POLICY NOTE

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (REVERSE VENDING MACHINES) (SCOTLAND) AMENDMENT ORDER 2020

SSI 2020/269

The above instrument was made in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling the Scottish Ministers to do so. The instrument is subject to negative procedure.

Purpose of the instrument. To facilitate the installation of Reverse Vending Machines ("RVMs") on retail premises in order to enable retailers to meet their statutory duties under the Deposit and Return Scheme for Scotland Regulations 2020.

Policy Objectives

The instrument will introduce a new class of development into Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ("the GPDO"). The new class 9H will allow the installation, subject to certain restrictions, of RVMs on the wall of, or within the curtilage of, a shop without the need to apply for planning permission. It will also allow the installation of associated structures and enclosures and canopies to protect users and equipment from the elements or to provide acoustic mitigation.

Under the provisions of the Deposit and Return Scheme for Scotland Regulations 2020 ("the 2020 Regulations"), certain items of glass, metal and plastic packaging will be subject to a deposit payable at point of sale and refundable when the packaging is returned to any participating return point. All retailers selling goods which are subject to this deposit charge are required to act as a return point (unless they have been successful in securing an exemption), accepting returned items regardless of where they were purchased. While smaller shops will be able to accept such returns 'over the counter', larger premises will require proportionally larger facilities for handling returns. This is particularly the case for supermarkets and retail park locations which are expected to accept the majority of returns. In order to manage the anticipated volume of packaging, such retail outlets may require the provision of RVMs, either wall mounted or free standing.

Such wall mounted or free standing RVMs may, under current planning legislation, require that a planning application is made and permission granted for their installation. By creating 'permitted development rights' which grant planning permission where the machines comply with the provisions of class 9H, this Order will address potential planning barriers which could otherwise impact on retailers' ability to fulfil their statutory obligations under the 2020 Regulations.

Consultation

The 2020 Regulations impose statutory duties on retailers selling goods whose packaging is covered by the deposit return scheme. The Scottish Government considers that this Order is required to remove potential barriers to the effective implementation of the scheme and to

enable retailers to meet their statutory obligations under the scheme. The Scottish Government has not therefore undertaken public consultation on the need for this Order.

Discussion has taken place with major retailers and with Scottish Government colleagues in the Environmental Quality and Circular Economy Division of the Directorate for Environment and Forestry, who have responsibility for the implementation of the deposit return scheme. These discussions informed the provisions in the Order relating to the maximum size, height, proximity to residential development, etc. of development permitted under the provisions of new class 9H of the GPDO.

Impact Assessments

There are no equality/children's/privacy, etc. impact issues.

A Strategic Environmental Impact Assessment is not required. A Strategic Environmental Assessment was undertaken in respect of the Deposit and Return Scheme for Scotland Regulations 2020 and is available here https://consult.gov.scot/environment-forestry/deposit-return-scheme/supporting_documents/DRS%20%20Environmental%20Report.pdf. This Order removes barriers to the implementation of the 2020 Regulations.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The impact of this policy on business is to support the retailers of single-use drinks containers made of plastic, metal and glass to accept the return of such containers in line with their statutory obligations under the 2020 Regulations.

Scottish Government
Directorate for Local Government and Communities

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