and cleanup efforts.

For flytipping on private land, landowners can seek assistance in enforcing Section 59 of the Environmental Protection Act 1990, allowing SEPA and local authorities to require the removal of unlawfully deposited waste.

The Circular Economy (Scotland) Act 2024 introduces a provision allowing for civil penalties to be imposed on the registered keeper of a vehicle from which a littering offence is committed. This measure targets littering from vehicles, holding vehicle owners accountable for waste thrown from their vehicles, even if they were not directly responsible. However, this section of the Act is not yet enforceable. Work will soon begin on enacting this part of the legislation through secondary legislation, which is required to bring these powers into effect. Once implemented, it is expected to be a significant tool in addressing roadside littering across Scotland.

Yours sincerely,



GILLIAN MARTIN

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