

Government Consultation Responses

Report of the Chief Officer Highways, Infrastructure Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect

Recommendation: It is recommended that the Committee

- (a) notes the responses submitted to the Government consultations on the Extended Producer Responsibility for Packaging (EPR) and a Deposit Return Scheme (DRSc);
- (b) notes the key points in the consultation on Consistency in Household and Business Recycling in England (Consistency).

1. Summary

This report summarises the responses given to the Government consultations on EPR and DRSc that were submitted prior to 4th June 2021 and highlights the key points for consideration around the current Consistency consultation which closes on 4th July 2021.

2. Introduction

Following the publication of the Resource and Waste Strategy in December 2018, Government have launched a further round of consultations on the detail of implementing the Strategy. It is anticipated that the Environment Bill will proceed through Parliament and receive Royal Assent later this year. Responses to EPR and DRSc have already been submitted with a response to the Consistency proposals currently being drafted. A workshop was held on 25th May to enable members to gain a better understanding of the proposals and enable responses to be finalised.

3. The Consultations

3.1 Extended Producer Responsibility for Packaging (EPR)

The consultation on EPR covered all of the UK and can be found at [Extended Producer Responsibility for Packaging - Defra - Citizen Space](#). It sets out how the producers of packaging will become responsible for meeting the full net cost of all of the packaging that they place onto the market. It is proposed that there will be a single point of obligation with modulated fees such that the less recyclable packaging will incur a higher cost – black polystyrene trays being one example that would attract a higher fee. The aim is to encourage producers to generate less packaging and ensure that what is produced can be easily recycled. Core packaging materials include paper/cardboard, metal (steel and aluminium), glass, plastic and wood. Other materials could be added – there is a proposal to include plastic films from households by 2026. Compostable packaging is proposed to be treated as a contaminant until it is able to be recycled. Local Authorities would receive payments from Oct 2023 for the packaging that they manage – full net costs would be met

providing it could be demonstrated that the collections were effective & efficient and both quality and quantity benchmarks had been met. Payments would be made by the Scheme Administrator to each Local Authority who bore the cost of managing the packaging. Payments would cover the 'necessary costs' – these are quite wide ranging and could include administration and communication costs as well as contract renegotiation costs where applicable. The timeline to procure and set up the Scheme Administrator is very tight, and much would depend on how DEFRA managed the process going forwards. The consultation also sets out how EPR would apply to packaging in business waste. The response from Devon Authorities Strategic Waste Committee (DASWC) is given in Appendix 1.

3.2 Deposit Return Scheme (DRSc)

The DRSc consultation relates to England, Wales and N Ireland only as per the attached link [Introducing a Deposit Return Scheme in England, Wales and Northern Ireland - Defra - Citizen Space](#) . Scotland have already agreed to introduce an all-in scheme to be implemented in 2022.

The proposals consult on two options – an all-in scheme or an on-the-go. Items in scope will potentially include drink containers made from metal, glass and polyethylene terephthalate (PET) plastic. On-the-go will relate to 750ml and less receptacles. It suggests that the introduction of any scheme could be delayed until 2024 and cites Covid as a reason for this. Behaviours have changed significantly in the last 15 months with the significant increase in online shopping. It is not clear whether there will be much appetite by the public to return those items in scope to a Reverse Vending Machine.

The DASWC response is given in Appendix 2. If EPR and Consistency increase the levels of recycling then it is not clear whether there is any need for a DRSc – hence our response suggests that it should be reconsidered at a later date to see if it is still needed. If 'all in' is implemented then this will take valuable material away from the kerbside collections. There is a mechanism contained within the consultation which will enable Local Authorities to claim unredeemed deposits for the items that are still collected from the kerbside. The DASWC response also favoured a digital based scheme recognising that this would need to be developed further to ensure that deposits were only redeemed if the drinks container was genuinely recycled.

3.3 Consistency

This was published after the other two consultations following the local elections – details are given at [Consistency in Household and Business Recycling in England - Defra - Citizen Space](#). It sets out proposals for consistency in household and business recycling in England only. The proposals are still being considered and a joint response drafted, with the closing date of 4th July for responses to be submitted.

The consultation sets out the statutory requirement to collect food waste from each household separately on a weekly basis. This will be from 2023/24 for those who already collect food, from 2024/25 for those who would need to introduce a new service and up to 2030/31 for those where there would be a significant impact on their current residual waste contracts. The proposals also suggest a core range of dry recyclable materials to be collected at the kerbside from 2023/24 which mirrors the EPR core materials as well as the potential inclusion of aluminium foil & food

trays, steel & aluminium aerosols, aluminium tubes, metal jar/lids, food and drink cartons and plastic films by 2026/27.

The consultation also proposes a free minimum service for collection of household garden waste based on a carbon assessment. Alternatives of providing guidance on reasonable charges, clear communications about not placing garden waste into the residual waste and increased home composting are also being proposed. Given all but one of the Waste Collection Authorities charge for garden waste collections this proposal could have a significant impact on Devon's councils.

The proposals suggest that Government prefer that core recyclables are collected separately at the kerbside. However, the Secretary of State can allow materials to be collected together subject to a written assessment demonstrating that comingled collections do not significantly reduce the potential for those recyclable materials to be recycled or composted. An exemption is proposed for plastic and metal to be collected together and glass and metal collected together.

Government also propose to introduce statutory guidance and minimum service standards including potentially restricting frequency of residual waste collections to no less frequently than fortnightly. There is evidence to suggest that a 3 weekly residual waste collection encourages residents to make good use of their recycling and food waste collections – East Devon's recycling rate of over 60% is testament.

Government also propose to review the recycling credits arrangements between two tier authorities recognising that the cost of managing packaging materials will be met by the producers – around 67% of what is collected at the kerbside is packaging.

Government suggest that new statutory requirements placed on Local Authorities will be financed through New Burdens. However, there is currently little detail around this, and it is unlikely to be forthcoming until 2023/24.

Government are also consulting on improving the recycling of non-household municipal waste from businesses and non-domestic premises. Five core materials are proposed that should be collected separately – paper/card, glass, metal, plastic and food waste.

4. Financial Considerations

Under the EPR proposals Local Authorities will receive funding to manage packaging waste – full net cost recovery is proposed for those who offer 'efficient & effective' services. Under DRSc Local Authorities will be able to reclaim unredeemed deposits through an agreed mechanism. The Consistency consultation suggests that additional costs incurred by Local Authorities as a result of new statutory duties (e.g. weekly food and free garden waste) will be covered by New Burdens. However, there is little detail currently of what financial support will be provided and whether it will be new funding or an alternative source of funding.

5. Legal Considerations

There are no legal issues arising in relation to this report.

6. Environmental Impact Considerations (Including Climate Change)

Government proposals will reduce the carbon impact of waste services and manage waste higher up the waste hierarchy as recycling levels improve. Impact assessments were undertaken by Government to support the consultations and can be found on the relevant webpages.

7. Equality Considerations

The proposed free collection of garden waste could be argued is unfair to those residents that don't have a garden being asked to fund through taxation those that do. It does also not support the polluter pays principle. Adding a deposit to drinks containers will make certain items more expensive although the deposit can be redeemed.

8. Risk Management Considerations

There are no significant risks associated with the consultations except for what has been highlighted in the responses.

9. Public Health Impact

There are no impacts to public health identified.

10. Summary/Conclusions/Reasons for recommendations and next steps

These consultations set out Government's proposals for managing waste in the future and will move the UK to a more circular economy. Further detail is required to understand the exact implications for Devon's authorities, in particular the level of new funding that may be available. Government are expected to announce the outcome of the consultations at the end of this year with draft regulations laid before Parliament next year – this timescale will depend on the Environment Bill being passed into an Act. However, it would be prudent for Devon's authorities to start planning what changes they will need to make to their current waste services to comply with what is being proposed and the timescales & funding required to make these changes.

Meg Booth
Chief Officer Highways, Infrastructure Development and Waste

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
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Nil

Government Consultation Responses - Final

Appendix 1 to HIW/21/30

Consultation on Extended Producer Responsibility for Packaging – response by Devon Authorities Strategic Waste Committee

Word template to help organisations formulate responses internally with colleagues.

Important to note that Questions 19-23 in this document are actually within Annex 1 of the Consultation document itself and numbered Q101-104 so all questions from number 19 onwards do not match the consultation document but do match DEFRA's Citizen Space

About you

1. What is your name?

Devon Authorities Strategic Waste Committee (DASWC)

2. What is your email address?

This is optional, but if you enter your email address you will be able to return to edit your consultation response in Citizen Space at anytime until you submit it. You will also receive an acknowledgement email when you submit a completed response.

Wendy.barratt@devon.gov.uk

3. Which best describes you? Please provide the name of the organisation/business you represent and an approximate size/number of staff (where applicable).

Please tick one option. If multiple categories apply, please choose the one which best describes the organisation you are representing in your response.

- Academic or research
- Business representative organisation/trade body
- Charity or social enterprise
- Community group
- Consultancy
- Distributor
- Individual
- Local government
- Non-governmental organisation
- Product designer/manufacturer/pack filler
- Packaging designer/manufacturer/converter
- Operator/reprocessor

- Exporter
- Retailer including Online Marketplace
- Waste management company
- Other

Devon Authorities Strategic Waste Committee (DASWC) is a partnership of Exeter City Council, East Devon District Council, Teignbridge District Council, West Devon Borough Council, South Hams District Council, North Devon District Council, Mid Devon District Council, Torridge District Council, Devon County Council and Torbay Council.

If you answered 'other', please provide details

Organisation name

Organisation size

4. Would you like your response to be confidential?

If you answered 'yes' please provide your reason.

5. Government will need to understand the needs of users to build digital services for Extended Producer Responsibility. Would you like your contact details to be added to a user panel for Extended Producer Responsibility so that we can invite you to participate in user research (e.g. surveys, workshops, interviews) or to test digital services as they are designed and built?

You can read a [Privacy Notice](#) that explains how your information is safeguarded in relation to user research, what we will and won't do with it, how long it will be kept and how to opt out of user research if you change your mind.

What we want to achieve: packaging waste recycling targets

6. Do you agree or disagree with the proposed framework for setting packaging targets?

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

7. Do you agree or disagree that the business packaging waste recycling targets set for 2022 should be rolled over to the calendar year 2023?

- Agree
- Disagree

Neither agree nor disagree

If you disagree, please provide the reason for your response.

8. Do you agree or disagree that the recycling target to be met by 2030 for aluminium could be higher than the rate in Table 3?

- Agree
 Disagree
 Neither agree nor disagree

If you disagree, please provide the reason for your response.

9. Do you agree or disagree with the proposed minimum target to be met by 2030 for glass set out in table 3?

- Agree
 Disagree
 Neither agree nor disagree

If you disagree, please provide the reason for your response.

10. What should the glass re-melt target for 2030 for non-bottle packaging be set at?

Please provide the reason for your response.

Any target that is set needs to have consideration of the impact of Consistency, EPR and markets that are likely to be available at that time.

11. Do you agree or disagree with the proposed minimum target to be met by 2030 for plastic set out in table 3?

- Agree
 Disagree
 Neither agree nor disagree

If you disagree, please provide the reason for your response.

12. Do you think a higher recycling target should be set for wood in 2030 than the minimum rate shown in Table 3?

- Yes
 No
 Unsure

Please provide the reason for your response.

Waste should be managed as high up the waste hierarchy as possible and hence it's important to set targets that will lead to more wood being sent for recycling rather than biomass.

13. If higher recycling targets are to be set for 2030, should a sub-target be set that encourages long term end markets for recycled wood?

- Yes
- No
- Unsure

Please provide the reason for your response.

Long term end markets are essential for increasing the levels of recycling – setting a target doesn't necessarily ensure a market and hence it's not clear what would be gained by doing this.

14. Do you agree or disagree with the proposed minimum target to be met by 2030 for steel set out in table 3?

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

We agree the targets on the understanding that Government confirms that IBA metals will be included within the targets and clearly explains how tonnages will be calculated and how Local Authorities will receive EPR payments on this basis

15. Do you agree or disagree with the proposed minimum target to be met by 2030 for paper/card set out in table 3?

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

16. Do you agree or disagree with the proposal to set recycling targets for fibre-based composites?

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

17. Do you agree or disagree that there may be a need for 'closed loop' recycling targets for plastics, in addition to the Plastics Packaging Tax?

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

Closed loop recycling for plastics will help to ensure that high value markets are maintained for some high value plastics.

18. Please indicate other packaging material that may benefit from 'closed loop' targets?

Please answer here

DASWC has no strong views on this

19. Which of the definitions listed below most accurately defines reusable packaging that could be applied to possible future reuse/refill targets or obligations in regulations? **Q101 from the annex in the consultation document**

Further information to help answer this question (and the 4 that follow) can be found in Annex 1 of the consultation document.

- Definition in The Packaging (Essential Requirements) 2015
- Definition in The Packaging and Packaging Waste Directive (PPWD)
- Definition adopted by The UK Plastic Pact/The Ellen MacArthur Foundation
- None of the above

If you selected 'none of the above', please provide the reason for your response, including any suggestions of alternative definitions for us to consider.

None of the definitions fully encompass re-usable packaging but the UK Plastic Pack is the most comprehensive one but doesn't include the need for re-usable packaging itself to be recyclable once it has reached its end of life.

20. Do you have any views on any of the listed approaches, or any alternative approaches, for setting reuse and refill targets and obligations? Please provide evidence where possible to support your views. **Q102 from the annex in the consultation document**

Please answer here.

These targets should align with the Waste Prevention Plan currently out for consultation.

21. Do you agree or disagree that the Scheme Administrator should proactively fund the development and commercialisation of reuse systems? **Q103 from the annex in the consultation document**

- Agree
- Disagree

Neither agree nor disagree

Please provide the reason for your response.

Producers should actively promote re-use and fund the development of reuse systems as it supports the Circular Economy principles.

22. Do you agree or disagree that the Scheme Administrator should look to use modulated fees to incentivise the adoption of reuse and refill packaging systems? Q104 from the annex in the consultation document

- Agree
 Disagree
 Neither agree nor disagree

Please provide the reason for your response.

The Resource and Waste Strategy supports the movement of waste up the waste hierarchy therefore the modulated fee structure should support the same aim and encourage producers to use packaging that can be refilled/reused ahead of any single use packaging whilst ensuring that the reusable packaging can itself be recycled once it can no longer be reused.

EPR funds should also be used to actively communicate the benefits of reusable/refillable packaging to the consumer to drive behaviour change and increase demand.

Producer obligations for full net cost payments and reporting

23. Do you agree or disagree that Brand Owners are best placed to respond effectively and quickly to incentives that are provided through the scheme? Q19

- Agree
 Disagree
 Neither agree nor disagree

24. Are there any situations where the proposed approach to imports would result in packaging being imported into the UK which does not pick up an obligation (except if the importer or first-owner is below the de-minimis, or if the packaging is subsequently exported)? Q20

Where available, please share evidence to support your view.

DASWC has no strong views on this.

25. Of Options 2 and 3, which do you think would be most effective at both capturing more packaging in the system and ensuring the smallest businesses are protected from excessive burden? Q21

- Option 2
- Option 3
- Neither
- Don't know

If you answered 'neither', please provide the reason for your response and describe any suggestions for alternative approaches to small businesses.

DASWC does not feel that it has the expert knowledge required to comment on either of these approaches.

26. If either Option 2 or 3 is implemented, do you consider there to be a strong case to also reduce the de-minimis threshold as set out in Option 1? Q22

- Yes
- No
- Unsure

Please provide the reason for your response.

27. Do you think that Online Marketplaces should be obligated for unfilled packaging in addition to filled packaging? Q23

- Yes
- No
- Unsure

If you answered 'yes', please provide the reason for your response.

The brand owner should be the obligated producer regardless of where the packaging/product is sold and hence there would be a risk of duplication and confusion as to where the responsibilities lay.

28. Do you foresee any issues with Online Marketplaces not being obligated for packaging sold through their platforms by UK-based businesses? Q24

- Yes
- No
- Unsure

If you answered 'yes', please provide the reason for your response.

29. This proposal will require Online Marketplaces to assess what packaging data they can collate and then, where there are gaps to work together to create a methodology for how they will fill those gaps. Do you think there are any

barriers to Online Marketplaces developing a methodology in time for the start of the 2022 reporting year (January 2022)? Q25

- Yes
- No
- Unsure

If you answered 'yes', please provide the reason for your response.

The timeline is challenging but potentially achievable with enough resource. However, the SA will need to review and agree which may be difficult if they have only just been appointed (assuming procurement and appointment goes to plan).

30. Is there any packaging that would not be reported by the obligation as proposed below (except for packaging that is manufactured and sold by businesses who sit below the de-minimis)? Q26

- Yes
- No
- Unsure

If you answered 'yes', please detail what packaging would not be reported by this approach.

DASWC is not aware of any but doesn't know the detail to be able to comprehensively say 'Yes'

31. Do you agree or disagree that the Allocation Method should be removed? Q27

- Agree
- Disagree
- Neither agree nor disagree

Producer obligations: disposable cups takeback

32. Do you agree or disagree that a mandatory, producer-led takeback obligation should be placed on sellers of filled disposable paper cups? Q28

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals for increasing the collection and recycling of disposable cups.

33. Do you agree or disagree with the proposed phased approach to introducing the takeback obligation, with larger businesses/sellers of filled

disposable paper cups obligated by the end of 2023, and the obligation extended to all sellers of filled disposable paper cups by the end of 2025? Q29

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or how you think the mandatory takeback obligation should be introduced for sellers of filled disposable cups.

Obligations for all should ideally be introduced from 2023 such that there is no public confusion about take back schemes for paper cups regardless of where they are purchased.

Modulated fees, labelling and plastic films recycling

34. Do you think that the proposed strategic frameworks will result in a fair and effective system to modulate producer fees being established? Q30

- Yes
- No
- Unsure

If you answered 'no' please provide the reason for your response, being specific with your answer where possible.

35. Do you agree or disagree that the Scheme Administrator should decide what measures should be taken to adjust fees if a producer has been unable to self-assess, or provides inaccurate information? This is in addition to any enforcement that might be undertaken by the regulators. Q31

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

Producers need to comply and the consequences of not doing so need to be sufficient to encourage compliance and clearly set out in an open and transparent manner. A minimum fee level set at significantly above that for non-recyclable materials should be set out clearly in the regulations. This should be set high enough to firmly discourage producers from failing to meet the requirements and ensure local authorities are covered for any and all costs associated with the collection and processing of materials from non-compliant producers

36. Do you agree or disagree with our preferred approach (Option 1) to implementing mandatory labelling? Q32

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

Preference should be on ease for the consumer rather than ease for the producer. Option 1 may allow flexibility for the producer but we must make it as simple and clear for the consumer to recycle all recyclable packaging with the minimum of confusion, if targets are to be achieved. Preference is for Option 2 as it allows a single, agreed cross product label that will be a) more recognisable for the consumer and b) simpler to communicate across all platforms. Small producers may need additional support to be able to comply with new labelling requirements.

37. Do you agree or disagree with the proposal that all producers could be required to use the same 'do not recycle' label? Q33

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

38. Do you think that the timescales proposed provide sufficient time to implement the new labelling requirements? Q34

- Yes
- No
- Unsure

If you answered 'no' please provide the reason for your response.

Clear labelling is required such that the consumer will understand what to do with their packaging. There may be some areas where the labelling doesn't match the speed of service change but this transition period will be for a finite time only.

39. Do you agree or disagree that the labelling requirement should be placed on businesses who sell unfilled packaging directly to small businesses? Q35

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

40. Do you think it would be useful to have enhancements on labels, such as including 'in the UK' and making them digitally enabled? Q36

- Yes

- No
- Unsure

If you answered 'yes', please state what enhancements would be useful.

Digitally enabled may be helpful to track packaging if required to do so for audit purposes.

41. Do you agree or disagree that local authorities across the UK who do not currently collect plastic films in their collection services should adopt the collection of this material no later than end of financial year 2026/27? Q37

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider local authorities could collect films and flexibles from. Please share any evidence to support your views.

DASWC authorities currently do not collect plastic films/flexibles so this would be a service change for us. Plastics films are currently a contaminant on their own and may also contaminate other recyclable materials (e.g. food waste residue on the film contaminating fibre packaging and products). Costs to potentially change contracts, adapt vehicles and/or upgrade MRFs to handle this material could be significant and would need to be covered. Markets will need to be developed too as currently there are very little if any outlets for this type of material.

If the collection of plastic films was introduced from April 2026 and the material was labelled as recyclable, it is conceivable that significant costs will be incurred to deal with contamination, or the contamination levels will become unsustainable and other recyclable items may be compromised both in terms of quality and sales value, having a detrimental effect on achieving targets.

42. Do you agree or disagree that collections of plastic films and flexibles from business premises across the UK could be achieved by end of financial year 2024/5? Q38

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or what date you consider this could be achieved by. Please share any evidence to support your views.

Would make sense for the date to correspond with collection of films within household waste.

43. Do you agree or disagree that there should be an exemption from the ‘do not recycle’ label for biodegradable/compostable packaging that is filled and consumed (and collected and taken to composting/anaerobic digestion facilities that accept it), in closed loop situations where reuse or recycling options are unavailable? Q39

- Agree
- Disagree
- Neither agree nor disagree

Please provide the reason for your response.

DASWC authorities are keen to encourage sustainable events where the packaging is controlled and the treatment option is identified to recycle/compost the packaging effectively. However there are concerns around how these events would be managed to ensure that the packaging was not contaminated and it was only used at the actual event.

44. Do you consider that any unintended consequences may arise as a result of the proposed approach to modulated fees for compostable and biodegradable plastic packaging? Q40

- Yes
- No
- Unsure

If you answered 'yes', please detail what you think these unintended consequences could be and provide any suggestions for how they may be avoided.

There may well be some unintended consequences – careful thought would need to be given to ensure that it didn't encourage a switch to other materials to avoid the modulated fees.

Payments for managing packaging waste: necessary costs

45. Do you agree or disagree with the proposed definition and scope of necessary costs? Q41

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why and provide any costs you think should be included under the definition of necessary costs.

The list of necessary costs is very broad and seemingly comprehensive. It includes services that are already in place (i.e. not just newly introduced services) and support/staff costs associated with running and improving the services. However it's not clear that the financial impact on existing long term disposal contracts in

particular is included which may include guaranteed minimum tonnages, change in calorific value and the legal support that would be required to make any contract changes. Payments are proposed from 2023 so it's unclear how transition costs will be funded. Enforcement costs for managing packaging waste should also be included.

Payments for managing packaging waste from households

46. Do you agree or disagree that payments should be based on good practice, efficient and effective system costs and relevant peer benchmarks? Q42

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail any issues you think there are with this approach and how you think payments should instead be calculated.

The consultation does not give sufficient detail to be able to support this – we simply do not know what this means. WRAP modelling could be used but it needs to have confidence from Local Authorities that it is representative of their actual costs recognising that it may not be an exact fit. We have yet to see the detail and cannot comment until we do.

The methodology developed by Government/WRAP is completely advisory and the scheme administrator determines what the system should be. Hence under the current proposals we will not have any certainty on how our costs will be met until after early 2023 when the Scheme Administrator has been appointed.

47. Do you agree or disagree that the per tonne payment to local authorities for packaging materials collected and sorted for recycling should be net off an average price per tonne for each material collected? Q43

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail how material value should be netted-off a local authority's payment.

This approach incentivises authorities to achieve a higher price than the average for quality recycle in order to achieve surplus income. However it is recognised that there will be winners and losers with this approach.

48. Do you agree or disagree that the Scheme Administrator should have the ability to apply incentive adjustments to local authority payments to drive performance and quality in the system? Q44

- Agree

- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think the ability to apply an incentive adjustment should not apply.

Agree that this could help achieve objectives & encourage all Local Authorities to improve their performances.

49. Do you agree or disagree that local authorities should be given reasonable time and support to move to efficient and effective systems and improve their performance before incentive adjustments to payments are applied? Q45

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

50. Should individual local authorities be guaranteed a minimum proportion of their waste management cost regardless of performance? Q46

- Agree
- No
- Unsure

Please provide the reason for your response.

All Local Authorities will be collecting packaging regardless of what system they have in place and this needs to be recognised as they will be incurring costs. A better system may be to guarantee all Local Authorities a fixed payment based on modelled costs and then a variable payment to reflect actual performance.

51. Do you agree or disagree that there should be incentive adjustments or rewards to encourage local authorities to exceed their modelled recycling benchmarks? Q47

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think incentive adjustments should not be applied to encourage local authorities to exceed their recycling performance benchmarks.

Local Authorities should be encouraged to continue to improve their services and this should be recognised through an incentive payment.

52. Do you agree or disagree that unallocated payments should be used to help local authorities meet their recycling performance benchmarks, and

contribute to Extended Producer Responsibility outcomes through wider investment and innovation, where it provides value for money? Q48

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail how you think any unallocated payments to local authorities should be used.

Any unallocated payments should be invested back into the scheme

53. Do you agree or disagree that residual payments should be calculated using modelled costs of efficient and effective systems based on the average composition of packaging waste within the residual stream? Q49

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail how you think residual waste payments should instead be calculated.

Residual waste composition does (and could continue to) vary considerably between authorities & regions depending on their geographical, deprivation level and household composition. This is an opportunity to understand these differences far better by funding regular composition analyses for each authority. This must be fully funded under EPR. It should lead to composition analyses becoming more efficient through economies of scale and technological advancement (e.g. AI).

The results of the composition analyses could then be combined to create a reasonable optimised composition for each authority 'grouping', on which payments could be based.

54. Do you agree or disagree that a disposal authority within a two-tier authority area (England only) should receive the disposal element of the residual waste payment directly? Q50

- Agree
- Disagree
- Neither agree nor disagree

This would be logical because the disposal authority incurs the costs.

Payments for managing packaging waste from businesses

55. Do you agree or disagree that there remains a strong rationale for making producers responsible for the costs of managing packaging waste produced by businesses? Q51

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

56. Do you agree or disagree that all commercial and industrial packaging should be in scope of the producer payment requirements except where a producer has the necessary evidence that they have paid for its management directly? Q52

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

57. Which approach do you believe is most suited to deliver the outcomes being sought below? Q53

- Option 1
- Option 2
- Option 3
- All could work
- Do not know enough to provide a view

This option, also known as the 'per tonne approach' is the option that is best linked to producer pays principle and the actual costs of managing the waste. The second one involves compliance schemes, which adds complication. The third is a 'free bin' option which appears to have potential for exploitation, i.e. contamination of the free bin.

58. Do you disagree strongly with any of the options listed in the previous question? Q54

- Yes
- No
- Unsure

If you answered 'yes', please explain which and provide your reason.

Option 3 appears to have potential for exploitation, i.e. contamination of the free bin.

59. Do you think there will be any issues with not having either Packaging Recovery Notes/Packaging Export Recovery Notes or the business payment mechanism (and as a result recycling targets) in place for a short period of time? Q55

- Yes

- No
- Unsure

If you answered 'yes', please detail what issues you think there will be.

Lack of evidence will give a gap in data which will not be helpful for future monitoring purposes – comparison of data etc

Payments for managing packaging waste: data and reporting requirements

60. Do you agree or disagree with the proposal to introduce a sampling regime for packaging as an amendment to the MF Regulations in England, Wales and Scotland and incorporation into new or existing regulations in Northern Ireland? Q56

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think the proposed sampling regime for packaging waste should not be incorporated as an amendment to MF Regulations in England, Wales and Scotland and incorporated into new or existing regulations in Northern Ireland.

Building on, and improving, the existing legislation seems logical.

61. Do you agree or disagree with the proposal to require all First Points of Consolidation to be responsible for sampling and reporting in accordance with a new packaging waste sampling and reporting regime? Q57

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail who you think should be required to meet the packaging sampling and reporting regime for Extended Producer Responsibility purposes.

DASWC agrees that this is necessary such that quality and composition can be assessed at the earliest opportunity. However a number of our current bulking up points/ transfer stations are already at capacity and hence there are concerns about how this will be accommodated on our sites. In addition any costs incurred as a result of having to meet this requirement should be fully met by the producers as a 'necessary' cost.

62. Do you agree or disagree that the existing MF Regulations' de-minimis threshold of facilities that receive 1000 tonnes or more per annum of mixed

waste material would need to be removed or changed to capture all First Points of Consolidation? Q58

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think a de-minimis threshold is required.

If all First Points Of Compliance are to be included then this threshold would need to be removed. However a number of our current bulking up points/ transfer stations are already at capacity and hence there are concerns about how this will be accommodated on our sites. In addition any costs incurred as a result of having to meet this requirement should be fully met by the producers as a 'necessary' cost.

63. Do you think the following list of materials and packaging formats should form the basis for a manual sampling protocol? Q59

- Yes
- No
- Unsure

If you answered 'no', what other materials, format categories or level of separation should be included as part of the manual sampling protocol?

The current list appears to be simplistic but additional materials could be added over time.

64. Do you think it is feasible to implement more rigorous sampling arrangements within 6-12 months of the regulations being in place? Q60

- Yes
- No
- Unsure

If you answered 'no', please provide the reason for your response and detail what should be considered in determining an appropriate implementation period.

This will depend on what is actually proposed.

65. Do you think visual detection technology should be introduced from 2025 to further enhance the sampling regime? Q61

- Yes
- No
- Unsure

If you answered 'no', please detail why you think it should not be considered as a medium to long-term method of sampling.

More work is clearly needed to see if this is technically feasible and cost effective, but a target date should serve to speed up development of the technology.

66. Do you think existing packaging proportion protocols used by reprocessors would provide a robust and proportionate system to estimate the packaging content of source segregated materials? Q62

- Yes
- Yes, with refinement
- No
- Unsure

If you answered 'no', please detail why you think these would not be suitable to use to determine the packaging content in source segregated material.

DASWC would question whether this would give sufficient confidence to give accurate data.

67. Do you agree or disagree that minimum output material quality standards should be set for sorted packaging materials at a material facility? Q63

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

68. Do you agree or disagree that material facilities that undertake sorting prior to sending the material to a reprocessor or exporter should have to meet those minimum standards in addition to just assessing and reporting against them? Q64

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

69. Do you think any existing industry grades and standards could be used as minimal output material quality standards? Q65

- Yes
- No
- Unsure

If you answered 'yes' please provide evidence of standards you think would be suitable for use as minimal output material standards.

Payments for managing packaging waste: reporting and payment cycles

70. Do you agree or disagree that local authority payments should be made quarterly, on a financial year basis? Q66

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or suggest any alternative proposals.

Quarterly reporting aligns with other reporting systems but there does need to be an annual reconciliation process such that data matches payments similar to sign off on Waste Data Flow.

71. Do you agree or disagree that household and business packaging waste management payments should be based on previous year's data? Q67

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide any concerns you have with the proposed approach and/or any alternative proposals.

This delay is too long and the risk is that the payment becomes divorced from reality, reducing the incentive for improvements in performance. This is an opportunity to incentivise the waste sector to increase the speed and efficiency of waste data reporting. If a fixed payment was made and then a variable payment to reflect actual performance this would assist with budget setting and understanding cash flow amounts.

Litter payments

72. Do you agree or disagree that the costs of litter management should be borne by the producers of commonly littered items based on their prevalence in the litter waste stream as determined by a composition analysis which is described in option 2? Q68

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and/or provide an alternative approach to litter management costs being based on a commonly littered basis.

This is fair and in-line with the producer pays principle. The producer of frequently littered products will be incentivised to find ways to reduce littering.

73. In addition to local authorities, which of the following duty bodies do you agree should also receive full net cost payments for managing littered packaging? Please select all that apply. Q69

- Other duty bodies
- Litter authorities
- Statutory undertakers
- None of the above
- Any other(s) - please specify

If you selected 'Any other(s)' - please specify here.

All organisations that incur costs from managing litter including the voluntary sector through organised litter picks.

74. Do you agree or disagree that producers should contribute to the costs of litter prevention and management activities on other land? Q70

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

It is unclear how this could be managed – whilst the producers should meet the costs of those bodies with a recognised responsibility to clear litter and costs are known this would be less regulated and hence potentially open to abuse.

75. Do you agree or disagree that local authority litter payments should be linked to improved data reporting? Q71

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think litter payments should not be linked to improved data reporting.

Good data reporting should form part of an 'optimised system' for litter collection and management. However it is unclear what is being proposed and hence difficult to comment further.

76. Do you agree or disagree that payments should be linked to standards of local cleanliness over time? Q72

- Agree
- Disagree

Neither agree nor disagree

If you disagree, please provide the reason for your response.

It is not clear what these standards will be and how they will be assessed. Beaches in Devon were overcome with litter following the lifting of lockdown and yet the Local Authorities had made considerable efforts to manage the demand. We would not wish to be measured on events that we cannot control.

Scheme administration and governance

77. Do you agree or disagree that the functions relating to the management of producer obligations in respect of household packaging waste and litter including the distribution of payments to local authorities are managed by a single organisation? Q73

- Agree
 Disagree
 Neither agree nor disagree

The appointment and governance of the Scheme Administrator (SA) is critical to making the EPR scheme work such that producers meet the full net costs of managing the packaging that they produce and waste management systems that are put in place are efficient and effective. DASWC agrees that it should be a not for profit organisation although it is difficult to see who might be interested in operating it as such unless they had a vested interest – in which case it would not be an independent body. The governance structure of the SA needs to reflect the stakeholders involved in the system and hence it is essential that local government has a role to play given it is such a key player in the success of this scheme. Little detail has been provided around governance arrangements but there should be a seat for a local government representative on any governing Board. It is not clear how managing the SA through a contractual arrangement with Government allows for stakeholder engagement and feedback to both producers and local authorities. The process for award is to be competitive but it is not clear how bids will be assessed and what criteria will be used for awarding the contract. Also there is not detail given around performance management of the SA and KPIs. SAs are expected to outline how stakeholders will be represented as part of the scheme management but it is unclear how much of a role local authorities will have on the overall scheme administration or indeed in developing the ITT documentation such that their interests are truly represented. DASWC is concerned that our interests may not be fully and fairly represented with the SA as currently proposed.

78. Overall which governance and administrative option do you prefer? Q74

- Option 1
 Option 2
 Neither Option 1 nor Option 2

Please provide the reason for your response.

Option 1 provides clarity of purpose for the Scheme Administrator with its role and responsibilities being able to be clearly defined. Introducing compliance schemes as an interface with producers to meet their obligations introduces another layer of complexity and it's hard to see what value it would add to the arrangements that will need to be put in place to deliver the objectives of the scheme. The IA supporting the Consultation suggests that introducing compliance schemes will lead to increased costs and additional interfaces although it is recognised that Producers are used to working with compliance schemes.

79. How do you think in-year cost uncertainty to producers could be managed? Q75

- A reserve fund
- In-year adjustment to fees
- Giving individual producers flexibility to choose between options 1) and 2)
- No preference
- Need more information to decide

A reserve fund managed by the Scheme Administrator would minimise the risk to producers of in year fluctuations in cost. However producers would need to contribute to set up the fund and hence a mechanism to enable this to happen would need to be devised and agreed.

80. Under Option 1, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? Q76

Option 1 - Scheme Administrator delivers all functions.

- Yes
- No
- Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

This time period is long enough to give stability to all parties involved in the scheme allowing confidence in the necessary investment without being so long that it will not have the flexibility to grow & adapt with the changing landscape.

81. Under Option 2, does the proposed initial contract period of 8-10 years (2023 to 2030/32) provide the necessary certainty for the Scheme Administrator to adopt a strategic approach to the management and delivery of its functions and make the investments necessary to deliver targets and outcomes? Q77

Option 2 - Scheme Administrator delivers functions related to household packaging waste and litter.

- Yes
- No
- Unsure

If you answered 'no', please detail what you think would be an appropriate contract length.

This time period is long enough to give stability to all parties involved in the scheme allowing confidence in the necessary investment without being so long that it will not have the flexibility to grow & adapt with the scheme.

82. Do you agree or disagree with the timeline proposed for the appointment of the Scheme Administrator? Q78

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

The timeline for launching the procurement process to appointment of the SA seems ambitious given the complexity of all that is involved from preparation of the ITT, evaluation of bids and mobilisation of the awarded SA. It is not clear how much float has been built into the programme to allow for unforeseen hiccups or even a potential challenge to the bidding process. However Local Authorities do not get any certainty regarding how they will be paid until the SA is in place and as such we do want the SA to be appointed as soon as possible.

83. If the Scheme Administrator is appointed in January 2023 as proposed, would it have sufficient time to mobilise in order to make payments to local authorities from October 2023? Q79

- Yes
- No
- Unsure

If you answered 'no' please provide the reason for your response.

The SA has an incredible amount of administration work to undertake from Jan 2023 to be able to make any payments with confidence to Local Authorities in Oct 2023. Prospective bidders should be asked to submit their own programmes to demonstrate how this timeline could realistically be met recognising the number of Local Authorities and producers involved & the systems that would need to be established in realistic timescales.

84. Do you agree or disagree with the approval criteria proposed for compliance schemes? Q80

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

85. Should Government consider introducing a Compliance Scheme Code of Practice and/or a 'fit and proper person' test? Q81

- A Compliance Scheme Code of Practice
- A 'fit and proper person' test for operators of compliance schemes
- Both
- Neither
- Unsure

Please provide the reason for your response.

In order to give confidence in the compliance schemes that are established there needs to be a Code of Practice which includes the need for a 'fit and proper person' test to be an operator of a compliance scheme.

86. Do you agree or disagree with the proposed reporting requirements for Option 1? Q82

- Agree
- Disagree
- Neither agree nor disagree

87. Do you agree or disagree with the proposed reporting requirements for Option 2? Q83

- Agree
- Disagree
- Neither agree nor disagree

Reprocessors and exporters

88. Do you agree or disagree with the proposal that all reprocessors and exporters handling packaging waste will be required to register with a regulator? Q84

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response and detail any exemptions to the registration requirement that should apply.

This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for.

89. Do you agree or disagree that all reprocessors and exporters should report on the quality and quantity, of packaging waste received? Q85

- Agree
- Disagree
- Neither agree nor disagree

This is essential such that the scheme is managed and monitored effectively and all packaging is accounted for.

90. What challenges would there be in reporting on the quality and quantity of packaging waste received at the point of reprocessing and/or export? Q86

Please also provide specific detail on any processes, measures and/or costs that would be necessary to address these challenges.

Reporting accurately on quality and quantity of packaging is key to ensuring the success of the scheme and flow of payments. Robust systems will need to be put in place in order that this is achieved.

91. Do you think contractual arrangements between reprocessors and material facilities or with waste collectors and carriers are a suitable means for facilitating the apportionment and flow of recycling data back through the system to support Extended Producer Responsibility payment mechanisms, incentives and targets? Q87

- Yes
- No
- Unsure

If you answered 'no', please provide the reason for your response and suggest any alternative proposals for using the quantity and quality data reported to support payments, incentives and targets.

Supply of accurate and timely data is key to having confidence in the EPR system and trying to eliminate fraud. Contractual arrangements set out the obligations of the parties

92. Do you agree or disagree that exporters should be required to provide evidence that exported waste has been received and processed by an overseas reprocessor? Q88

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think exporters should not have to provide this evidence.

Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme

93. Do you agree or disagree that only packaging waste that has achieved end of waste status should be able to be exported and count towards the achievement of recycling targets? Q89

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think it would not be necessary for waste to meet end of waste status prior to export.

It is not clear how this would work in practice – end of waste classification is usually obtained by the material going through a treatment process. Hence it is unclear how waste that has yet to be actually recycled could be classified as ‘end of waste’ prior to export. It could also potentially be open to abuse.

94. Do you agree or disagree that there should be a mandatory requirement for exporters to submit fully completed Annex VII forms, contracts and other audit documentation as part of the supporting information when reporting on the export of packaging waste? Q90

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think these additional registration requirements on exporters are not required.

Ensuring accurate data for all packaging waste that has genuinely been recycled is a core principle behind the success of the scheme

95. Do you agree or disagree that regulators seek to undertake additional inspections of receiving sites, via 3rd party operators? Q91

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail why you think it would not be necessary to undertake additional inspections and provide any alternative arrangements which could be implemented.

This will help to give confidence in the recycling of materials as well as verifying data to be accurate.

Compliance and enforcement

96. Do you agree or disagree with the proposed approach to regulating the packaging Extended Producer Responsibility system? Q92

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please detail any perceived problem or issues with the proposed regulation of the system and provide comments on how the system could be regulated more effectively.

The Regulator will need to have sufficient resources and funding to be able to undertake this role effectively.

97. Do you have further suggestions on what environmental regulators should include in their monitoring and inspection plans that they do not at present? Q93

Please answer here

DASWC has nothing further to add

98. In principle, what are your views if the regulator fees and charges were used for enforcement? Q94

It seems appropriate that enforcement is covered by these fees

99. Would you prefer to see an instant monetary penalty for a non-compliance, or another sanction as listed below, such as prosecution? Q95

The level of penalty should be proportionate to the level of non-compliance ranging from a fixed penalty notice for minor breaches to prosecution for major offences. However it needs to be sufficient to encourage the right behaviour.

Implementation timeline

100. Do you agree or disagree with the activities that the Scheme Administrator would need to undertake in order to make initial payments to local authorities in 2023 (as described above under Phase 1)? Q96

- Agree
- Disagree
- Neither agree nor disagree

If you disagree, please provide the reason for your response.

The activities highlighted appear to all be required in order to make payments to Local Authorities from 2023 but it is not clear whether it is comprehensive and whether other activities will be required. As part of the ITT submission, bidders should be asked to set out all of the activities that are required along with a realistic timeline such that this can be assessed.

101. Do you think a phased approach to the implementation of packaging Extended Producer Responsibility, starting in 2023 is feasible and practical?

Q97

- Yes
- No
- Unsure

If you answered 'no', please provide the reason for your response and detail any practical issues with the proposed approach.

The timeline is very tight and relies on the necessary legislation being in place and the SA being appointed. Ideally it would be preferable if full net costs could be met in 2023 but realistically this would be very difficult to achieve and hence a prudent approach needs to be taken. Making payments to authorities to collect additional packaging materials for recycling beyond the core materials needs to be tempered with markets being available for those materials – citing packaging film is a good example where there are currently very limited markets and little evidence to suggest that this will have changed by 2023 or even 2026.

102. Do you prefer a phased approach to implementing Extended Producer Responsibility starting in 2023 with partial recovery of the costs of managing packaging waste from households or later implementation, which could enable full cost recovery for household packaging waste from the start? **Q98**

- Phased approach starting in 2023
- Later implementation
- Unsure

Flow of funding to support the cost of managing packaging in the waste stream by producers should be forthcoming from 2023 recognising the limitations are such that full net cost recovery will not be possible until 2024. However the relationship in 2 tier authorities with regards to the payment of recycling credits for packaging waste that is recycled will need to be assessed as to what level of funding will still be required to support waste collection authorities during the transition period. Budgeting for this transition will be difficult.

103. Of the options presented for reporting of packaging data for 2022 which do you prefer? **Q99**

- Option 1
- Option 2
- Neither

If you answered 'neither' please suggest an alternative approach.
DASWC has no firm views on this. Option 1 would only include the packaging which producers would be obligated to meet full net costs but a complete view of all packaging managed by producers would be seen under Option 2

104. Are there other datasets required to be reported by producers in order for the Scheme Administrator to determine the costs to be paid by them in 2023?

Q100

- Yes
- No
- Unsure

If you answered 'yes', please detail which datasets will be needed.

DASWC does not have detailed insight into all information that may be required by the SA to determine the full costs.

Appendix 2 to HIW/21/30

Consultation on Deposit Return Scheme (England, NI, Wales)

Word template to help organisations formulate responses internally with colleagues.

Introduction

1. What is your name?

Annette Dentith

2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Annette.dentith@devon.gov.uk

3. Which best describes you?

- Academic or researcher
- Business representative organisation or trade body
- Charity or social enterprise
- Community group
- Consultancy
- Distributor
- Exporter
- Individual
- Local government
- Non-governmental organisation
- Product designer/ manufacturer/ pack filler
- Packaging designer/ manufacturer/ converter
- Operator/ Reprocessor
- Retailer including online marketplace
- Waste management company
- Other

If other, please specify.

4. What is your organisation?

This is the response of the Devon Authorities Strategic Waste Committee incorporating Devon County Council, Torbay Council, East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon Council, South Hams

District Council, Teignbridge District Council, Torrridge District Council, and West Devon Borough Council.

5. Would you like your response to be confidential?

If you answered 'yes' please provide your reason.

No

6. Given the context of the Covid-19 pandemic we are currently experiencing, do you support or oppose our proposals to implement a deposit return scheme for drinks containers in 2024?

- Support
- Neither support nor oppose
- Oppose
- Not sure

Please elaborate on your answer if you wish.

We are still doubtful of the need and the potential of a DRS. It is hugely costly, and this consultation shows how many possibly unanswerable questions there are and potential unintended consequences. We would propose waiting to see how effective the EPR is, the impact of the consistency proposals and also how successful the Scottish scheme is before a final decision is made on the DRS and its scope. In the context of Covid-19 many businesses will still be reeling from its impact and may not have the resilience to take on another legal responsibility.

Shopping habits have changed and returning drinks containers to RVMs with potentially some form of social distancing in place will not be attractive. The objectives and practical implementation of a DRS need to be reviewed in the light of the pandemic.

7. Do you believe the introduction of a deposit return scheme will have an impact on your everyday life?

- Yes, a detrimental impact
- No, there will be no impact
- No significant impact
- Some impact but manageable
- Large impact but still manageable
- Large impact and impossible to comply with

As a group of District, Unitary and County Councils the DRS will have a large impact on the councils but it is considered this will be manageable.

People who live in flats and properties with a lack of storage space for waste and recycling should be considered. A DRS will mean that these people will have to find space for another stream of recycling, to be delivered to the RVM or retail setting.

8. Have your views towards implementation of a deposit return scheme been affected following the economic and social impacts of the Covid-19 pandemic?

- Yes - because of economic impacts
- Yes - because of social impacts
- Yes - because of both economic and social impacts
- No
- Not sure

Please elaborate on your answer if you wish.

Our view that any decision on the DRS should be delayed **has not changed**. However, following the Covid 19 pandemic people will be possibly less inclined to be out and about and using RVMs and will also be doing more online shopping. Also, some householders will be impacted financially so may perceive themselves as not be able to afford drinks at extra 15p a bottle. Also, as above, in the context of Covid-19 many businesses will still be reeling from its impact and may not have the resilience to take on another enforced initiative. These impacts will therefore make the introduction of a DRS even more unfavourable in our view.

Additionally, it is questionable whether the huge expenditure to implement and run a DRS will have a significant impact on litter reduction. According to the data supplied, up to 58% of litter is made up of cigarette butts, chewing gum and fast food packaging which is not addressed under the DRS.

Kerbside recycling services across the UK have continued throughout the pandemic whereas the deliverability of a DRS over the past 12 months would have failed and moreover supply chains dependent on material flows would have been significantly disrupted.

There will be lessons to learn in how society and public services responded to the Covid-19 pandemic and the lasting impacts it may have on services and behaviour. Reviews about this will take time to be completed but could have useful insights in relation into how a future DRS might need to be designed to take account of changes and lessons learned.

For example, during the pandemic the tax on carrier bags was rescinded. If a DRS had been in operation it is very likely that calls for that to be withdrawn would have been made as people would not have been able to visit a RVM to redeem the deposit. Under a digital DRS they would have been able to continue to redeem the deposit and the whole system would have been more resilient.

[Chapter 1: Scope of the Deposit Return Scheme](#)

9. Do you agree that the cap should be included as part of the deposit item in a deposit return scheme for:

- Plastic bottle caps on plastic bottles

- Aluminium bottle caps on glass bottles
- Corks in glass bottles
- Foil on the top of a can/ bottle or used to preserve some drinks

It should not be a requirement to have a cap but it should be encouraged, from a littering and operational point of view.

Communication of this to the public / consumer will need to be considered as will the ability of RVMs to identify whether a cap is present or not.

10. Do you believe we have identified the correct pros and cons for the all-in and On-the-Go schemes described above?

- Yes
- No

Please elaborate on your answer if you wish.

Although we don't have enough detail we are surprised that the NPV of an All-in scheme is so high compared with OTG. And that there are 4x the amount of bottles in an AI scheme?

In the list of disadvantages for an all-in DRS, EPR is described as providing a saving to local authorities. However, the EPR payment to local authorities is intended to cover the cost of management and / or disposal of the packaging and is not a source of additional income, as the current funding provided to local authorities might change or reduce in light of the EPR payments. If this was the case then local authorities would be left out of pocket as a result of the implementation of an all-in DRS.

DASWC believes the introduction of a DRS in 2024 is premature before the EPR reforms and consistent collections have been introduced to establish how recycling performance changes through these mechanisms. The impact of Covid-19 and people's change in behaviours and purchasing may also change long term. All this information is crucial to inform the design of a DRS, or even establish if one is needed to achieve the targeted recycling for beverage packaging. The DRS proposed requires extensive investment and may result in very little gain in total recycling in comparison to the required investment amount for the scheme to operate.

Unlike the reforms proposed under the EPR, a DRS only concentrates on the collection of material. No incentive is provided for waste hierarchy principles to be encouraged for producers to design packaging to reduce resource use or for consumers to change behaviours to reduce and reuse. Other measures would therefore be required in addition to DRS to reduce overall material use.

The scheme could have the unintended consequence of increased littering where some people may leave items in easily accessible and visible locations enabling others to collect and redeem the deposit. There could be an increase in 'bin diving'

where bins are partly emptied in search of redeemable containers, which again can lead to littering.

One of the key objectives of the scheme is to reduce littering. Whilst the in-scope items are regularly littered, other items such as takeaway cups, food packaging and film plastics are also commonly littered. These items will require to be cleared and the costs to authorities of reduced litter does not directly correlate with a reduction in cost as crew have to make the same number of journeys and cover the same area to collect the litter.

It is unclear how the carbon savings have been calculated and DASWC is concerned they could be an overestimation. There is reference to calculations being based on landfill and energy from waste. If the landfill proportion has been overestimated this will significantly reduce the emission savings. Similarly, savings have been based on closed loop recycling, it is not clear if the material displaced from kerbside collections has been factored into this calculation or if it is assumed all has been diverted from the residual.

The potential for schemes to be different across nations and varying costs of deposits, such as multipacks could be confusing for residents. Whilst the DMO will have responsibility for communications local authorities will inevitably receive direct liaison from residents for complaints and queries which will be an additional burden.

11. Do you foresee any issues if the final scope of a deposit return scheme in England and Northern Ireland does not match the all-in decision taken in Wales? E.g. an On-the-Go scheme in England and an all-in scheme in Wales.

- Yes
 No

Please elaborate on your answer if you wish.

This scenario doesn't align with consistency proposals. It would be a lost opportunity for less confusion. There might be issues of public confusion in the vicinity of the borders and when travelling to holiday accommodation in another country.

There are also many other things that are not consistent between the nations, including recycling and waste collections. If different approaches are being considered, lessons learned from the different Covid-19 lockdown rules in the different countries and areas across the UK would be relevant, where confusion on which restrictions applied to the area was regularly cited as an issue.

12. Having read the rationale for either an all-in or On-the-Go scheme, which do you consider to be the best option for our deposit return scheme?

- All-in
 On-the-go

Please elaborate on your answer if you wish.

DASWC believes that the implementation of a DRS should be deferred at this moment in time.

A DRS should be part of an integrated system of resource and waste management that does not compete with existing recycling services which have proven to be highly successful in delivering significant increases in recycling. Identifying a suitable DRS design now is premature before the results of the digital trials in Wales and Northern Ireland have been fully evaluated and the outcomes of a reformed EPR and consistent collections system are better understood.

Recycling rates for some materials within scope of the proposed DRS, such as metal and potentially glass are already high. So it is questionable whether there is likely to be much net overall gain in the capture of these materials through inclusion in a DRS.

One of the key objectives for the scheme is to reduce littering. An 'on the go' scheme will contribute to this whereas an 'all in' scheme is likely to have less benefit as the items will be more commonly consumed at home and therefore the potential for it to be littered very low.

An 'on the go' scheme is a fairer system for residents where there is a greater choice in whether to pay a deposit by giving the option to use reusable items from home. An 'all in' system will also include more frequently purchased items where the deposit is therefore much harder to avoid, and so having a greater impact on those on lower incomes.

An 'on the go' scheme may also help to encourage waste hierarchy principles, i.e. people can avoid having a single use item by taking a reusable item, this is much harder for an 'all in' system. This then aligns better with the governments waste reduction plans/policies.

An On the Go DRS would be significantly less costly and should be less confusing for the public, because the actions required by them would largely remain the same.

13. Given the impact Covid-19 has had on the economy, on businesses and consumers, and on everyday life, do you believe an On-the-Go scheme would be less disruptive to consumers?

Yes

No

Yes because there would be less items involved and they would not be being asked to do anything significantly different with their kerbside collection so there would be less opportunity for confusion.

14. Do you agree with our proposed definition of an On-the-Go scheme (restricting the drinks containers in-scope to less than 750ml in size and excluding multipack containers)?

- Yes
 No

If no, how would you change the definition of an On-the-Go scheme?

Multipacks should be included. These packs are often bought by families, and if out and about then they would need to be included or could still be potential items for littering.

15. Do you agree that the size of containers suggested to be included under an On-the-Go scheme are more commonly consumed out of the home than in it?

- Yes
 No
 Difficult to say

16. Please provide any information on the capability of Reverse Vending Machines to compact glass?

We don't have any

17. Do you agree that the scope of a deposit return scheme should be based on container material rather than product?

- Yes
 No

This is difficult to answer because from a communications point of view collection authorities (WCAs) use a combination of both for example plastic bottles. Specific materials e.g. HDPE and PET are not necessarily used because this can be too technical. In the case of a DRS WCAs cannot say plastic bottles without saying but no HDPE. So the scope needs to allow for crystal clear descriptions.

The DRS scheme should align with EPR and consistent collections policies to be clear which products are covered under each respective programme. If the consistent collections requirements and EPR are based on products rather than material type, there could be confusion and duplication. The system needs to be easy to use, if consumers have a poor understanding of materials in scope and regularly have products rejected this could lead to low engagement with the scheme and increased complaints to local authorities.

In general, local authority recycling information details the types of products that can be recycled without referring to resin codes as these can be confusing and misleading. If the DRS in scope items are to be determined by the material rather than the product this could be confusing to residents and would rely heavily on clear labelling and the vast majority of consumers being able to understand the label,

including those where English is not the first language. A poor understanding of what materials are in scope could potentially lead to an unintended consequence of out-of-scope containers being returned and rejected at RVMs or return points which may then be littered rather than returned to the home for correct disposal/recycling.

18. Do you agree with the proposed list of materials to be included in scope?

- Yes
- No

We would propose the addition of cartons and single use cups as these are often littered and as such would benefit from being included within a DRS system.

19. Do you consider there will be any material switching as a result of the proposed scope?

- Yes
- No

Please provide evidence to support your response.

Anecdotally we would say manufacturers are likely to switch materials if they see a financial and/or operational benefit, and people may also switch products if there is an alternative not in scope option to avoid having to pay extra and the nuisance of reclaiming a deposit. However this could be managed through modulated fees under the EPR scheme.

Chapter 2: Targets

20. Which of the following approaches do you consider should be taken to phase in a 90% collection target over 3 years?

- 70% in year 1, 80% in year 2, 90% in year 3 and thereafter
- 75% in year 1, 80% in year 2, 90% in year 3 and thereafter
- 75% in year 1, 85% in year 2, 90% in year 3 and thereafter
- 80% in year 1, 85% in year 2, 90% in year 3 and thereafter

21. What collection rate do you consider should be achieved as a minimum for all materials after 3 years?

- 80%
- 85%
- 90% collection rate should be achieved for all materials

In order to make it viable there needs to be a 90% collection rate for the materials in scope.

22. Is it reasonable to assume that the same collection targets could be met with an on-the-go (OTG) scheme as those proposed for an all-in scheme for in-scope materials?

- Yes
- No

Please provide evidence to support your response.

It is not just the scope of a DRS that could lead to a need for different collection targets, but also the timing of its introduction in relation to the implementation of EPR, and also in relation to the changes to public services for recycling and waste and their timing as a consequence of the Consistency agenda. The likelihood of these considerations leading to the requirement for different collection targets is due to the variable scale of behaviour change required by producers and consumers that they generate.

23. Who should report on the volumes of deposit return scheme material placed on the market in each part of the United Kingdom (England, Wales and Northern Ireland) for the proposed deposit return scheme?

- The producer/ importer
- The retailer
- Both the producer/ importer and retailer

What would be the implications of obligations to report on volumes of deposit return scheme material for producers/ importers and retailers? Please provide evidence to support your answer.

This option would best align with the EPR but it is for these groups to respond really.

24. What evidence will be required to ensure that all material collected is passed to a reprocessor for the purpose of calculating the rate of recycling of deposit return scheme material?

The existing waste permitting system should be suitable for this purpose as it controls the need to report on the tonnages processed at the sites.

[Chapter 3: Scheme Governance](#)

25. What length of contract do you think would be most appropriate for the successful bidder to operate as the Deposit Management Organisation?

- 3 - 5 years
- 5 - 7 years
- 7 - 10 years
- 10 years +

It needs to be long enough to allow time for it to bed in but at the same time not be too long in case the contractor is failing to deliver. An extension period could be

included within the contract and awarded if it was considered that the DMO was performing well.

26. Do you agree that the above issues should be covered by the tender process?

Yes

No

Please list any further issues you believe should be covered as part of the tender process?

RVMs – clarification of who will operate them and how the operation will work.

Reporting – what to be reported and when.

Timescales – need to be included.

Deposit levels

27. Do you agree that the issues identified should be monitored as Key Performance Indicators?

Yes

No

Please list any further issues you believe should be covered by Key Performance Indicators?

Amount collected for recycling either as tonnage or % recycled of in scope materials placed on market.

Unredeemed deposits – how much, how will they be spent?

Included within a suite of KPIs should be ones that encompass issues related to contamination and littering, including around RVMs. KPIs that measure the availability of RVMs – how much time they are available for use and not full etc. This sort of measure would indicate how well the system is performing and also indicate how accessible it is for people to redeem their deposit easily.

28. Do you agree that the Government should design, develop and own the digital infrastructure required to register, and receive evidence on containers placed on the market on behalf of the Deposit Management Organisation and regulators?

Yes

No

Please elaborate on your answer if you wish.

It is not clear why the Government wishes to do this when everything else is being passed to the DMO and isn't consistent with EPR where the Scheme Administrator is being asked to do this. Government should either do this for both EPR and DRS or neither.

29. Government will need to understand the needs of users to build digital services for deposit return scheme. Would you like your contact details to be added to a user panel for deposit return scheme so that we can invite you to participate in user research (e.g. surveys, workshops interviews) or to test digital services as they are designed and built?

- Yes
- No

Chapter 4: Financial Flows

30. What is an appropriate measure of small producers for the purposes of determining the payment of registration fees?

- Taxable Turnover
- Drinks containers placed on the market
- Other

If other, please specify.

31. Is a high level of unredeemed deposits funding the scheme problematic?

- Yes
- No

Please explain your answer.

It will mean the scheme is not working. And that maybe people don't understand or can't make the journey to get a refund. It may mean that targets are not met as the material is not flowing through DRS or EPR.

32. Which option to treatment of unredeemed deposits do you support?

- Option 1
- Option 2

33. With option 2, do you foresee any unintended consequences of setting a minimum percentage of the net costs of the deposit return scheme that must be met through the producer fee?

Are there any unintended consequences of option 2?

Not sure

34. If a floor is set do you consider that this should be set at:

- 25% of net costs
- 33% of net costs
- 50% of net costs
- Other

Please provide evidence to support your response.

It is very hard to form a view on the limited information provided, but if a percentage approach is to be used then consideration should be given to some sort of variable figure based on the operational aspects of the DRS over time, for example if more items are included in the scope of a DRS at a future date or items are removed, or if the amount of material in scope or the costs relating to them changes abruptly.

35. Do you agree that any excess funds should be reinvested in the scheme or spent on other environmental causes?

- Reinvested in the scheme
- Environmental causes

Unredeemed deposits should also be included as subset of EPR, unless EPR will fully fund the costs of dealing with the cost of materials in the scope of DRS that are not collected.

The use of excess funds for Environmental Causes should be linked to themes allied to the purpose of the DRS as set out by Government, namely '*to reduce the amount of littering, boost recycling levels for relevant material, offer the enhanced possibility to collect high quality materials in greater quantities and promote recycling through clear labelling and consumer messaging. Additionally, introducing a deposit return scheme could help incentivise moves to push more material up the waste hierarchy and move towards a more circular economy.*'

While the DRS is embedding it will be important to prioritise reinvestment to ensure the smooth and effective running of the DRS.

36. What should be the minimum deposit level set in legislation?

- 10p
- 15p
- 20p
- Other

If other, please specify.

37. Do you agree that there should be a maximum deposit level set in legislation?

- Yes

- No
- 30p
- 40p
- 50p
- Other

If other, please specify.

38. Recognising the potentially significant deposit costs consumers could pay on a multipack purchase, how best can we minimise the impact of the scheme on consumers buying multipacks?

There should be no difference, the deposit should be applied per item. Purchasers will get their money back. Communication will be key such that consumers understand how much deposit they will get back on return of all of the multipack items.

39. Do you agree with our approach to letting the Deposit Management Organisation decide on whether to adopt a fixed or variable deposit level, particularly with regards to multipacks?

- Yes
- No

Please provide evidence to support your response.

There should be no difference in the deposit level for multipacks or single purchase items.

Chapter 5: Return Points

40. Do you agree that all retailers selling in-scope drinks containers should be obligated to host a return point, whether it is an all-in or on-the-go (OTG) deposit return scheme?

- Yes
- No

Please provide evidence to support your response.

There should be a de minimus based on capacity otherwise very small retailers could have problems with this, not only in terms of health and safety.

41. Given the proposed extensive distribution and availability of return points for consumers to return bottles to, do you think customers would be likely to experience delays / inconveniences in returning drinks containers?

- Yes

No

If so, how long or how frequently would such delays be likely to arise for?

It is impossible to determine the answer to this with any certainty. Maybe at smaller retailers or in very popular locations at certain times of the day.

It is almost inevitable there will be delays at some point for high demand return points such as supermarkets, especially during busy periods. The delays will also largely be determined by the number of items being returned. As it is unknown what consumer behaviour is likely to be, i.e. will larger number of items be stored before being returned or more regularly it is unknown what delays may be incurred. This also relates to potential changes in behaviours post Covid-19 and the incorporation of a digital solution. These behaviours and scheme design need to be better understood before finalising the DRS scheme and number of collection points required.

42. Do you have a preference, based on the 3 options described, on what the schemes approach to online takeback obligations should be?

Option 1

Option 2

Option 3

Please explain your answer.

Online retailers have to be included but it seems reasonable that not every small business should be obligated although in an extreme case the customer may not use them if they can't get their money back easily. DRS materials will still be able to be placed in the kerbside for collection.

43. Do you agree with the proposed criteria for the calculation of the handling fee?

Yes

No

Would you propose any additional criteria are included for the calculation of the handling fee?

The explanation of the handling fee is that a retailer will receive a handling fee *'to compensate them for any costs incurred in hosting a return point'* and a list of criteria is given and a statement that the *'calculation and modelling'* of the fee will be left to the DMO; this approach creates a risk that some retailers may lose out where costs are not paid on actuals, and as such some sort of appeals procedure should be allowed for – to ensure that the intention is fully respected that any retailer should be compensated for *'any costs incurred in hosting a return point'*.

44. Please tick which exemptions you agree should be included under the scheme:

- Close proximity
- Breach of safety

Any further comments you wish to make.

There should be more reasons for exemptions e.g. capacity (not related to health and safety)

The proximity exemption whilst we agree to it could become very complicated and subjective. Queues might form at the larger premises.

45. Please can you provide any evidence on how many small and micro sized retail businesses we might likely expect to apply for an exemption to hosting a return point, on the grounds of either close proximity to another return point or on the compromise of safety considerations?

N/A

46. Do you think obligations should be placed on retailers exempted from hosting a return point to display specific information informing consumers of their exemption?

- Signage to demonstrate they don't host a return point
- Signage to signpost consumers to the nearest return point

Anything else?

47. Do you agree with our rationale for not requiring retailers exempted on the basis of a breach of safety not to be required to signpost to another retailer?

- Yes
- No

Please explain your answer.

In terms of having to signpost to a competitor the answer would be yes, but at the same time, surely it's the same for any exempted retailer so they should all have to sign post. A better idea would be to have retailers required to have a sticker in their window to either say they accept in scope containers or they don't. This might save issues occurring once a householder is in the shop.

48. How long do you think exemptions should be granted for until a review date is required to ensure the exemption is still required?

- 1 year
- 3 years
- 5 years or longer

49. Do you think the scheme could benefit from technological solutions being incorporated as a method of return, alongside reverse vending machines and manual return points?

Yes

No

There ought to be a digital solution for this scheme in this age of technology. We believe that technology could benefit a DRS but as we have seen recently from Track and Trace that a well thought out, researched, piloted and fully tested solution would need to be developed before being implemented on a national scale in order to avoid unintended consequences. This supports our statement that we believe that DRS should be delayed until EPR is fully embedded. We do not think that enough research has been done on technological solutions. There is also the issue that this solution would move the flow of the material from the DRS collections to the kerbside and if this was to be pursued, local authorities would need more information, so that they could plan effectively. Littering could also be increased as an effect of this is more people might rummage through recycling containers looking for unredeemed deposits. Also once scanned, the bottle could be placed into the residual waste instead of the recycling, if the person did not have environmental motivations.

50. How could a digital deposit return scheme solution be integrated into existing waste collection infrastructure?

Please explain your answer.

A pilot would assist in determining how this could be achieved. This would need to be delivered at no extra cost to the Local Authorities

51. What are the potential fraud control measures a digital deposit return scheme could bring?

Please explain your answer.

DASWC is not in a position to respond to this but would suggest that digital schemes that are already in place outside of the UK be researched and lessons learnt.

52. Do you think a digital deposit return scheme could ensure the same level of material quality in the returns compared to a tradition return to retail model, given containers may not be returned via a reverse vending machine or manual return point where there is likely to be a greater scrutiny on quality of the container before being accepted?

Yes

No

Please explain your answer.

The key issue would be that the householder could still place the container into the residual bin unless there was a mechanism to prevent this. There could be a degree of contamination in wheeled bin co mingled collections, but in Devon all but one of 8 districts are kerbside sort so this is not such an issue.

53. If the digital deposit return scheme system can be integrated into the existing waste collection infrastructure would its implementation and running costs be lower?

Please provide evidence to support your response.

We are not in a position to answer this. It partially depends on whether RVMs and other return facilities had already been set up incurring significant cost and the impact on those that are already in place.

54. Do you support the proposal to introduce a new permitted development right for reverse vending machines, to support the ease of implementation for the scheme?

- Yes
- No

Do you have any amendments or additional parameters you would propose are reflected in the permitted development right?

In relation to a reverse vending based DRS, the use of permitted development rights would streamline processes and reduce costs for businesses and local authorities, however, the upper limit proposed of 80 square metres appears too high, the 15m sounds too close and the exclusion of location types needs to be expanded from the short list of SSSIs and the curtilage of listed buildings and scheduled monuments.

Chapter 6: Labelling

55. Do you agree that the following should be part of a mandatory label for deposit return scheme products?

- An identification marker that can be read by reverse vending machines and manual handling scanners.
- A mark to identify the product as part of a deposit return scheme.
- The deposit price

But if a digital DRS is taken forward this may not be enough for local authorities to manage that material as part of the DRS. Unless technology is already developed to guarantee every container is identified on a sort line, this may not be sufficient for local authorities to ensure that they were recompensed correctly.

56. Are you aware of further measures that can be taken to reduce the incidence and likelihood of fraud in the system?

No but Government could learn from other DRS schemes already in operation outside the UK.

57. Do you agree with our proposals to introduce mandatory labelling, considering the above risk with regards to containers placed on the market in Scotland?

Yes

No

Discussion needs to be had with Scotland to encourage them to have mandatory labelling requirements too.

58. Do you consider the risk of incorrectly labelled products entering the markets of England, Wales or Northern Ireland via Scotland to be a significant risk?

Yes

No

Please provide evidence to support your response.

It seems likely but we have no evidence to support this.

59. Do you consider leaving any labelling requirements to industry to be a better option than legislating for mandatory labelling requirements?

Yes

No

Please explain your answer.

This could lead to different labelling for different retailers. There needs to be absolute consistency and therefore legislation for mandatory labelling.

60. Are you aware of any other solutions for smaller producers who may not currently label their products?

Please explain your answer.

No, it is not our area of expertise

61. We believe 18 months is a sufficient period of time for necessary labelling changes to be made. Do you agree?

Yes

No

Please provide evidence to support your response.

Although it depends when the period starts in the scheme of the DRS and when producers have certainty about what is actually in scope and what is required with regard to labelling

62. Will your processes change as a result of mandatory labelling?

- Yes
- No
- Don't know

Please explain your answer.

As local authorities we are used to completing collections based on what is presented for collection rather than what is on the label.

63. Do you agree that our proposed approach to labelling will be able to accommodate any future changes and innovation?

- Yes
- No
- Don't know

Are you aware of any upcoming technology in the field of labelling?

Any approach will need to accommodate future changes. All schemes are subject to review and change including labelling.

Chapter 7: Local authorities and local councils

64. Do you agree that local authorities will be able to separate deposit return scheme containers either themselves or via agreements with material recovery facilities to regain the deposit value?

- Yes
- No

Please explain your answer.

Without significant investment this would not be possible. Local authorities will require space and infrastructure to deal with a different DRS material stream and will need to invest in any technology (if it exists) that would help to sort the materials, or invest in staff to do the task manually. Glass in particular is often broken and hence it would be impossible to reclaim deposits on it.

65. Do you agree that local authorities will be able to negotiate agreements with material recovery facilities to ensure gate fees reflect the increased deposit values in waste streams or a profit sharing agreement on returned deposit return scheme containers was put in place?

Yes

No

Please explain your answer.

This might be possible, depending on the contract or agreement. We would not be able to answer this until the full extent of DRS and EPR on the materials markets in the UK are realised. There is a risk that the removal of the DRS materials will negatively affect the quality and value of the remaining materials (eg PET removed from HDPE bottles and pots, tubs and trays). This could then affect EPR payments in terms of showing that an effective and efficient service is being delivered.

66. In order to minimise the risk of double payments from the Deposit Management Organisation to local authorities, where should data be collected regarding the compositional analysis to prevent the containers then being allowed to be redeemed via return points?

Local Authorities work with Government and are extremely unlikely to seek to abuse the system.

Waste composition analysis would be needed on litter bin waste, dropped litter collection, recycling collection and residual kerbside collected household waste. The recycling rate will also need to be considered. Sampled waste / recycling would also need to consider socio-demographics (e.g. properties sampled) as well as seasonal differences (e.g. litter).

The principle of Option 2 sounds reasonable if material cannot be reasonably separated out, although the payment mechanism and associated costs for an 'efficient and effective collection' and the various payment groups would require further consultation and agreement. There should also be capacity for an appeals system if a local authority can demonstrate it has been inappropriately categorised or the payments do not reflect the costs incurred.

It is noted that an assumption has been made that a proportion of the 70% of recycling of drinks beverage packaging currently recycled through the kerbside would continue once the DRS material has been removed. This is unlikely to remain constant as residents which currently recycle well may be more likely to use the DRS return options. The 7% estimation for the kerbside recycling may therefore not be representative if the high DRS rate of 90% is achieved, furthermore the proportion in the residual could also be higher. Further modelling and compositional analysis once the DRS system is in place would be required to ensure LA payments were representative of the materials being collected.

67. How difficult do you think option 3 would be to administer, given the need to have robust compositional analysis in place?

Please explain your answer.

There is a danger that Local Authorities' reporting burden may increase significantly. Local Authorities work with Government and are extremely unlikely to seek to abuse the system.

68. What option do you think best deals with the issue of deposit return scheme containers that continue to end up in local authority waste streams?

- Option 1
- Option 2
- Option 3

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

Option 2 presents local authorities with a fairer, more stable and certain position.

Chapter 8: Compliance Monitoring and Enforcement

69. Are there any other producer obligations you believe the Environmental Regulators should be responsible for monitoring and enforcing?

None that we are aware of

Please explain your answer.

70. Are local authorities (through the role Trading Standards and the Primary Authority Scheme) best placed to enforce certain retailer obligations?

- Yes
- No

To what extent will local authorities be able to add on monitoring and enforcement work for the deposit return scheme to existing duties they carry out with retailers?

Local Authorities already work with retailers. However, if this burden was placed on the Local Authorities it would require significant additional resource.

71. In addition to those in the table, are there any other types of breaches not on this list that you think should be?

Not that we are aware of

72. Are there any other vulnerable points in the system?

If so, what?

Not that we are aware of

73. Do you see a role for the Deposit Management Organisation to seek compliance before escalating to the Regulator?

Yes the DMO should be responsible for encouraging compliance and the system should be designed such that this is achieved.

74. Do you agree with the position set out regarding enforcement response options?

Yes

No

If no, please explain your answer.

Chapter 9: Implementation Timeline

75. Do you have any comments on the delivery timeline for deposit return scheme?

Please pose any views on implementation steps missing from the above?

The anticipated timescale is ambitious and does not reflect the new 'normal' in a COVID world. DASWC would prefer that EPR and Consistency are introduced and their impact monitored such that the need for a DRS is reviewed and introduced only if deemed necessary.

76. How long does the Deposit Management Organisation need from appointment to the scheme going live, taking into account the time required to set up the necessary infrastructure?

12 months

14 months

18 months

Any other (please specify)

If other, please specify.

Please provide evidence to support your response.

Given the complexity of all that is involved and depending on whether it is all -in or on the go will determine how long is required – we cannot give a view but would suggest that a programme is required to be submitted by the DMO as part of the tendering process and then this becomes contractually binding.

77. Depending on the final decision taken on the scope of the scheme in England and Northern Ireland – all-in or on-the-go – what, if any, impact does this have on the proposed implementation period?

We would assume that OTG would be likely to have a shorter implementation period

Chapter 10: Summary Approach to Impact Assessment

78. Do you agree with the analysis presented in our Impact Assessment?

Yes

No

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

The IA includes Scotland. It's is also based on the old timescale.

The 90% target includes 5% from local authority collections, based on current kerbside recycling rate, but those that don't take part in a DRS are perhaps more likely to be poor recyclers so less likely to recycle and more likely to put in residual.

If the digital solution is to be incorporated into the scheme design, this represents a significant change in how the scheme would be managed. This option should therefore be fully evaluated as it is likely to substantially change the impacts/costs. Without this information the impact assessment is incomplete.

We do not agree with the analysis presented on littering and there is unlikely to be a cost saving related to operational aspects of litter collection. The impact assessment makes a direct correlation between the reduction in litter and cost savings in terms of manual sweeping and picking and emptying bins. DASWC does not believe this is an accurate reflection as staff will be required to cover the same area to litter pick and bins will probably have to be emptied with the same frequency. Similarly, it is unlikely there will be a reduction in transport movement either.

As with the first consultation in 2019 DASWC has grave concerns about the values attached to litter disamenity in the impact assessment. This is especially relevant given how much impact this then has on the cost analysis put forward as justification for a DRS.

It is not clear to what extent post-pandemic behaviours/consumption patterns and limitations to return points have been incorporated into modelling. If as expected some of the behaviours observed during 2020 and 2021, which are reflected in kerbside yields and compositions, become sustained this could have a significant bearing on the feasibility of a DRS as currently modelled. These changes could make a digital DRS more effective.

It is difficult to comment fully as the scale and cost of key scheme requirements such as compositional analysis, monitoring of return points differ across the scenarios. The information presented is not of sufficient detail to determine the impact of key scheme variables presented throughout the consultation.

The current impact assessment takes no account of the changes in consumption, packaging use, and waste collection services that the pandemic has brought about. Fewer drinks containers will be bought for consumption in offices etc. More drinks containers are now placed into household recycling systems rather than office and transport node residual waste containers.

The changes that have and will continue to be brought about by the pandemic fundamentally change the model of a DRS in the UK and the assumptions that the impact assessment was based on. It is no longer fit for purpose in a post Covid-19 situation.

We would also question if a full equalities impact assessment has been undertaken for a DRS based on RVMs. There are likely to be accessibility concerns for some members of the public and it could be that people with access difficulties, for whatever reason, are unduly impacted by a DRS based on RVM. People will be unable to avoid the deposit but might not then be able to reclaim their money.