

## Response ID ANON-NZ8F-CY6Y-H

Submitted to Delivering Scotland's circular economy: a consultation on proposals for a Circular Economy Bill  
Submitted on 2022-08-19 11:05:00

### Strategic Interventions

#### Circular economy strategy obligation

Yes

2. Do you have any further thoughts on a statutory duty to produce a Circular Economy Strategy?:

A Circular Economy Strategy should:

- be on a par with the Climate Change Plan in terms of scrutiny, overseen by a statutory body, independent of government.
- Include ambitious and binding targets
- Be crosscutting and link with other existing and future strategies and policies, e.g. Climate Change Act, Good Food Nation Bill, Agriculture Bill, Community Wealth Building Bill, etc.
- Be reviewed every 3 – 5 years

The Strategy must set out how consumption and other CE targets are going to be met, measures to address harmful materials and chemicals and obligations on different sectors. Sector level plans, including farming, fishing and aquaculture, should be included as part of the Strategy and align with Just Transition. There needs to be aligned investment and the first strategy should be published by the end of 2023.

#### Statutory targets – consumption reduction, reuse and recycling

Yes

4. Do you have any comments in relation to proposals to set statutory targets?:

These must be both ambitious and binding targets, as have been called for by stakeholders such as the construction industry. As is seen in other EU nations such as the Netherlands who have a target to half the consumption of primary raw materials by 2030 and achieve a fully circular economy by 2050, targets must be set based on where we actually need to get to with work programmes then developed towards achieving those targets.

New targets should include material and carbon footprint targets to drive policy to reduce our overall consumption of raw materials, especially those that have the biggest carbon impacts. The targets should be statutory and science-based and the Bill must include a duty on the relevant minister to report annually on the targets.

We recommend that the consumption-based targets for Scotland should be set as follows:

A greenhouse gas emissions-based target to reduce Scotland's carbon footprint to zero by 2045, with an interim target to Scotland's carbon footprint by 75% by 2030 based on 1998 levels.

And

A materials-based target to reduce Scotland's material footprint by 57% (8 tonnes per person) by 2045, with an interim target to reduce material consumption by 30% (13 tonnes per person) by 2030 based on 2017 levels.

More info can be found in this paper on consumption targets: <https://foe.scot/resource/the-case-for-consumption-based-targets/>

#### Establishment of circular economy public body

Yes

6. Please provide evidence to support your answer to question 5:

Transitioning to a circular economy is critical for many reasons as outlined in the consultation document. It therefore warrants a dedicated and fully accountable public body with the associated governance requirements. As such, it must not only be statutory but also independent of government to ensure that it is able to fulfil its functions without any conflict of interest.

7. If a Circular Economy public body were to be established, what statutory functions should it fulfil? :

It is important that advisory, regulatory and delivery powers should be separated – see LINK publication Governance Matters (<https://www.scotlink.org/publication/governance-matters-the-environment-and-governance-in-scotland/>). We think that the Circular Economy public body should be an advisory body, like the Scottish Land Commission. Regulation and executive functions should be carried out by Scottish Government, Local Authorities and SEPA.

The body would oversee the development and delivery of the CE Strategy, report back on progress to date and work with SG to perform future reviews. It would also be able to draw upon the expertise of industry and other wide-reaching stakeholders to conduct research, develop guidance and act in advisory roles.

## Reduce and Reuse

### Measures to ban the destruction of unsold durable goods

Yes

9. Do you have any comments in relation to proposals to ban the destruction of unsold durable goods?:

The scope should be widened to include returned goods that are reusable.

Due attention should be paid to the criteria which determines 'unsold and durable' and also how these goods will then be reused / redistributed.

10. Are there particular product categories that you think should be prioritised?:

Priority should be given to items with the highest life cycle environmental and social costs and those with the highest re-use potential. In general, extended producer responsibility should encourage eco-design to increase inherent reuse and recyclability. This should also include ensuring that environmentally harmful chemicals are avoided since they can make items unsuitable for reusable and recycling. A levy should be applied to items that do not comply with circular economy design requirements

11. Are there product categories that should be excluded from such a ban?:

Any products that are deemed reusable should not be excluded from such a ban.

### Environmental charging for single-use items

12. The previous consultation showed broad support for the proposal that Scottish Ministers should have the power to set charges for environmentally harmful items, for example single-use disposable beverage cups. Is there any new context or evidence that should be taken into account in relation to this proposal? :

Whilst coffee cups, like plastics bags, are useful in terms of being a visual reminder of our throw-away culture, they only make up a tiny fraction of Scotland's waste arisings. This should be expanded to include all 'disposable' (not just 'single use') items, such as shaving razors, with levys on manufacture and sale, irrespective of whether they are made from plastic or not, e.g. metal and glass drink containers.

Whilst there is often a trade-off between packaging and food waste, where possible this should also be extended to plastic packaging of fruit and vegetables, where soft plastic packaging is often unnecessary (such as in 3-packs of peppers or apples, which can just as easily be sold loose) or can be easily replaced by cardboard equivalent (such as plastic punnets for soft fruits).

Single use items should be banned from all closed settings, eg cafeterias, etc.

13. Do you have any further comments on how a charge on environmentally harmful items should be implemented? :

Given the purpose of introducing such a charge is to influence consumer behaviour and reduce the consumption of particular products, care needs to be taken to prevent consumers from switching to equally or more environmentally harmful alternatives. This may involve parallel interventions to complement the charge in achieving its aims. For example, in parallel with introducing a charge on single-use cups, there needs to be government led intervention to encourage re-useable cup deposit schemes, and, further, single-use crockery and cutlery needs to be banned from closed settings.

When a charge is implemented, it should be done so as comprehensively as possible.

Special attention should also be paid to items such as disposable nappies and sanitary products, whilst recognising that there are often financial and cultural barriers to uptake of reusable products of this type.

The terminology 'environmentally harmful items' should be flexible enough to also include chemical substances damaging to the natural environment such as dry-cleaning fluids, etc.

### Mandatory reporting of waste and surplus

14. The previous consultation showed broad support for the proposal that Scottish Ministers should have the power to require mandatory public reporting of unwanted surplus stock and waste. Is there any new context or evidence that should be taken into account in relation this proposal?:

Due care and attention should be paid to the definitions of 'unwanted surplus stock' and 'waste' to ensure that companies are not only able to fulfil reporting requirements but also that they are not unnecessarily overburdened.

There needs to be clear understanding of what the reporting will be used for and how will it help to achieve CE Strategy objectives.

15. The previous consultation showed broad support for the proposal that food waste should be a priority for regulations. Is there any new context or evidence that should be taken into account in relation this proposal?:

We are strongly supportive of prioritising food waste in regulation, given the high impact it has on overall GHG emissions, and on methane emissions in particular.

Commerical

Whilst the effect of food waste on the bottom-line of business should mean that it takes care of itself, adequate support should be given to speed this process. However, in retail sector especially, food waste has effectively been built into the business model: 'loss-leaders' such as bread, milk, bananas are often used in price wars to lure in customers and 'waste' is passed on to food distribution organisations, with the double advantage of avoiding commercial waste collection costs and increasing their own CSR/ public image.

We would welcome mandatory reporting on food waste but would like assurance that this would also include full supply chain reporting and the inclusion of food waste within Scope 3 emissions.

However, it should be noted that some retailers have made significant progress in reducing in store food waste and we welcome the move away from 'best before' dates on fresh produce. Discounting measures in place in many stores provide an income-neutral way for customers to choose produce which has been marked down at certain times.

Surpluses still arise, especially at distribution centres, in manufacturing and at farm level, and some of this is unavoidable – though we hope that mandatory reporting will maintain focus on reducing this further.

#### Householders

Scottish Government previously promoted the ISM (Individual Social Material) framework as a way of supporting social change. This is a useful way to think about household food waste, with actions needed at all three levels for change to happen at scale.

Advertising campaigns operate at the individual level – seeking to change the views and attitudes inside people's heads.

There needs to be a radical rethink around messaging and how to communicate with householders, especially around food waste. Love Food Hate Waste is a tired campaign and arguably only appeals to a certain demographic. While this sort of top down messaging is a part of the mix, to have an impact it needs significant investment and must be well-designed in terms of what it helps people think, feel and do. Useful model for this could be drawn from the Pension Wise scheme, designed to help people understand the options available to them. A similar advisory scheme, supporting people to think through waste reduction strategies that would work well in their households and families would be an effective way of supporting individuals. Householders need to be proactively involved in the co-production of all future communication campaigns.

Actions at social level seek to influence collective meanings and values – how our peers, tribe, our community, thinks and talks about food waste. What do people like me think, feel and do? It's about we, not I.

The local and community level is key to success here, people talking to people whether in schools, churches, community centres, workplaces or shops. Projects funded under the Climate Challenge Fund and similar funding streams have demonstrated significant reductions in household food waste using these traditional community organising methods, but there has been no effort made by government to learn from or build on these disparate efforts.

Local authorities are well-placed to lead these efforts, since they engage with their communities – but they need to invest resources over time to do this well. There must also be mechanisms for the sharing of good practice between authorities and where new approaches can be tested

The material level is about creating an external environment which supports waste-reducing lifestyles. This could include regulation of how we dispose of food waste – where we can learn from other countries, for example Korea.

Normalising reducing food waste and food composting in public settings is essential. This includes giving away surplus food as takeaway, installing food waste bins and compost heaps in schools, hospitals and workplaces. However, this must be in tandem with clear and simple messaging to reduce risks of contamination and further embed preferred behaviour.

More broadly, it means reducing the incentives for people to buy more food than they need – while businesses have an incentive for people to do exactly that. There is scope for food retailers and caterers to adapt their business model to align better with net zero, with the health of their customers, and with reducing household food waste. One driver for this is for household food waste to form part of Scope 3 emissions and thus part of climate reporting.

Fresh thinking and ministerial focus is urgently needed if Scotland is to meet the SDG target of halving food waste by 2030. One starting point could be a food waste hack which brings together a very diverse range of perspectives to generate new ways of thinking about food waste. This group could also draw on a fiche of progressive policies from round the world – there are countries with similar income levels which achieve lower rates of food waste.

#### Food surplus

Where surplus food suitable for human consumption is available it should go to people rather than animals, anaerobic digestion or landfill. However, as we have seen from experiences during the pandemic, redistribution systems need to be developed in consultation with community food organisations to ensure they do not create unnecessary or unmanageable burdens on staff and volunteers of community projects and that surplus stock is appropriate for the specific needs of these projects. People with lived experience of food insecurity should be involved in decision-making about how to transition away from emergency food provision towards more dignified models of making low- or no-cost food available to people in the community.

Food surplus should therefore not just be dumped on community organisations and charities. Instead, the concept of extended producer responsibility should be used to embed value in surplus food, creating an effective secondary market with a range of accredited local and national actors. Indeed, redistribution systems should operate as part of the circular economy and steer clear of a charitable ethos or any sense that it provides an effective or dignified solution to poverty.

Community organisations should – like schools and hospitals - be able to procure food for community meals and community-run stores in ordinary,

valued ways. Where public money is supporting these organisations, they should be expected to follow generic guidelines for procurement, focusing on healthy, sustainable and where possible local and seasonal food. Woodlands Community Development Trust in Glasgow provides a good example of this 'first-hand food' approach, and this should become the norm. See this report: <https://www.woodlandscommunity.org.uk/s/Woodlands-Community-Cafe-Veg-Box-Integrating-antipoverty-and-climate-breakdown-work-Maggie-Kelly-Mar.pdf>

The Scottish Government's 'cash-first' approach should be designed to end the need for food banks, food pantries and other forms of charitable food provision which do not belong in a human rights-based approach to food.

16. Are there other waste streams that should be prioritised? :

#### Soils

Soils are one of the most important resources that we have, not just in terms of food production but also for carbon sequestration and climate regulation, ability to manage flooding and drought, and to support the large and diverse biological communities essential for life on earth. These are key elements of the Climate Change Act passed this year and will form part of the new statutory Good Food Nation Plans when the Good Food Nation Bill becomes law. Scottish Government also has a vision to be a world leader in regenerative agriculture which has soil health at its very heart.

Soils are part of a circular, not linear, system and are fundamental to our ability to produce food. They should be seen as a public resource. The production, consumption and export of food is also a hugely important part of Scotland's economy.

Scotland's soils hold much more carbon than our forests and our atmosphere and have the potential to sequester significantly more, making them indispensable to our net zero ambition. However, the growing private carbon market brings dangers as well as opportunities – as do negative emissions technologies such as biochar and enhanced rock weathering. Therefore, we believe soils should form one of the key front-page elements of the Circular Economy Bill.

There are myriad pressures on Scotland's soils, as identified by in the Scottish Environmental Protection Agency's position statement on planning and soils, yet there is no overarching piece of legislation in place which provides protection for all soils from all threats. Soils are a renewable resource that need careful stewardship and management, underpinned by a regulatory framework.

Specifically, we ask for:

- A commitment to nutrient budgeting, including a phosphorus balance sheet.
- A national soils plan, which reports on a 5-year cycle to monitor the health of Scotland's soils, including assessments of soil organic matter / carbon contents.
- A duty on land managers to maintain and enhance soil carbon levels and to prevent soil erosion.
- A Chief Soils Officer in Scottish Government.
- A specific and sizeable levy paid on any activity which seals soil (and therefore destroys its regenerative capacity) which can be used for remediation of contaminated soils and peatland.

#### Distillery and brewing

Fully 40% of our best land in Scotland is used to grow cereals and starches for the alcohol industry, using energy, nitrogen fertiliser and pesticides in the process.

It's vital to close the loop on the by-products from this sector.

Directing nutrient-rich residues into anaerobic digestion is an improvement on previous practices of discharging into the sea – but it is a massive waste of the potential of this resource. Feeding residues to ruminant animals is better than feeding them fresh barley – but we should be moving towards feeding cattle and sheep entirely or mostly on grass (and trees).

Innovative Scottish businesses such as Horizon Proteins are extracting protein from whisky residues to create salmon feed – making both sectors more sustainable. Other businesses are converting residues to human-edible baking ingredients or other high value materials. These processes should be scaled up rapidly to ensure that if we are using our best land for alcohol then at least we maximise the wider benefits.

#### Nitrogen

Scotland's nitrogen cycle is hugely wasteful, as shown by the latest nitrogen balance sheet. A target should be set to halve nitrogen waste by 2050, in line with the Colombo Declaration. Better use of nitrogen, including from sewage sludge and anaerobic digestion plants, reduces air pollution and greenhouse gas emissions while supporting biodiversity and saving farmers money.

#### Textiles

Textiles have a huge impact, exacerbated by the exponential rise of fast fashion, and the 'Donation Generation' zeitgeist allows people to move their guilt away from extreme consumption.

Consumers could be incentivised to return textiles through the use of a deposit return scheme whereby retailers offer 'club points' or discounts on future purchases. Repair services could be supported as part of the reuse economy, branded and priced in such a way that would encourage uptake. It's worth noting that many clothing brands, most notably jeans, now offer repair as part of their retail offering.

However, this should be in tandem with a series of regulations that ensure that businesses need to be transparent about how and where a garments are made, including information about wage levels and working conditions. Develop marketing campaigns that address the real issues rather than moving them on to someone and somewhere else. E.g. 'Donation Generation' moves things to charity shops but does nothing to reduce the problem which is cheap, poor quality clothing produced in an oppressive and destructive environment.

The term 'textiles' should be broad enough to include products such as carpets and textile constituents of composite items, such as car seats, etc.

Overall, priority should be given to items with the highest life cycle environmental and social costs.

## Recycle

### Strengthening approach to household recycling collection services

17. The previous consultation showed broad support for the proposal that Scottish Ministers should have powers to place additional requirements on local authorities in order to increase rates and quality of household recycling. Is there any new context or evidence that should be taken into account in relation to the proposal?:

1. Much of this is dependent on MRF capacity and the materials markets. However, waste facilities should be located as close as possible to the areas producing waste and should work with local authorities to accept as many materials as possible. There should be consistency with other MRFs, standardised collection systems across counties with much clearer labelling about what can and can't be recycled. One way of doing this would be to nationalise waste collection services on a contract by contract basis as and when they came up for renewal. This would give LAs greater control of material streams and the ability to maximise capacity of processing facilities without compromising recycling rates, etc.

2. Mandatory recycling including greater powers to challenge and ultimately fine residents for non-compliance. Food waste recycling should be the priority with the onus being on the residents to comply. Landlords share responsibilities for ensuring tenants understand and comply with recycling requirements.

3. New build and redevelopment projects should have full integration of waste management principles at a Planning level.

4. Considering that on the go / street recycling will never be 'clean' waste, review of safe contamination levels in waste management contracts to see what flexibility there is to reduce rejected recycling.

18. The previous consultation showed broad support for the principle that there should be greater consistency in household recycling collections. Is there any new context or evidence that should be taken into account?:

Share learning from the success of other nations, such as Wales. High recycling rates are due to consistent and standardised collections, clear comms and food waste collections across the whole country. This will involve investment in effective communications at a national level and for local authority recycling teams to provide support.

19. The previous consultation showed broad support for the principle of moving away from the current voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach, whereby implementation of the Charter and its supporting Code of Practice becomes a statutory obligation. Is there any new context or evidence that should be taken into account?:

Suggest a review of the code of practice to identify if it needs revising before it is suitable to be mandated across Scotland given the variations in population densities/ housing type.

### The role of targets to support recycling performance

Yes

No

22. Please explain your answer:

Scottish Government should be supporting local authorities, not penalising them. Individual local authorities don't have all the answers. However, there is a huge amount of innovation and learning out there, not just across Scotland but in the UK and beyond. We propose a forum for LAs to learn from each other and provide a supported space for individual or groups of LAs to trail existing good practice or test and learn new ideas in their own areas. Nourish Scotland has already proposed a more detailed proposal to Zero Waste Scotland and more detail on how this could be facilitated and funded can be given on request.

### The Duty of Care for households

23. The previous consultation showed broad agreement that householders' existing obligations are not sufficient. Is there any new context or evidence that should be taken into account? :

Yes

25. Please add any additional comments:

This must be exercised fairly and additional needs people might have taken into account. Additionally, people need to have access to clearly identifiable recycling facilities, and products and bins must be clearly labelled in a consistent fashion.

### Incentivising waste reduction and recycling (households)

26. Are there further powers, if any, for Scottish Ministers, and/or local authorities, that should be considered in order to incentivise positive household behaviours, to support waste reduction and increased recycling in Scotland?:

We would support powers to introduce charges or other incentives to increase recycling and reduce household residual waste. Charges or other incentives are successfully used in many European countries. They should not be introduced until all households have access to comprehensive recycling infrastructure/ collection and should be implemented fairly, for example, any standard charge associated with residual waste collection be accompanied by a reduction in council tax.

27. Are there any other legislative measures that you consider Scottish Government should take to strengthen recycling and reuse at a household level, helping accelerate the rate and quality of household recycling in Scotland?:

Yes

28. Please add any additional comments:

Local authorities should be required to facilitate increased re-use through a comprehensive re-use service driven by a 're-use charter'.

Business recycling collection zoning

Yes

30. Please add any additional comments::

We are aware of concerns around commercial zoning in terms of impact on local SME providers. We support efforts to reduce air pollution, emissions and noise, but would like to see this balanced with the above.

## Littering and Improving Enforcement

New penalty for littering from vehicles

31. The previous consultation showed broad support for the proposal that Scottish Ministers should have the powers to introduce a new fixed penalty regime for littering from vehicles. Is there any new context or evidence that needs to be taken into account? :

We welcome a fixed penalty regime for littering from vehicles and urge that this should extend to littering from boats at sea. As highlighted in the EU Port Reception Facilities Directive on their pre-2019 revision on which the existing current UK legislation is based upon "discharges of waste at sea still occur at substantial environmental, social and economic costs. This is due to a combination of factors, namely inadequate port reception facilities, enforcement often being insufficient and there being a lack of incentives to deliver the waste onshore". The Scottish Government needs to ensure that adequate port reception facilities are available but should also enforce penalties to prevent littering at sea.

32. The previous consultation showed broad support for the principle that the registered keeper of a vehicle bears primary responsible for offences such as littering from or in relation to their vehicle (for example by passengers or people using that vehicle at that time). Is there any new context or evidence that needs to be taken into account? :

Seizure of vehicles

33. The previous consultation showed broad support for the principle that enforcement authorities should be given powers to seize vehicles linked to waste crime. Is there any new context or evidence that should be taken into account?:

## Assessing impact of bill proposals

Equality

34. Taking into account the accompanying EQIA, are there any additional likely impacts the proposals contained in this consultation may have on particular groups of people, with reference to the 'protected characteristics' listed above?:

Business and regulation

35. Taking into account the accompanying BRIA, do you think that the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any business or sector? :

Children's Rights and Wellbeing Impact Assessment

36. Taking into account the accompanying CRWIA, do you think that the proposals contained in this consultation are likely to have an impact on children's rights and wellbeing? :

Islands Communities Impact Assessment

37. Taking into account the accompanying ICIA, do you think that the proposals contained in this consultation are likely to influence an island community significantly differently from its effect on other communities in Scotland? :

Fairer Scotland Duty

38. Taking into account the accompanying Fairer Scotland Assessment summary template, do you think that the proposals contained in this consultation are likely to have an impact in relation to the Fairer Scotland Duty? :

Environment

39. Do you think that the proposals contained in this consultation are likely to have an impact on the environment? :

Conclusion

40. Do you have any other comments that you would like to make, relevant to the subject of this consultation, that you have not covered in your answers to other questions?

please specify:

The bill should introduce powers for the Government to require public bodies and all other organisations over a certain size to report on their scope 3 emissions annually.

Sector level plans, including farming, fishing and aquaculture, should be included as part of the proposed Strategy. Plans should include targets, outcomes, milestones and aligned budget resource. Sector Plans must look at supply chains and inputs to the sectors as well as making best use of the products/materials and reducing waste. A protein strategy and its implementation has an important function in reducing our environmental footprints and needs to be linked to a Sector Plan for farming, fishing and aquaculture; and other relevant sectoral strategies like the Future Fisheries Management Strategy.

The Bill must include a duty on public bodies to act in such a way as to contribute to the new CE targets. All funding, investment, public procurement, and policies and plans should be scrutinised against circular economy principles and material impacts, and opportunities sought to reduce such impacts.

Measures to address procurement, to ensure that all public spending aligns with the circular economy, need to be stronger and may require changes to legislation. Procurement decisions need to be based on the long term cost of the purchase, including operating and end of life costs, and carbon and material footprint considerations, as well as other criteria such as supporting local supply chains. Public bodies must be required to report on the impact of procurement including its footprints. The European Green Public Procurement Guidelines should be followed.

Data and data access is important. Data collected needs to be accessible to the public.

If satisfactory measures on chemical traceability are not introduced at a UK level, Scotland must use powers under the Environment Act to introduce clear traceability.

There should be a requirement on public spaces to provide a free water fountain so people can fill up water bottles.

About you

What is your name?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Nourish Scotland

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

Publish response with name

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

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

## Evaluation

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

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

Please enter comments here.:

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

Please enter comments here.: