

Submitted to The Deposit and Return Scheme for Scotland Regulations 2020: accompanying statement and proposed regulations  
Submitted on 2019-12-10 22:18:32

## Questions

### Comments on Part 1 – General

#### Comments on Part 1 – General:

The Scottish Islands Federation (SIF) recognises waste minimisation as integral to challenges of managing island refuse more sustainably, but has some strong reservations concerning practicalities of imposing implementation of proposed DRS regulations in some island situations.

SIF thus welcomes the commitment to undertake an Islands Communities Impact Assessment (ICIA) before final Regulations are laid in Parliament and looks forward to opportunities to review and perhaps help further shape proposals and recommendations which are better informed by island realities, experience and insights.

In the meantime, an island webinar and consultations carried out by Zero Waste Scotland (ZWS) alongside an 'island screening' exercise has highlighted a range of implications for small island retailers and producers. In recognition of these impacts, ZWS has established a Deposit Return Scheme Islands Forum, a development we welcome in principle, particularly if the terms of reference ensure that key considerations or alternative arrangements for island situations are integrated into the implementation planning process.

In terms of this current consultation however, we are concerned that the regulations do not appear to consider the results of the 'island screening' process. Rather, they appear to assume 'one-size-fits-all' rather than allowing for flexibility in the light of local circumstances, including consideration of disproportionately burdensome impacts and obligations facing small island retailers and producers if they are expected or required to participate.

SIF would like to see additional discretion and flexibility within the DRS regulations including a robust statement making clear reference to islands.

Acknowledgement of challenges facing islands and other hard-to-reach communities must ensure that local capacity for compliance with regulations is island proofed.

An explicit ongoing commitment to monitor and evaluate costs and benefits of implementing the scheme in island situations might be reasonable, extending to provision for amendment of regulations as appropriate, once DRS implications are better understood in practice.

SIF would also like to see fuller guidance and simpler means of identification of the drinks containers that will be included within the scheme.

### Comments on Part 2 – The deposit and return scheme

#### Comments on Part 2 – The deposit and return scheme:

We have a growing number of small scale craft drinks producers on the islands and SIF is concerned that the flat rate of 20p across all drinks containers, regardless of size could place some small scale producers at a significant disadvantage. For example, if the deposit surcharge on a bottle of spirit is 20p, is it fair that additional cost of six small cans of a craft beer would be £1.20.

### Comments on Part 3 – Producers

#### Comments on Part 3 – Producers:

Until the scheme administrator is in place it is difficult to fully understand how the scheme will work in practice and therefore difficult to comment on the regulations. SIF takes this opportunity to highlight concerns that small scale drinks producers on islands may face additional obligations and costs associated with DRS which may potentially put their businesses at a disadvantage.

DRS does not appear to take due account of local impacts on individual enterprises in particular circumstances and the obligations are not proportionate to the size of business which seems unfair.

Entrepreneurship is vital to sustaining living island communities, particularly on the small islands, and we are concerned that the scheme may undermine the viability of fragile fledgling enterprises and discourage others from setting up.

The ICIA should necessarily highlight key concerns of small producers and micro enterprises on islands and we would like the regulations to include flexibility to ensure that findings are taken into account over time.

### Comments on Part 4 – Scheme administrator

#### Comments on Part 4 – Scheme administrator:

Much of the scheme depends on the scheme administrator and its operational plan and until these are in place and their functioning better understood, it is difficult to comment on the regulations.

Part of the scheme administrator obligation will focus on collection targets as outlined in Schedule 3. These targets increase over each year from 70% to 90% but aren't detailed enough to show how the targets will be met. For example, targets may easily be met through uplifts in urban areas, ignoring the islands and hard to reach places. Also, there is no standard time limit for collection which is a matter of concern for island retailers who may face cash flow and storage difficulties if uplifts are not conducted frequently enough.

We are not clear how current collection arrangements and island contracts may dovetail with the new scheme or how the regulations will ensure that good practice already evident on some islands isn't undermined as an unintended consequence. For example, might some Local Authority recycling uplifts become unviable and potentially make it more difficult for households to recycle a wide range of materials? Community-led recycling services, such as Zero Waste Bute, may no longer be able to operate if higher value material is excluded from their collections through DRS.

We would like to see the ICIA taken into account, and arrangements and obligations included within the regulations for the scheme administrator to work effectively with island interests to ensure that every island expected or required to participate in DRS either has the capacity to do so, or else support to co-create possible alternatives which are more cost effective and potentially, more environmentally benign.

#### Comments on Part 5 – Retailers and Return points

Comments on Part 5 – Retailers and Return points:

In chapter 2 an outline is given on what a retailer or other type of return point is expected to deliver. While it is acknowledged that the scheme isn't supposed to 'cost' retailers anything we are concerned that it could place a disproportionate burden on to small scale retailers who may struggle with considerations of shop counter and storage space, staff time, capacity and cash flow required to deal with returns, particularly during busy tourist and festival seasons.

As with island producers, an ICIA should outline concerns of island retailers and we would like to see this reflected within the regulations.

Any 'reasonable handling fee' must necessarily reflect actual costs, which may well be higher for some island retailers than for their peers on the mainland. Crisis management situations involving stored recyclables already occur for businesses on Iona, when scheduled Council recycling collections are disrupted by ferry cancellations or vehicle breakdown.

Collection of additional materials for recycling through DRS may require significant investment in suitable storage and potentially pre-processing capacity in some island situations.

There is an obligation on retailers to 'clearly display' information about the scheme, the deposit and the complaints procedure. The regulations could be clearer on what is required, and that guidance will be provided.

Exemptions may be granted where an alternative return point is located within 'reasonable proximity' – this is a bit ambiguous and again requires the flexibility to account for local circumstances. Distance between retailers on the islands are likely to be significantly more than in urban areas and in fact there may be no alternative, meaning small island retailers may find it more difficult to gain an exemption.

We believe that in a number of smaller islands, where there may only be one small shop, an alternative arrangement could be developed through voluntary return point operators. We would like to see the guidance and regulations on what is required within the application clarified and believe that 'detail of the wider community benefit' should be added to the list in schedule 4.

#### Comments on Part 6 – Appeals or reviews

Comments on Part 6 – Appeals or reviews:

#### Comments on Part 7 – Enforcement and offences

Comments on Part 7 – Enforcement and offences:

### About you

What is your name?

Name:  
Camille Dressler

What is your email address?

Email:  
info@scottish-islands-federation.co.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:  
Scottish Islands Federation

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

## Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: