



Law Society
of Scotland

Consultation Response

SEPA Dairy Processing Sector Plan

February 2019



Introduction

The Law Society of Scotland is the professional body for over 11,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Environmental Law sub-committee welcomes the opportunity to consider and respond to Scottish Environment Protection Agency's (SEPA) consultation on the Dairy Processing Sector Plan.¹ We have the following comments to put forward for consideration.

General comments

As we have previously indicated, we welcome SEPA's sectoral approach to regulation. However, it appears from the Sector Plan (and others consulted upon) that SEPA seeks to radically change the way in which it regulates the dairy processing sector by moving away from the 'traditional approach' to regulation.

The traditional, rule-based approach is generally both measurable and transparent. This ensures accountability of SEPA to the Scottish public in its approach to regulation and enforcement.

Under the new proposed regime, it is crucial that there is clarity around the standard of 'beyond compliance' – in particular, what is meant by this and what is expected of businesses to meet this standard. Individuals and businesses also require clarity as to what will happen if businesses do not go 'beyond compliance'. It is important that individuals and businesses understand what is required of them, and the consequences of non-compliance, in order that they can guide their conduct appropriately.

The draft Sector Plan identifies a number of important areas where there are weaknesses in the sector in terms of environmental sustainability. These include: elimination of waste, increasing recycling from 53% of HDPE packaging, using packaging that can be recycled, reducing and recycling water use, reducing

¹ <https://consultation.sepa.org.uk/sector-plan/dairy-processing/>

energy use, and minimising transport impacts. We consider that the plan lacks detail as to how it is intended that SEPA will fundamentally alter the regulation and policy which currently exists under the 'traditional approach', in particular, to combat these weaknesses in the sector. Although the Sector Plan has a focus on moving 'beyond compliance', the areas identified are aspects which could all benefit from specific sector targets to improve environmental performance. Infrastructure to improve HDPE recycling compliance, use of renewable energy in the sector, and clear requirements to help eliminate waste in the processing stage are areas where Government guidance and possible incentives and investment would assist those operating in the sector to reduce their environmental impact.

Those businesses in the sector who do demonstrate best practice should be commended. It is important, however, that SEPA sets out a clear vision for the industry and works with the Scottish Government and other partners to deliver necessary support structures to allow these changes to be more readily achievable.

For further information, please contact:

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