



Scotland's Deposit Return Scheme

EXEMPTIONS GUIDANCE

PROXIMITY

You are likely to be eligible for a [proximity exemption](#), should you wish to apply, if:

- There is an alternative return point within reasonable proximity that still ensures reasonable access to a return point to your customers, AND
- The alternative return point operator has agreed to take returns on your behalf, AND
- The alternative return point operates at similar opening times and provides the same level of accessibility as your premises (e.g. wheelchair accessibility).

For help finding alternative return points near to you, or if you would like to act as an alternative return point, please go to [Return Point Mapping & Exemption Support](#)

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ENVIRONMENTAL HEALTH

You are likely to be eligible for an [environmental health exemption](#), should you wish to apply if:

- Operating a return point would result in you risking a breach of any of your environmental health obligations, AND
- Your premises could not be reasonably altered to avoid risking breach of any of your environmental health obligations in operating a return point.

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Zero Waste Scotland will consider your application against the eligibility criteria and pass to the Scottish Ministers to take a decision.

Further guidance is provided below.



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Proximity exemption: are you eligible?

You may apply for a proximity exemption if you have an agreement with another nearby return point to take back containers on your behalf, it is easily accessible, and it is open at similar times to you.

If you require help finding alternative return points near to you, please complete the information within the [Return Point Mapping & Exemption Support](#). If there is an identified location within the proximity requirements you will be contacted via email from the support team.

Is there an alternative return point reasonably near you?

To qualify for a proximity exemption, there should be an alternative return point within a reasonably accessible distance of you. We generally consider this to be approximately **400 metres** (calculated as a pedestrian would travel, not as a straight-line distance). You can check the distance using Google Maps, or another online mapping tool. There is some flexibility to this distance, but the alternative return point must ensure that your customers have reasonable access to return their empty bottles and cans.

The alternative return point could be another shop that sells drinks, or it could be a voluntary return point. For example, if you are based in a shopping centre or transport hub, there could be a voluntary return point operated for the benefit of all the shops there that you can name as your alternative return point.

Will consumers have reasonable access to an alternative return point?

It is likely that consumer will have reasonable access to an alternative return point if it is open at similar times and is reasonably accessible to consumers.

Is the alternative return point open at the same times as you?

The alternative return point should be open at similar times as you. This is to make sure your customers can easily access a return point. Your opening hours don't have to be exactly the same, but as a guide we generally consider that the alternative return point should be open at least 80% of the time that you are, though there is some flexibility to this percentage depending on your individual circumstances

Is the alternative return point accessible?

If you have made any alterations (e.g. wheelchair access) to improve the accessibility of your premises, then you should consider the accessibility of the alternative return point. It should also be reasonably accessible to all consumers and you will need to provide information on this in your application.



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Has the alternative return point agreed?

You will need to get the consent of the alternative return point to take containers back on your behalf, and you will need to confirm this within your application.

Do I need to provide all this information?

Yes – In order for us to facilitate discussions to share return points then you must have submitted the information through [Return Point Mapping & Exemption Support](#).

Environmental health exemption: are you eligible?

You may apply for an environmental health exemption if there is a significant risk that operating as a return point would put you in breach of your obligations for:

- food safety,
- health and safety,
- fire safety,
- environmental protection,
- public health.

You must be able to demonstrate that there is no reasonable way for you to operate a return point on your premises without breaching these obligations, or that modifying your premises to ensure compliance could not reasonably be achieved. As a guide, we would generally consider that modifying premises to ensure compliance could not reasonably be achieved if the cost for doing so would exceed £500 for food to go retailers, or £2000 (costs excluding VAT) for all other retailers. There is some flexibility to these guide cost thresholds depending on your individual circumstances.

In determining the risk of breach of any of the above obligations relating to environmental health by operating a return point, we will take the size of your premises into account in deciding your application for exemption on these grounds. While there is flexibility depending on your individual circumstances, we offer the following guidance on the internal footprint of premises which are likely to be considered eligible for an exemption.

Is the footprint of your premises 25m² or less?

If the footprint of your premises is approximately 25m² or less, we will very likely approve your application without seeking further information. This would also apply to mobile caterers.

Is the footprint of your premises 100m² or less?

If the footprint of your premises is approximately 100m² or less, you are likely to be approved for an environmental health exemption. You must describe what modifications are needed to



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operate a return point, and provide an indication of average monthly sales of DRS articles. This information will not be shared with any other retailers.

Are you a food-to-go retailer, and the footprint of your premises is 280m² or less?

If you are primarily a food to go retailer and the footprint of your premises is approximately 280m² or less, you are likely to be approved for an environmental health exemption. You must describe what modifications are needed to operate a return point, and provide an indication of average monthly sales of DRS articles. This information will not be shared with any other retailers.

What if I am another type of retailer?

If the footprint of your premises is larger than 100m² and you are not a food to go retailer, or you are a food-to-go retailer with footprint over 280m², you can still apply for an exemption if you can demonstrate that there is no reasonable way for you to operate a return point on your premises without risking being in breach of relevant legal obligations, such as food safety. You will have to tell us what alterations would be required to ensure compliance with legal obligations while operating a return point, and provide evidence to demonstrate how much these would cost. If the cost exceeds a certain threshold we will be likely to approve the application. This threshold depends on what type of business you operate and in each case there is some flexibility depending on your individual circumstances

What type of business do I operate?

Primarily a food-to-go retailer

You will have to provide evidence that this is the case (your planning use class and that you have fewer than 10 covers). You must tell us what alterations would be required and provide evidence to demonstrate how much these would cost.

For this type of business, if the footprint of your premises is above approximately 280m² an exemption is likely to be granted if the cost would exceed approximately £500 (excluding VAT). There is some flexibility to this threshold depending on your individual circumstances.

A restaurant/café with some food to go, or a food-to-go retailer with more than ten covers

For this type of business, if the footprint of your premises is above approximately 100m² an exemption is likely to be granted if the cost would exceed approximately £2,000 (excluding VAT). There is some flexibility to this threshold depending on your individual circumstances.



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A general retailer e.g. convenience store or newsagent (even if you have some food-to go offer)

For this type of business, if the footprint of your premises is above approximately 100m² an exemption is likely to be granted if the cost would exceed approximately £2,000 (excluding VAT). There is some flexibility to this threshold depending on your individual circumstances.

A business selling drinks entirely for consumption on the premises (e.g. many pubs, restaurants, and cafés).

This type of business is not required to operate a return point. However, you will still need to register with CSL in order for them to arrange collection of scheme articles.

Do I need to provide all this information?

You may wish to discuss your obligations to act as a return point with the scheme administrator, Circularity Scotland Ltd (CSL). CSL may be able to make an application on your behalf if you provide them with your consent and the required evidence.