



**Crown Estate
Scotland**
Oighreachd a' Chrùin Alba

Tackling Litter and Refuse

**Prepared in accordance with the
Code of Practice on Litter and Refuse**

December 2021

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1. Introduction

This document sets out Crown Estate Scotland's approach to keeping land clear of refuse and litter. It has been prepared in accordance with the Code of Practice on Litter and Refuse (COPLAR)¹.

Section 2 outlines the legal requirements; Sections 3 and 4 set out the approach to zoning and monitoring; and Section 5 highlights some of our partnership work and future opportunities.

2. Duties under COPLAR

Crown Estate Scotland is subject to duties set out by COPLAR which is statutory guidance on keeping land free of litter and refuse, issued under section 87(7) of the Environmental Protection Act 1990 (as amended). COPLAR sets out two duties. Every relevant public body must, so far as practicable:

- Duty 1: ensure its land (or land under its control), is kept clear of litter and refuse, and
- Duty 2: ensure public roads (for which it is responsible) are kept clean.

The assets we manage include four rural estates, just under half the foreshore, virtually all the seabed out to 12 nautical miles, seabed out to 200 nautical miles, salmon fishing rights, retail, and office units, and rights to naturally occurring gold and silver across most of Scotland. Assets are held 'in right of The Crown'² and the Monarch remains the legal owner. Management responsibility sits with Scottish Ministers who in turn delegate to Crown Estate Scotland.

Duty 1 is applicable to Crown Estate Scotland. It applies to land, which is part of the Scottish Crown Estate, i.e. land directly under our control or occupied or managed on our behalf. The scope of 'Relevant land' is set out in Table 1.

Table 1: Relevant land

Private roads in estates	Roads that are not adopted with right of public access. <ul style="list-style-type: none"> • Surfaced and unsurfaced roads, that are not adopted (Local Authority or Scottish Ministers).
Rural estates	Including all in hand land and forestry with right of public access. <ul style="list-style-type: none"> • hard-standing surfaces – walkways, concreted land • soft surfaces – grass, bushes, trees, bare-earth surfaces, verges, embankments, and open space • land covered by water – canals, streams/rivers, and ponds.
Ports & harbours	Areas of harbours/ports above mean high water springs.

The Litter (Relevant Land of Principal Litter Authorities and Relevant Crown Land) Order 1991 specifies that land below Mean High Water Springs (MHWS) is not to be included as relevant Crown land for the purposes of the Environmental Protection Act 1990 (as amended) and thus there is no duty in respect of the 1990 Act for marine litter.

1. Scottish Government, 2018, Code of Practice on Litter and Refuse (Scotland) 2018 <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2018/05/code-practice-litter-refuse-scotland-2018/documents/00535494-pdf/00535494-pdf/govscot%3Adocument/00535494.pdf>

2. 'In right of The Crown' means that, while the Monarch is the legal owner, they are not the Monarch's private property and cannot be sold by the Monarch, nor do revenues from the Estate belong to the Monarch

For all relevant land, Crown Estate Scotland must:

- Assess and allocate land into Zones (see Section 3).
- Identify which duty response times apply and which response band (see Section 3).
- Introduce a monitoring regime to ensure that our zones are retaining the Grade A standard or if areas have deteriorated, that restorative action is required (see Section 4).
- Make our findings easily accessible to members of the public (see Section 4).

Duty 2 applies to public roads that are the responsibility of either local authorities or Scottish Ministers. Crown Estate Scotland is not responsible for any relevant public roads subject to Duty 2.

3. Assessment and Zonation of Relevant Land

COPLAR sets out detailed guidance of how Relevant Land should be zoned based on the footfall/litter intensity and potential litter sources (see Appendix 1 for an explanation of the criteria used for zoning). The results of Crown Estate Scotland's zoning process are presented in Appendix 2. Crown Estate Scotland will review zonation in light of any significant changes in an area's use and every two years.

The response times required to return land to the Grade A standard (where no litter or refuse is present) are also defined by COPLAR. Different response bands (1 – 4) are provided to recognise the level of investment in prevention activities. 'Special consideration' response times account for the additional time required due to health and safety and specialist equipment requirements. For any incidents of fly tipping and hazardous/special waste (Grade F), the timeframe is 'as soon as practicable'.

As highlighted in Section 5, Crown Estate Scotland contributes to several initiatives to help reduce litter and refuse. Over 30% of our litter and refuse spend is on prevention and therefore the Band 4 response times apply (See Appendix 1 for the response times).

Crown Estate Scotland, in many cases, has a shared responsibility for relevant land, and in these scenarios, the timescales for the arrangement of waste removal may be increased due to the requirement to seek and receive acceptance from joint occupiers with shared responsibility.

4. Monitoring

Central Contact Point

Large parts of our Estates are rural land, with low footfall and very few high-risk litter sources. Monitoring of these areas is largely done as part of routine activities on the Estate both by the Crown Estate Scotland team, its managing agents, its tenants, and occupiers. Instances of litter and refuse are reported by Crown Estate tenants, occupiers, and stakeholders to our land agents Strutt & Parker (below). Alongside this Crown Estate Scotland requests the public to bring issues to the attention of Strutt and Parker for appropriate action through this channel.

Strutt & Parker can be contacted at crownstatescotland@struttandparker.com or by telephone at 01738 783352.

Hot Spots

The zoning process has been used to inform the development of a Crown Estate Scotland monitoring programme, which targets areas where litter is most likely to occur, focusing on car parks and other known litter 'hotspots'. In-hand sites are subject to a wider inspection regime by either the Crown Estate Scotland team or its managing agents and as part of this regime, each site is risk assessed. High-risk sites are being inspected more regularly than low-risk sites. Monitoring for litter and refuse is undertaken as part of this ongoing activity and

other ad hoc visits made by Crown Estate Scotland staff and managing agents.

The litter and refuse found by the Crown Estate Scotland team or its managing agents will be graded and recorded, and appropriate action taken to restore land to Grade A, as required. On Glenlivet and Fochabers Estates, where there is a small Crown Estate Scotland employed team there is some resource to help with the removal of litter and refuse however 'special considerations' are applicable as any significant litter removal as this is likely to require contractors to be brought in, which can impact on the response times.

A summary of our work undertaken to tackle litter and refuse will be reported in Crown Estate Scotland's Annual Report which will be published on our website: <https://www.crownestatescotland.com/maps-and-publications>

5. Partnerships

In addition to our specific responsibilities under COPLAR, Crown Estate Scotland works in partnership with other organisations to support national initiatives for promoting refuse and litter reduction. For example:

- **Keep Scotland Beautiful Upstream Battle on the Clyde:** Crown Estate Scotland provided funding to the Keep Scotland Beautiful Upstream Battle Campaign in 2018 and 2020. The objective of this scheme is to prevent marine litter from the land entering the marine environment, given 80% of all marine litter comes from land. Local capacity for community action has been developed by recruiting and training a new network of supporters called 'Anchor Groups'. Each Anchor Group arrange their own events and focuses on collecting data to inform policy approaches. Members of the group become local ambassadors for the campaign. For further information, see <https://www.keepsotlandbeautiful.org/upstream-battle/citizen-science/anchor-groups/>.
- **Keep Scotland Beautiful Upstream Battle on the Tay:** Crown Estate Scotland has approved funding to support the campaign in 2021/22. Like the Clyde, this will support the development of local Anchor Groups to take forward their own events and citizen science campaigns. The project will also collect data on people's perceptions and attitudes towards their environment and marine litter.
- **Cool Seas Programme:** Crown Estate Scotland provided funding in 2020 to the Cool Seas programme, an educational programme led by the Marine Conservation Society aimed at schools to teach them about the marine environment including marine litter. The programme supports children from diverse socio-economic backgrounds and remote communities and will include a roadshow in 2021/22 to schools and youth groups, connecting with up to 6,000 children and young people. For further information on the Cool Seas Programme, see <https://www.iwill.org.uk/case-study-cool-seas-clean-up-msc>

At a more local level, our wider work includes supporting Tomintoul community (Glenlivet Estate) and the community at Portgordon (Fochabers Estate) with annual litter picks. Cairngorms National Park also works with our rangers at Glenlivet Estate on a range of initiatives regarding responsible visitor management, which includes reporting on significant litter issues. Crown Estate Scotland will continue to explore future opportunities for new partnerships to reduce litter and refuse, such as working with Rosewell community and Forth Rivers Trust.

Appendix 1: Extracts from the Code of Practice on Litter and Waste

Defining Litter and Refuse

Table 1 explains the difference between refuse and litter.

Table 1: Definition of Refuse and Litter

Litter	<ul style="list-style-type: none"> Litter is considered to be “waste in the wrong place”. For example, where an individual or small number of items are thrown down, dropped, or deposited in a public place by any person and left there. It also includes materials that have escaped from bins.
Refuse	<ul style="list-style-type: none"> Refuse should be regarded as waste material or rubbish, including household and commercial waste, fly-tipped waste, dog faeces, animal carcasses, and car parts. Refuse tends to be larger items than litter.

Definition of Zones

Zones are defined by two factors:

- Intensity of footfall/vehicular movement; and
- The type of sites/premises in an area (Potential Litter Sources)

A summary of how different zones are defined is set out in Table 2.

Table 2: Summary of Zones

Zone	Description	Guidance
1	Areas subject to extremely high footfall and/or vehicular movement and/or very high number of potential litter sources.	Average hourly footfall/ vehicle movements of more than 1,000 over a 7-day period and/or 20 or more high-risk potential litter sources.
2	Areas subject to high footfall and/or vehicular movement and/or high number of potential litter sources.	Average hourly footfall/ vehicle movements are 601-1,000 over a 7-day period and/or 15-19 high-risk potential litter sources.
3	Areas subject to moderate footfall and/ or vehicular movement and/or a moderate number of potential litter sources.	Average hourly footfall/ vehicle movements are 301-600 over a 7-day period and/or 10-14 high-risk potential litter sources.
4	Areas subject to low footfall and/ or vehicular movement and/or low number of potential litter sources.	Average hourly footfall/ vehicle movements are 20-300 over a 7-day period and/or 5-9 high-risk potential litter sources.
5	Areas subject to very low/no footfall and/ or vehicular movement and/or few/no potential litter sources.	Average hourly footfall/ vehicle movements are 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.	<p>Any road/above the 40mph speed limit including all surfaces within the road boundary.</p> <p>Operational railway land including the track, tracksides through to the fence line, excluding land and track within 100 metres of a railway station platform.</p>
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Definition of Grades for Monitoring

These are set as grades from A to F, which should be used when monitoring as set out in Table 3 below. 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.

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.
- fly-tipping is the illegal disposal of controlled waste – from a single bag of waste to large quantities of domestic, commercial, or construction waste.

Table 3: Summary of Monitoring Grades

Grade	Description	Guide (per 100m ²)
A	No litter or refuse is present on any type of land.	N/A.
B	Small amounts of litter and refuse.	< 5 large items or <30 small items of litter and refuse.
C	Moderate amounts of litter and refuse, with small accumulations.	5-15 large items or 30-90 small items of litter or refuse.
D	Significant amounts of litter and refuse, with consistent distribution and accumulations.	16-30 large items or 91-180 small items of litter and refuse.
E	Substantial amounts of litter and refuse with significant accumulations.	> 30 large items or >180 small items of litter and refuse.
F	Incidents of fly-tipping and hazardous/special waste (drug-related waste, broken glass, animal carcasses, car parts, chemicals, and spillages).	N/A.

Table 4: Examples of High, Moderate and Low-Risk Litter Sources

High Risk	Moderate – Low Risk
<ul style="list-style-type: none"> • Fast food/food on the go outlets • Major regular event locations • Bank ATMs • Public houses/nightclubs • Secondary schools 	<ul style="list-style-type: none"> • Betting establishments • Bank ATMs • Leisure facilities • Primary schools

Response Times

Table 5: Band 4 - Basic response times, based on >30% spend on prevention

Zone	Description						Special Consideration
	F	E	D	C	B	A	
1	At the earliest practical opportunity	8h	10h	12h	48h	Clear of Litter and Refuse	42d
2		12h	14h	18h	4d		49d
3		24h	48h	60h	5d		56d
4		5d	6d	7d	17d		63d
5		7d	9d	10d	26d		70d
6		35d	42d	49d	70d		No additional time

Appendix 2: Zoning

Table 1: Zoning for Relevant Crown Estate Scotland Land

Area	Footfall/ vehicle movements (ave hourly rate over 7 days)	High-risk litter sources	Response times (days) for litter & refuse grades E, D, C & B	Zone	Notes
Applegirth Estate	< 20	0	7-9-10-26 (*70)	5	Rural estate. Moderate to low sources include a small parking area at Wamphray Glen, parking at Applegarth Town Wildlife Sanctuary.
Whitehill Estate	20-300	1	5 - 6 - 7 -16 (*63)	4	Situated on an urban ridge, footfall/ vehicle movements are higher than other Estates, and fly-tipping has previously been reported at Rosewell Manse. Moderate to low litter sources include users of the parking and walking circuit at Roslin, recreational land at Rosewell and Dalhousie, and Musselburgh to Penicuik cycle route.
Fochabers Estate	20-300	4	5 - 6 - 7 -16 (*63)	4	Rural estate. High-risk litter sources include Inchberry Hall which is available for hire for weddings, meetings, etc, the Scottish Dolphin Centre which has a small parking area and café, at Nether Dallachy/ Spey Bay the restored quarry site at and Portgordon Harbour. Other litter sources include walkers/cyclists/ horse riders on the Speyside Way.
Glenlivet Estate	20-300	4	5 - 6 - 7 -16 (*63)	4	Rural estate with a waymarked path network, several visitor sites with public access and car parks. High-risk litter sources include the visitor and information centre, the adventure playground area, the Square & Gateway entry point, all in Tomintoul. Other litter sources include walkers/cyclists/horse riders on the Estate.
Montrose Development site	20-300	1	5 - 6 - 7 -16 (*63)	4	Close to the urban centre, site is frequently visited by dog walkers and the public. Some fly-tipping has been cleared in the recent past and is likely to remain a risk.

*Special considerations – where specialist contractors are required to remove litter and refuse

Head Office

Quartermile Two
2nd Floor
2 Lister Square
Edinburgh
EH3 9GL
Tel: 0131 260 6070
enquiries@crownestatescotland.com

Glenlivet

Main Street
Tomintoul, Banffshire
AB37 9EX
Tel: 01479 870 070
info@glenlivetestate.co.uk

 [@CrownEstateScot](https://twitter.com/CrownEstateScot)

 www.linkedin.com/company/crown-estate-scotland

www.glenlivetestate.co.uk
www.crownestatescotland.com