Waste Management Strategy in Northern Ireland

Sixth Report of Session 2004-05

Volume II

Oral and written evidence

Ordered by The House of Commons to be printed 21 February 2005
The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

Current membership

Mr Michael Mates, MP (Conservative, East Hampshire) (Chairman)
Mr Adrian Bailey, MP (Labour / Co-operative, West Bromwich West)
Mr Roy Beggs, MP (Ulster Unionist Party, East Antrim)
Mr Tony Clarke, MP (Labour, Northampton South)
Mr Iain Luke, MP (Labour, Dundee East) (Added 20 October 2003)
Mr Eddie McGrady, MP (Socialist Democratic Labour Party, South Down)
Mr Stephen Pound, MP (Labour, Ealing North)
Mr Gregory Campbell, MP (Democratic Unionist Party, East Londonderry)
Rev Martin Smyth, MP (Ulster Unionist Party, Belfast South)
Mr Hugo Swire, MP (Conservative, East Devon)
Mr Mark Tami, MP (Labour, Alyn & Deeside)
Mr Bill Tynan, MP (Labour, Hamilton South)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/northern_ireland_affairs.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Dr John Patterson (Clerk), Hugh Farren (Attached Clerk), Dr Aileen O’Neill (Committee Specialist), Tony Catinella (Committee Assistant), Chryssa Poupard (Secretary)

Contacts

All correspondence should be addressed to the Clerk of the Northern Ireland Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 2172/3; the Committee’s email address is northircom@parliament.uk
## Witnesses

**Wednesday 26 May 2004**

Mr John Quinn and Mr Richard Burnett, *Technical Advisers Group and arc21*  
Ev 10

**Tuesday 15 June 2004**

Mr Eamon Molly and Mr John Kelpie, *North West Region Waste Management Group* and Mr Graham Byrne and Mr Andrew Baskin, *southern Waste Management Partnership*  
Ev 28

**Wednesday 23 June 2004**

Mrs Deirdre Stewart and Mr Brian Gregory, *Confederation of British Industry, Northern Ireland*  
Ev 44

Mr Eric Randall and Mr John McMullan, *Bryson House Recycling the Northern Ireland Charity*  
Ev 55

**Wednesday 8 September 2004**

Mr Phillip Ward and Mr Steve Creed, *Waste and Resources Action Programme*  
Ev 67

**Wednesday 13 October 2004**

Professor Deborah Boyd and Mr Trevor Knipe, *Waste Management Advisory Board for Northern Ireland*  
Ev 79

**Tuesday 26 October 2004**

Mr Stephen Aston, Ms Pat Corker, Mr Noel Scott and Mr Brendan O’Neill, *Department of the Environment*  
Ev 171

Mr Paul Walsh, *Queen’s University Belfast*, Mr Gordon Best and Mr Bill Weir, *Quarry Products Association Northern Ireland*  
Ev 195

Mr John Woods and Dr Cathy Maguire, *Friends of the Earth Northern Ireland*  
Ev 205

**Wednesday 17 November 2004**

Angela Smith MP, *Parliamentary Under-Secretary of State, Northern Ireland Office*, Mr Stephen Aston and Mr Noel Scott, *Department of the Environment*  
Ev 214
## List of written evidence

<table>
<thead>
<tr>
<th></th>
<th>List of written evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Technical Advisers Group</td>
</tr>
<tr>
<td>2</td>
<td>arc21</td>
</tr>
<tr>
<td>3</td>
<td>North West Region Waste Management Group</td>
</tr>
<tr>
<td>4</td>
<td>Southern Waste Management Partnership</td>
</tr>
<tr>
<td>5</td>
<td>Southern Waste Management Partnership, Supplementary memorandum</td>
</tr>
<tr>
<td>6</td>
<td>Confederation of British Industry Northern Ireland</td>
</tr>
<tr>
<td>7</td>
<td>Bryson House Recycling</td>
</tr>
<tr>
<td>8</td>
<td>Bryson House Recycling, Supplementary memorandum</td>
</tr>
<tr>
<td>9</td>
<td>Waste and Resources Action Programme</td>
</tr>
<tr>
<td>10</td>
<td>Waste Management Advisory Board for Northern Ireland</td>
</tr>
<tr>
<td>11</td>
<td>Department of the Environment</td>
</tr>
<tr>
<td>12</td>
<td>Department of the Environment Planning Service and the Department of Agriculture and Rural Development</td>
</tr>
<tr>
<td>13</td>
<td>Department of the Environment Planning Service, Supplementary memorandum</td>
</tr>
<tr>
<td>14</td>
<td>Department of Agriculture and Rural Development, Supplementary memorandum</td>
</tr>
<tr>
<td>15</td>
<td>Quarry Products Association, Northern Ireland</td>
</tr>
<tr>
<td>16</td>
<td>Quarry Products Association, Northern Ireland, Supplementary memorandum</td>
</tr>
<tr>
<td>17</td>
<td>Professor P A Muhammed Basheer</td>
</tr>
<tr>
<td>18</td>
<td>Friends of the Earth (Northern Ireland)</td>
</tr>
<tr>
<td>19</td>
<td>Department of the Environment, Environment and Heritage Service, Supplementary memorandum</td>
</tr>
<tr>
<td>20</td>
<td>Network for Organisations Interested in the Environment</td>
</tr>
<tr>
<td>21</td>
<td>Dr Robin Curry</td>
</tr>
<tr>
<td>22</td>
<td>Frank Ferguson and Associates, Consulting Engineers</td>
</tr>
<tr>
<td>23</td>
<td>Chartered Institution of Wastes Management</td>
</tr>
<tr>
<td>24</td>
<td>Social Democratic Labour Party</td>
</tr>
<tr>
<td>25</td>
<td>Belfast City Council</td>
</tr>
<tr>
<td>26</td>
<td>Sterecycle</td>
</tr>
<tr>
<td>27</td>
<td>Sinn Fein</td>
</tr>
<tr>
<td>28</td>
<td>PM Group plc</td>
</tr>
</tbody>
</table>
Oral evidence

Taken before the Northern Ireland Affairs Committee,
Northern Ireland Affairs Sub-Committee

on Wednesday 26 May 2004

Members present:

Mr Tony Clarke, in the Chair
Mr Iain Luke
Mr Eddie McGrady
The Reverend Martin Smyth
Mark Tami

Memoranda submitted by the Technical Advisers Group

EXECUTIVE SUMMARY

TAG is concerned at the potential implications to Local Government of non-compliance with European Directives, particularly as Council performance is influenced by many factors outside its control.

Given the significance of the situation, we are concerned to learn of Government’s intended timing for issue of the revised Northern Ireland Waste Management Strategy in Autumn 2005, in light of the need for early implementation of critical recommendations.

We have concerns at the perceived lack of an integrated long term business planning approach by Government to legislation, guidance, policy making and implementation, given the effects of Central Government’s performance on Local Government meeting targets.

We would encourage a more joined up approach by Government to waste management issues, particularly within DOE and between key delivery departments and Councils.

We are concerned that the current land-use planning process has the potential to seriously affect Northern Ireland’s Environmental Performance and investor confidence.

There is an urgent requirement for the current back-log of planning applications to be relieved as a priority to provide for both interim and longer term capacity, particularly in relation to landfill.

Government must provide a clear protocol which allows new waste management proposals, not included in the Waste Management Plans, to be considered.

There is a huge infrastructural deficit in terms of waste treatment and processing capacity in Northern Ireland.

It is recognised that there are many reasons for this including a lack of prioritisation until relatively recently.

This issue materially affects the region’s capability to meet Waste Framework and Landfill Directive targets including those relating to the reduction of household waste sent to landfill and the development of the recycling industry in Northern Ireland.

There are a number of critical factors involved in addressing this deficit, including making a long term commitment to funding capital programmes to an extent commensurate with the value and phasing of development required.

In addition, there is a need to facilitate more robust partnerships, lever private sector money, fast track the planning process and integrate land-use and waste management planning.

We consider that this requires urgent prioritisation within the Programme for Government.

In this regard, we would support the establishment of an Inter-agency Taskforce involving Central and Local Government Departments and the Strategic Investment Board.

We would encourage the initiation of new primary legislation which provides for more partnership options to be available, particularly between Local Government and the private sector in terms of financing and delivery the necessary waste management infrastructure development.

Government’s current policy of capacity management, particularly relating to landfill, must be urgently reviewed as it appears to be in conflict with the objectives of Best Value and choice in the market place.

The proposed Northern Ireland Landfill Allowances Scheme needs to be radically revised to reflect the proposals in Waste Management Plans and the way infrastructure will be developed in Northern Ireland.
— Government needs to give more definitive and clear direction on technological solutions, including incineration, and provide a transparent decision making framework which will inform land-use planning in terms of providing the integrated network of facilities required in Northern Ireland.

— Government needs to initiate, as a matter or urgency, a Green Procurement programme, which applies pressure on the supply chain and incentivises recycling markets in Northern Ireland.

— DOE must allow for the full range of WRAP services and facilities to be accessed in Northern Ireland including Capital Challenge funding.

— All Landfill Tax credit monies should be hypothecated to sustainable waste management practices, in pursuit of the objectives of the Strategy.

— The issue of illegal dumping is becoming highly organised and prolific both generally in Northern Ireland and particularly in border regions.

— We would urge Government to apply the necessary resources to this problem to reverse the current trends and to ensure that future regulation is commensurate with the environmental, social and economic impacts of the problem.

— We would encourage the imposition of penalties which more appropriately reflect such impacts.

— We would ultimately support the establishment of an independent Environmental Protection Agency.

— We would encourage the urgent initiation of a Research and Development Programme for the evaluation of alternative technologies.

— We would consider that there is great potential to learn from experience elsewhere, and we would encourage Government to initiate a more structured programme for best practice transfer. We would consider that this should not be limited to technologies but should also evaluate how other countries have managed to change behaviour through various mechanisms including awareness campaigns, legal and financial instruments.

**INTRODUCTION**

The inquiry has set as its Terms of Reference an investigation into the Implementation of the Waste Management Strategy for Northern Ireland, with specific issues being examined namely diversion of waste from landfill; progress on recycling; landfill capacity; illegal dumping; alternative technologies and best practice transfer.

TAG made a dedicated response to the Waste Management Strategy Review last year, a copy of which can be made available if necessary. It is also represented on the Waste Management Advisory Board which is currently considering all stakeholder responses to the Review. This involves, *inter alia*, assessing performance against the original Strategy objectives, issued in March 2000. TAG’s initial conclusions are that current progress against the Strategy, and the associated European Directives, has been patchy. This raises concerns in Local Government, particularly in light of the recent Landfill Allowances Consultation which proposes the imposition of civil financial penalties of £200/tonne on Councils which do not meet diversion targets.

The Region’s performance has partly been a reflection of Northern Ireland’s infrastructural deficit in terms of waste facilities and markets. This has been compounded by the fact that waste management has been poorly resourced from a functional and regulatory perspective for many years. In addition the Region has, until relatively recently, been totally dependent on landfill, much of which is older generation dilute and disperse capacity, now requiring closure as dictated by the Landfill Directive.

It is also fair to say that environmental issues have not been at the top of corporate or political agenda for the past 30 years despite developments at European Commission level. It is evident that the region has much to do to catch up with other European and UK regions, particularly in the face of fast approaching targets for diversion, recycling and recovery, and the financial implications of non-compliance.

In percentage terms, the Region’s household waste recycling rate sat at approximately 4% in 2000 when the Strategy was issued. The current average for the region is approximately 9%. Performance has arguably been stimulated by the launch of the Strategy and the initiation of some funding support. Activity to date has largely focused on upstream collection associated with the provision of containers and vehicles for kerbside recyclable collections. However, the more intractable high level issues remain, in terms of developing infrastructure and markets in Northern Ireland for dealing with the secondary materials arising.

In terms of the particular issues posed, we would comment as follows:

**DIVERSION FROM LANDFILL**

The Waste Framework Directive established the well-documented Waste Management Hierarchy which places Avoidance and Re-use at the top and Landfill as the least desirable option. The Directive also requires member states to take necessary measures to ensure waste is recovered or disposed of with minimum risk, and prepare an integrated Waste Management Strategy/Plan, with timescales and responsibilities clearly
defined. It also includes requirements for the issue of permits and establishes provisions for inspection, monitoring and reporting of waste management by member states. Furthermore, it espouses the principles of BATNEEC, self-sufficiency, proximity, polluter pays, and duty of care.

Specifically, the Directive requires member states to establish an adequate network of waste disposal and treatment installations, after an assessment of existing waste disposal and treatment capacity and what additional infrastructure is needed.

In terms of planning and strategy preparation, the Directive obliges member states to prepare Waste Management Plans at national level. While no reference is made to Waste Management Plans at regional or local level this is inferred as good practice.

In the context of the Inquiry, the Directive needs to be considered in tandem with the aforementioned Landfill Directive, the main goals of which are to reduce the amount and toxicity of landfilled waste, to set standards for design and operation, to encourage pre-treatment, to prevent the mixing of hazardous municipal waste and to ban disposal of certain prescribed waste such as tyres, health care, flammable and liquid waste. The Landfill Directive also sets targets for the total quantity of biodegradable municipal waste sent to landfill. In this regard, the UK Government are utilising a four-year derogation to the Directive which prescribes percentage reductions of biodegradable municipal waste to landfill by specific milestone dates in July 2010, 2013 and 2020 respectively. The requirements of the Directive have been initiated locally through the its transposition of the Directive into Northern Ireland law in December 2003. The vires for implementation have been initiated through the vehicle of the Waste Emissions Trading Act.

The mechanics of implementation are now the subject of a consultation document under the Northern Ireland Landfill Allowances Scheme which focuses on the allocation of allowances to District Councils as Competent Authorities in Northern Ireland for diverting biodegradable municipal waste from Landfill.

Currently the Regional Administration proposes to initiate a straight line linearly reducing allowances scheme between each of the milestone dates from commencement in July 2004. This includes a scheme for the borrowing and banking of allowances against future years or transfer to other Councils. It also proposes the imposition of civil financial penalties of £200/tonne, if in any one year a Council exceeds its allocation.

Local Government considers the scheme to be inequitable if not negligent in that it does not take cognisance of the Statutory Waste Management Planning process, which in Northern Ireland has cascaded from the Waste Framework Directive via the Strategy to each District Council’s participation in the preparation of Sub-Regional Waste Management Plans.

In Northern Ireland three voluntary coalitions have been formed to prepare and implement the sub-regional Plans to which each Council in that region subscribes. It appears to Local Government that thesePlans, which have considered Landfill Directive compliance issues, have not been recognised. Furthermore, the scheme does not appear to recognise that Council’s performance depends on many factors outside its control, particularly Land-use Planning which remains an extreme problem in Northern Ireland in terms of timescales for determinations.

Councillors feel that Government has also ignored the reality of the infrastructural deficit in Northern Ireland and is abrogating its responsibility as embodied in the Waste Framework Directive by delegating it to District Councils. Councils also perceive Government to be ignoring the way that the infrastructural deficit will actually be addressed by step increases in capacity which will be reflected in commensurate decreases in landfill dependence as new treatment technologies come on stream.

In terms of action to divert waste from landfill, there have been some activities which have stimulated progress in this regard. These include:

- The issue of the Strategy itself;
- The launch by Government of the Council Waste Management Grant Scheme, which currently stands at approximately £10 million per annum, to initiate sustainable waste management programmes in support of the Strategy;
- The preparation and positive determination of the three Sub-Regional Plans which demonstrate how the three Groups will address the Waste Management Strategy and the overarching European Directives;
- Initiation of Implementation/Action Plans through the roll out of a variety of up-stream collection schemes by Councils to collect and process recyclable waste, supported by the letting of relevant service contracts to process materials.
- The launch of the “Wake up to Waste” Awareness and Publicity Campaign by the Department.
- The establishment of the Waste Management Advisory Board;
- The issue of BPEO guidance from the Department and direction on how this might be incorporated into the decision making process;
- The issue of Planning Policy Statement (PPS11) by the Department;
- The initiation of the Modernising Planning agenda by the Department; and
- The initiation of a Waste Management Industry Fund.
As stated while incentivisation and some funding support has been helpful, Councils feel that Government is using legislative vehicles to unilaterally impose targets on Councils. The sector considers this approach to be both inequitable and unrealistic in that it continues to ignore the fundamental barriers and constraints to delivery in Northern Ireland.

These remain:
- The lack of infrastructure.
- The current dependence on landfill.
- The unacceptable time-lag for waste management planning determinations, some of which are extending to 10 years.
- The lack of an adequate and robust planning system which integrates land-use and waste management planning and determines Waste Management Facility applications within a reasonable timescale.
- The huge shortcomings of the Council Waste Management Grant Scheme, details of which have historically been launched mid-financial year for spend by the end of that year. Such a scheme potentially militates against capital infrastructural development.
- The need for an alternative mechanism which provides funding commensurate with the value of infrastructure and the timescale over which it is required.
- The need for the facilitation of partnerships which will allow for joint ventures and public/private partnerships in the delivery of infrastructure.
- The need for Public Sector resourcing which allows for adequate operational and regulatory support.
- The need for appropriate and timely issue of legislative guidance, policy statements and standards, which addresses shortcomings previously experienced.
- The lack of information procedures which allow analysis of infrastructural capacity or deficit and targeting of funding.

TAG has consistently argued for a joined-up and collective approach to these problems in Northern Ireland, if meaningful progress is to be made vis a vis European and National targets. In the first instance it has recommended the establishment of a Waste Infrastructure Taskforce which would consider these problems on a cross-sectoral basis within local and central Government to include the Strategic Investment Board and others with expertise in stimulating and levering private sector finance. Its grief should be to urgently address the infrastructural deficit by facilitating mechanisms to progress this by reviewing vehicles for funding, planning and partnership.

We have argued that the time horizon and extent of funding should be commensurate with the value and phasing of infrastructure and should be committed over at least a five-year period. We have further argued that the current divergence between Waste Management Plans and Land-Use Planning Strategies and Policies needs to be reversed so that planning for waste facilities to deliver an integrated well distributed network of facilities in Northern Ireland is allowed to proceed without undue delay in order to redress the current deficit. The current planning process is, in our view, strongly impacting on facility development and investor confidence.

We have also recommended more cohesion between the three Waste Management Plans in the Northern Ireland context, both in respect to technological solutions which demonstrate Best Practicable Environmental Option and in terms of a convergence of the time horizon for Plans.

Furthermore, while we have congratulated the three Groups on the level of co-operation evidenced to date, we feel that there will be a need for the creation of more formal sub-regional partnership structures with collective functional responsibilities which enhance the contribution to targets.

We consider that only when these items are addressed at a high level within Government will there be real progress in reducing the amount sent to landfill and in improving recycling performance.

**Progress on Recycling**

As stated above, there has been considerable progress on recycling within the municipal sector over the past number of years. However, this has not necessarily been the case in other sectors. Indeed, even in the municipal sector the issue of processing capacity and markets continues to be a problem which will be exacerbated as more Councils roll out recycling schemes.

In this regard, TAG has, over the years, promoted the need for the development of markets and processing infrastructure locally. In many applications such infrastructure would only be viable if a larger critical mass could be realised. An example of this is the paper market where recent studies have indicated that a paper mill may be viable for the whole of Ireland. Accordingly, markets and processing capacity must be developed at a number of levels including at local, regional, national and international level in the Northern Ireland context.
We have in the past also welcomed the establishment of the Waste and Resources Action Programme and congratulated the organisation on progress made in a relatively short tenure. However, we feel in Northern Ireland that a two-tier system now exists in that WRAP has extended its programme in GB a way which cannot be accessed in Northern Ireland. TAG would support the view that the full range of WRAP programmes and services including Capital Challenge Funding should be available in Northern Ireland.

The Strategy indicates a commitment for green procurement by Government and encouragement of a similar policy in the public sector generally. It is unfortunate that this policy has not been implemented by Government. It should be recognised that Central Government spends approximately 94% of public monies and that a Green Procurement policy together with the specification of secondary materials would make a huge difference to recycling markets in Northern Ireland. We would encourage Government to initiate this process as a matter of urgency.

Furthermore, TAG is becoming concerned that the onus of responsibility for delivery of targets is increasingly resting on Local Government. It has previously stated that there is a need for collective responsibility for performance across stakeholder groups, including Central Government, producers and householders.

In the latter respect, we have consistently argued for more fiscal and legal instruments to incentivise recycling at the household, similar to measures available in other European countries.

**Availability of Landfill Capacity**

As stated above, we feel that there is a fundamental problem with the planning process in Northern Ireland which is both militating against infrastructural development and investor confidence. In our view, this has many reasons, some of which have been identified.

The lack of a clear and definitive decision making process for waste management facilities and the lack of cohesion between waste management and land-use planning has had the effect of creating a significant backlog with the result that some planning applications, particularly for landfill sites, have been in the pipeline for up to ten years. Initially, Central Government argued that determinations would be premature to the outcome of the Strategy and subsequently premature to the outcome of Waste Management Plans.

Central Government’s policy approach to landfill is to manage and/or limit capacity in Northern Ireland and to presume towards the early closure of un-engineered sites. An interim capacity needs analysis was issued in January 2003. This assessed capacity requirements relative to the three Waste Management Plans and identified sites currently within the Planning process which appeared to comply with Strategy requirements.

As stated the Capacity Management Policy also presumes towards the closure or remediation of older generation sites which do not comply with the Landfill Directive. TAG has argued that such closures must be undertaken in an orderly fashion which does not leave Northern Ireland or any of the sub-regions in a capacity deficit in the transition towards a new generation of higher standard sub-regional facilities.

TAG has also previously stated that the general policy which restricts landfill capacity, and identifies sites at specific points in time, is fundamentally in conflict with a market-led approach to competition and Best Value. It restricts choice, distorts market conditions, presumes towards monopolisation and as a consequence increases costs. It is also extremely inflexible in terms of evaluating new or emerging proposals.

The ultimate effect on Councils has been a lack of engineered capacity, particularly critical in the Eastern Region, with the result that some Councils have been required to export municipal waste to landfill on mainland GB. Accordingly, it is essential that new capacity is consented as a matter of urgency, and that the planning process is urgently reviewed to prevent unacceptable time lags in the future.

**Illegal Dumping of Waste**

Illegal dumping could be classified into two separate categories:

1. Organised disposal involving person(s) operating unpermitted sites (the majority of which operate to poor standards) for commercial gain, and

2. Indiscriminate dumping more commonly referred to as “fly tipping”.

Since the initiation of Landfill Tax in 1996 and the parallel increase in landfill gate fees, unauthorised dumping of waste has become prolific and, in some areas of Northern Ireland, highly organised. Since fully consented landfill sites are now at a premium on both sides of the border, the problem has increased dramatically, particularly in border areas where transfrontier controls are also being flouted.

In Northern Ireland the enforcement authority was, until relatively recently, the local District Council. On initiation of the Waste Management Licensing Regulations responsibility was vested in the DOE which has been attempting to target resources at the most serious cases. This has resulted in a number of high profile cross-border cases being addressed by DOE, as recently reported in the media. However, it must be
recognised that this problem is endemic throughout Northern Ireland and is not limited to the border. While the Waste Management Licensing Regulations do apply a higher level of fines, our view remains that the full weight of the law is not being brought to bear on perpetrators, either by regulators or the judiciary.

TAG was initially hopeful that the new Waste Management Licensing Regulations and creation of a Central Regulatory Body, together with the powers available under the Registration of Carriers Regulations would have made a significant difference to this problem in Northern Ireland. However, this has not proved to be the case. We are given to understand that this is due to a lack of resources within DOE which has resulted in a focus on individual high risk cases.

It is evident to us that, in this case, crime can pay—in that the penalty is not commensurate with the financial gain or the environmental impact, either in terms of the larger commercially driven incidents, or smaller household and commercial fly tipping cases not being enforced.

In regard to fly tipping, TAG would urge Government to redress this gap given its cumulative effect to the environment. We would cite a recent ENCAMS report which concludes that the cost of fly tipping in UK could be around £40 million pa to the taxpayer.

Accordingly, TAG would reaffirm its well-documented views on this matter as follows:

1. In the short term, Government must, as a matter of urgency, apply the necessary level of resources to Regulation and Enforcement commensurate with the environment, economic and social impacts.

2. Given Local Government’s long experience in the regulatory area, TAG has previously suggested that relevant Council staff could supplement those of the Department via a Service Level Agreement on a full cost recoupment basis.

3. In the longer term, serious consideration should be given to the establishment of an independent, adequately resourced Environmental Protection Agency, in line with other European regions.

ALTERNATIVES TO LANDFILL SUCH AS INCINERATION

The three Sub-Regional Waste Management Plans have been determined by DOE. All touched to a greater or lesser extent on alternative technologies. In this regard, it is generally accepted that these will be required if Landfill Directive compliance is to be achieved. However, there is much contention about the solutions, particularly incineration, in terms of public acceptability. This relates not only to perceived environmental and public health impacts, but also to the potential of self magnification in terms of the need for a large critical mass and the impact on recycling and re-use.

Because of the contention surrounding these issues, TAG would argue that there is a need for more definitive direction from Government. It will be necessary to remove the mystique from technology by giving concise, clear information in an unbiased way to stakeholders. It will also be necessary for Government to give direction as to the need or otherwise for facilities incorporating such technologies. This would hopefully engender more trust and a removal of any perceived agendas between promoters and those affected.

It is therefore important that a transparent and structured decision making process is put in place to consider the relevant technical, size and location issues in a way which demonstrates Best Practicable Environmental Option on a Northern Ireland wide basis. In this regard we note the recent DOE proposal to undertake a Northern Ireland BPEO assessment which considers solutions from a regional perspective. This approach shows some potential to provide the direction required, in a way which hopefully will inform the waste management planning process.

TAG would also refer to the Strategy commitment to Research and Demonstration projects. This commitment has never been evidenced in practice. We feel that the initiation of a programme would facilitate evaluation and dissemination of information on new technologies and their viability in the Northern Ireland context. The potential economic development advantages of researching and applying such technologies in Northern Ireland cannot be overstated. The Government must engage in this process in a cross departmental way so that Departments such as Finance and Personnel, and Enterprise, Trade and Investment are involved.

THE POTENTIAL TO LEARN FROM EXPERIENCE ELSEWHERE

TAG would support a Best Practice transfer programme. Some work has already been done by Government and individual sub-regions in this regard. Best Practice case studies have been examined by Government, and a number of high profile seminars have been organised which included speakers from the European mainland. More recently study tours have been organised by the Local Government sector to consider how best practice is applied, particularly in the European mainland.

Accordingly, TAG would support a more structured approach via Government to such best practice transfer. We would recommend that this is not simply limited to technologies and processes. It is important that there is an examination of other drivers which have been applied in Europe but are absent in Northern Ireland. In particular, we would recommend more research into financial and legal instruments to support recycling and to compel waste generators to participate.
Local Government currently feels that the main onus for delivery of targets rests on it, and that those generating the waste, particularly householders, are not given sufficient responsibility to contribute. It is therefore important that the necessary legal and financial tools are available to Local Government to incentivise changes in culture and behaviour similar to the experience elsewhere.

April 2004

Memorandum submitted by arc21

We recognise the importance of the work of the Committee and the need to progress issues relating to Waste Management in Northern Ireland given emerging deadlines for European Directives.

With respect to the six issues raised in your letter, the officers of arc21 have worked very closely through the auspices of the relevant technical professional group, namely the Local Government Technical Advisers Group, in the preparation of a response. As the arc21 Group represents 11 out of the 26 Councils in Northern Ireland there is a significant degree of commonality at officer level between the two groups (including the chair).

Councillors from the Joint Committee of arc21 have given authority to its officers to submit a collective response. Accordingly, arc21 would wish to confirm its endorsement of the TAG response which has been submitted under separate cover.

To a large extent this reflects many of the views arc21 expressed in its response to the Review of the Waste Management Strategy which was submitted last July. Accordingly, I attach a copy of the Executive Summary of this response.

We would however wish to reinforce a number of issues as follows:

1. arc21 has made significant progress towards meeting targets including the formation of an Incorporated Joint Committee as the Procurement Entity for relevant waste management services, the initiation of the procurement and infrastructural development process, and implementation of recyclable collection systems. However, we are concerned at the implications to the Group of non-compliance with European Directives, given that many factors are outside our control.

2. We are concerned at the planned timing of the issue of the Review of the Northern Ireland Waste Management Strategy namely Autumn 2005 given the urgency to deliver against targets.

3. We have concerns at the growing onus being placed on the Group in terms of new initiatives, responsibilities and burdens. We feel it is necessary to build on progress made without the “goal posts being moved”.

23 April 2004

Northern Ireland Waste Management Strategy Review

RESPONSE BY arc21

EXECUTIVE SUMMARY

Introduction

This response represents an amalgam of the views of the arc21 Councils which has been prepared by Officers from the respective member Councils.

While this has resulted in variations in style and presentation, and some repetition, it does ensure that the collective views of arc21 have been elicited in an inclusive way, with a significant degree of commonality.

In terms of our response, we would consider that progress has been made in relation to the adoption of Waste Management Plans, the preparation of Implementation/Action Plans, the securing of Waste Management Grant and meeting targets. However, much remains to be done and it is essential that all stakeholders take collective responsibility for the delivery of the Strategy. We feel that this can only be undertaken through full engagement with the relevant sectoral interests.

We are grateful for the opportunity to respond at this stage to the Strategy Review and have suggested that this forms the initial stage of a further process in the autumn.

The ensuing comments represents a non-exhaustive Executive Summary of the principal elements of our response.
Reduction, Recovery and Recovery

— The 2010 Strategy targets and the subsequent Landfill Directive targets are considered to be highly challenging. Government intervention may be required in areas such as legislative and fiscal instruments if such targets are to be met.
— arc2l welcomes the appointment of a Northern Ireland Liaison Officer for WRAP.
— It is now essential that the dynamic for market development is accelerated, given the peripherality of Northern Ireland from the markets and processing infrastructure and the ultimate potential for supply to outstrip demand as more recycling occurs.
— arc2l is disappointed with performance against green procurement targets in the Strategy. We feel that Government and Councils must work collectively in this regard in order to influence the market.
— We have concern at the perception that Councils are the principle incumbent as far as delivery of targets is concerned.
— In this respect, we feel that it is important that all stakeholders are engaged in the process, with particular reference to Producer Responsibility and Priority Waste Streams. It is also important that relevant compliance costs are not passed on to Councils.

Strategy Leadership

— The Strategy commits Government to lead by example, in terms of sustainable development, green government and waste minimisation. We feel that there is little evidence of performance in this regard to date.
— We congratulate Government on the “Wake up to Waste” campaign which was effective in raising the profile of waste issues.
— Concern has nevertheless been expressed that raised expectations have not been met due to the current infrastructural deficit.
— We feel that the Waste Management Advisory Board has had some success but could play a stronger role in monitoring performance of the various stakeholders in delivery of targets.
— We consider that there needs to be greater accountability for performance of Government in terms of the commitments in the Strategy, with a harmonised or joined up approach to Government action.

Planning and Infrastructure

— We are concerned at the Government’s expectation that Councils will make arrangements for all controlled waste streams in implementation of its Plans.
— arc2l feels that while there is a need for a structured approach to all controlled waste, some waste streams require an integrated approach across a number of agencies, including Central Government.
— We acknowledge DOE’s securing of funding for the arc2l Partnership Options Appraisal and Procurement Plan.
— We also acknowledge DOE’s subsequent contribution to the establishment of the arc2l Joint Committee and its commitment to future Incorporation.
— In terms of existing vires, we feel that the arc2l Joint Committee is the most appropriate vehicle available for moving forward collectively in terms of procurement of facilities and services. Nevertheless, we feel that it may have limitations in the future.
— In this respect we would suggest the setting up of an Inter-Agency Working Group to examine relevant procurement, organisational, partnership and funding issues, with a view to progressing collective infrastructural development for waste facilities in Northern Ireland.
— We have expressed concern that the issue of essential Waste Planning Guidance which the Department promised in the Strategy has been consistently slow and out of pace with need.
— We remain extremely concerned at the apparent lack of progress in determining outstanding waste related planning applications.
— We are extremely disappointed at the perceived lack of integration of planning strategy and policy with the Waste Management Strategy and Waste Management Plans.
— We feel that this lack of integration will continue to exacerbate difficulties with determination of outstanding and future waste planning applications.
— We feel that the developing Area Plans should take into account the need to identify Zones or Areas of Search for strategic and local waste management facilities.
We look forward to the implementation of the Planning Modernisation Programme, launched by the Minister earlier this year.

We have now issued an Implementation Action Plan and programme as required by the Department but would advise that its delivery is contingent on planning determinations which are on the critical path.

We welcome enhancement of environmental standards with regard to Waste Management Facilities. However, we consider that with respect to landfill, there should be an orderly transition to the new regime, taking into account existing circumstances, logistics and cost implications.

We feel that Government should assert more leadership with respect to technological solutions, including Energy from Waste, in order to facilitate the development of required infrastructure on the ground.

Regulation and Guidance

We feel that there is considerable scope for improvements relating to the dissemination of timely information with regard to impending European and UK legislation.

While much has been achieved in terms of enforcement, we feel that agreed protocols should be produced with more transparency with regard to performance.

We would reaffirm previous views that there should be an independent Waste Regulatory Authority for Northern Ireland, separated from Central Government, similar to the model employed in other regions of the UK.

We agree with the “polluter pays principle” in that fees and charges associated with regulation should fully cover the cost of relevant enforcement activity.

We consider that there should be greater clarity with regard to the respective roles and responsibilities of Councils and Central Government in terms of enforcement.

In view of the challenging targets set for Councils, we feel that Government should intervene with a legal and fiscal framework of support.

We are concerned that there has been little progress with regard to the regulation of agricultural waste.

Improving Our Understanding

While we agree with the need for more robust data, we are concerned at the resource implications that the new regime will have for Councils.

We have some concerns about the methodology for collection of municipal waste data.

We consider, however, that the main gaps continue to be in the area of Commercial and Industrial waste.

We would recommend that the Department augments its data capture programme by utilisation of Duty of Care, Special Waste and future Waste Management Licensing information in appropriate digital formats.

We would welcome more user friendly Wizard guidance for use in BPEO assessments.

Marketing The Strategy

We feel that the “Wake up to Waste” campaign has been successful. However, it has raised expectations to an unachievable level in light of the current infrastructural deficit.

We feel that future waste awareness programmes should be informed by base-line information on stakeholder behaviour to establish benchmarks against which success can be measured.

We look forward to more co-ordinated awareness campaigns integrated with District Council Sub-Regional programmes throughout Northern Ireland in the future.

We feel that there should be a more dedicated awareness programme for the schools sector.

We feel that an Environmental Best Practice Scheme should be initiated.

We would recommend that more training and awareness should be disseminated through WRAP.

General Comments

We feel that DOE’s commitment to the delivery of the Strategy should be consolidated in a medium term Implementation/Action Plan with SMART targets and review mechanisms.

arc21 welcomes and seeks to develop collaboration with DOE and others in adopting a collective approach to delivery of the Strategy and Plans.
— arc21 welcomes the allocation of additional resources within DOE to delivering the Strategy.
— Conversely, we consider that DOE must recognise the resource restrictions within Local Government, at a time when Government activity is proliferating and operational costs are rising dramatically.
— While Waste Management Plans by the Minister, Angela Smith, on 4 November 2002. I would point out that Mr Quinn:

Witnesses: Mr John Quinn, Chairman, Technical Advisers Group, Chairman, arc21, Antrim Borough Council, and Mr Richard Burnett, Secretary, Technical Advisers Group, Lisburn City Council, examined.

Q1 Chairman: Gentlemen, you are very welcome. Can I thank you on behalf of the Committee for taking time (a) to be with us and (b) to assist us in our inquiry into waste management. I am conscious from the very start that you are members of the Technical Advisers Group but you are also members of arc21. Could I ask that in answering, whilst the Committee appreciate that you are answering foremost on behalf of TAG, if you feel there are additional issues and/or separate issues, or a difference of opinion between that of TAG and arc21, would you be kind enough to express a view on behalf of that group as well.

Mr Quinn: Yes, we can do that, Chairman.

Q2 Chairman: Thank you very much. I wonder if I may start with a question that is simply about overview. Since the Waste Strategy Review of 2000 we have seen a lot of debate, a lot of change and some changes still to occur. Could you give an overall view as to what you feel the key successes and key failures have been to date post-review 2000?

Mr Quinn: Yes, Chairman. First of all, can I say we are very pleased to be here. I think this is a very important issue for local government in Northern Ireland and we are very pleased to be representing the technical function in Northern Ireland in this way as one of the first to give evidence to the Committee. In terms of your question, I think that there have been significant strides in Northern Ireland from a very, very low baseline where for one reason or another waste management has not been a priority over the past 30 or so years, and there are some very obvious reasons for that. For that reason, unfortunately we have got a reputation in Northern Ireland of lagging behind both our other UK neighbours and those in Europe in terms of implementing environmental legislation and best practice. We are really about 10 years behind in this process but we have shown both the commitment and the performance in a very short space of time moving forward. I think that is a function of everyone’s collective recognition of responsibility to get up to the performance required vis à vis Europe. In terms of the successes I would characterise the successes as first of all getting the relevant legislation in place back in 1997. Again, that was some time after similar legislation in GB which was the Environmental Protection Act 1990. The second milestone was the launch of the Waste Management Strategy itself in March 2000 by the Minister. I was personally involved in the Waste Advisory Group which reviewed that strategy. I am also a member, on behalf of TAG, of the Waste Management Advisory Board. In terms of local government, the main issue in terms of success is the actual formulation of statutory Waste Management Plans which were launched as drafts in June 2002 after some major consultation and a very successful response to that consultation. Arising from that was quite a detailed and lengthy negotiating process with our main stakeholder, being government itself, and then arriving at a positive determination of the Waste Management Plans by the Minister, Angela Smith, on 4 November 2002. I would point out that there is a difference between the three plans in that the arc21 plan was accepted without qualification; the other two plans were immediately under DoE direction vis à vis the time horizon. It was a major success to get so far, to have such an engagement with the community and to have the plans determined by the Minister. In terms of performance, again if you benchmark our performance in local government against that in 2000 at the launch of the strategy it was very, very low, sitting at between 3 and 4%. The most recent figures that have been validated by the Department show an increase to approximately 10.5% now in terms of household and municipal waste recycling. They are two separate figures but they are almost convergent in Northern Ireland as a region. Some regions are doing significantly better than others. As you would expect, the eastern region, having the biggest conurbation, has the biggest demographic problems in meeting the targets, so the eastern region at this moment in time is almost at the average for the region. It is commendable for local government to have gone so far, particularly in the face of the very evident lack of infrastructure in Northern Ireland generally in terms of public services but specifically in terms of waste. As far as government is concerned, government have engaged in the process very well. We remain committed collectively to the process and have set up a number of working groups with government to work forward. Government have facilitated the setting up of a Waste Management Advisory Board, which was a commitment of the strategy. If you take their own terms of reference, they have also had a very successful programme of awareness through the Wake-up to Waste campaign. In addition, the main funding available to stakeholders, particularly local
government, is sitting at around £10 million for the Council Waste Management Grant Scheme at the minute, which I would like to discuss if I get the opportunity later. I would say that those are probably the major successes within government as well as setting up the transfer of functions to the Department under the regulatory framework which has been devolved to them from councils now. Those would be the main successes. In terms of the negative side of it, Chairman, unfortunately there is quite a number of negatives on the shopping list.

Q3 Chairman: I used the word “failures”, perhaps that is overplaying it. Perhaps we could look at challenges.

Mr Quinn: I think challenges is probably a better word. I would not call them failures because some of them were inherent in the process and we cannot really blame people for that. Some of the issues are well beyond the control of either local government or central government at this time but we have to recognise them, quantify them and address them. If we take them as challenges, I think the main challenge for Northern Ireland, given the fact that we are getting the buy-in to recycling, is the fact that possibly we are going to be victims of our own success in the future in that as we move forward with recycled material we do not have the capacity to deal with it in terms of facilities, services and infrastructure. It is something which is inherent in Northern Ireland generally, as I have said. There is an infrastructural programme through the Programme for Government in Northern Ireland but, unfortunately, at this stage Programme for Government does not really recognise or mainstream waste as an issue, certainly for the Strategic Investment Board and the programme that the Office of the First Minister set up back in the early days of the devolved administration. That is a really, really major challenge. How we actually deliver that infrastructure I would categorise as the biggest challenge for us collectively in government in Northern Ireland. I have mentioned mainstreaming waste and I think that has to be something that we try to lobby central government for in terms of the Programme for Government and getting the infrastructure on to that programme and to have it funded and resourced in the proper way similar to anything else, like the wastewater infrastructure, the transport infrastructure. It should get similar billing in terms of the priorities. The other big issue is the lack of a market development programme in Northern Ireland. The strategy mentions a market development programme and infers that there is one which can be developed by the Waste Advisory Board and other stakeholders, but the fact of the matter is there is not one, so the first thing we have got to do is to formulate a market development programme because without the markets we do not have the end process and we do not have the incentivisation and drivers for the private industry. The other issue, and I would see this as a challenge but relative to the rest of the challenges it is an easy gain—none of them are easy but relative to the rest this is an easy gain—is the issue of green procurement. It is something that is a commitment in the strategy but there is very little evidence of actually implementing it in Northern Ireland. I suppose local government has a part to play in that and some councils do have environmental management systems and supply chain challenges to incentivise the marketplace in that regard, but the biggest gain must be central government. The activity of central government in Northern Ireland relative to the rest of the UK is much larger and the proportion of expenditure in the public sector is around about 95%. There is a huge gain to be made. If a very proactive and robust green procurement strategy was implemented at the very centre of government and if that was initiated and rolled out throughout it would really affect the marketplace and market development in Northern Ireland.

Q4 Chairman: That was a very helpful introduction. I think it outlined a number of the areas that we wish to examine in a little bit more detail. You are right that there have been successes and you should be congratulated on the fact that we have managed to transfer the planning for waste management from local government to regional almost seamlessly. Some have suggested that we should go further in Northern Ireland in as much as maybe there is not a need for regions but to have one plan. What would your view be on that?

Mr Quinn: Initially, back in about 1990 when we first had a review of waste management in Northern Ireland, TAG’s predecessor, which was the Association of Chief Technical Officers, responded to say that there should be at least some regionalisation, if not complete regionalisation, of the waste management function in Northern Ireland. When the strategy came out there was a suggestion in that local government in Northern Ireland was much too small and fragmented to deliver the infrastructure required individually and there was a suggestion of no more than five sub-regional plans. As the whole situation has evolved, it has become evident that there is the need for more cohesion and a more joined-up approach within central and local government to this issue. Given the fact that there is just over one and a half million in the population, relating that to some county councils who have the waste disposal function in GB, there is a very coherent argument to move towards that type of cohesion in Northern Ireland. The main reasons for that would be to develop the integrated network of infrastructure across Northern Ireland.

Chairman: If I could just interrupt you there, I omitted to tell you earlier on that we would be having a vote at around four o’clock.

The Committee suspended from 4.00pm to 4.20pm for a division in the House.

Chairman: Gentlemen, thank you for your patience. We are out of condition, out of breath, but we have returned. I think we were at the point in the questioning where we had taken a satisfactory overview of the issues. With your permission, I
would now like to move to an agenda that looks at some of those issues. Perhaps I could start by asking Mr McGrady to ask you a few questions in respect of local government.

Q5 Mr McGrady: Thank you, Chairman. Good afternoon, gentlemen. You mention in your submission that local government compliance with EU Directives “is influenced by many factors outside its control”. You indicated also that government had engaged in the process very well indeed. Where are the factors that are outside your control taking account of the fact that local government is, indeed, responsible for dealing with municipal waste?

Mr Quinn: Thank you very much. Those are very, very pertinent issues. As I mentioned in terms of the challenges, many of the challenges are outside local government control at the minute. I would like to enumerate a number of those. The first one that is evident to us is the issue of planning in Northern Ireland, which in our view is very much militating against the development of the infrastructure that we need to deliver these targets as the competent authorities for delivering targets in Northern Ireland. Unfortunately, development control and land use planning in Northern Ireland is developing something of a reputation with investors and is certainly undermining investor confidence because of the high risks attaching to proposals at the minute, and that goes well beyond waste management. I have to say, but obviously waste management being such a contentious issue does compound the problems. If I can cite some of our own experiences in terms of landfill, mainly in the eastern region. Antrim Borough Council, for instance, put forward a proposal through a market testing exercise for landfill services back in 1993. We awarded a conditional contract subject to planning in 1994. The planning submission was made, a public inquiry was held in autumn 1995, which I understand received a successful outcome through the Planning Appeals Commission, but at this point in time there is still no determination of that application 10 years later. Unfortunately, that is the rule rather than the exception in Northern Ireland and you can extend that to other facilities. In the eastern region, in arc21, it has required some of the district councils in this region to export waste to the mainland, particularly Scotland, and, as you will be aware, that in itself has generated a lot of attention politically and in many other ways that we cannot have the capacity in Northern Ireland for the things at the bottom of the hierarchy. Planning is a huge concern now with councils who are going out through outsourcing, through procurement processes, and seeking invitations from the private sector to tender for services which depend on infrastructure which does not exist. How do we get sustainable contracts? How do we share the risks when nobody knows what the outcome of the planning process is? This is the main concern for everyone involved in this process. It is of concern now if you take it against the Landfill Allowances Scheme where councils who do not perform will be charged £200 per tonne. We can demonstrate that we use our best efforts but the bottom line, as Mr McGrady has said, is we are responsible as the competent authorities for delivering these targets even though this major issue is totally outside our control, other than through forums like this which allow us to represent our views and hopefully change the process in Northern Ireland, and also through engagement with the senior politicians and the officers in the planning service in Northern Ireland. I would characterise that as being the main challenge beyond our control. The other is funding and I am sure we will discuss funding if we have an opportunity later. Again, if you are expected as the competent authority, either sub-regionally, regionally or individually as councils, to develop infrastructure, you need confidence in how you are going to fund that. While the main process for funding will be through rates in terms of district councils in Northern Ireland, there is an element which we welcome in terms of funding through central government support. As I mentioned, this support for waste management is sitting at about £10 million at the minute. It was launched back in 2001 by the then Minister mid-year. I think it was about October time in that first year in 2001, but the sting in the tail was that you have to spend this by February time. How can you spend target money properly, public money, in that sort of a timescale, particularly in developing infrastructure? In arc21 we refused to accept the money. We said, “We cannot spend this money in a proper way, we want you to allow us to slip it into the next year otherwise we will have to spend it in a way that does not effectively target infrastructure”. Unfortunately, that has been characterised in the way money is spent because in that type of timescale you cannot spend money on infrastructure so it ends up being spent on things like bins where you can buy bins and produce invoices within a six month timescale. What money has been spent on infrastructure? None. Until such time as we get a commitment from central government to commit money on a three to five year timescale at the very least, if not longer, understanding the constraints in terms of administrations that exist there, and commit to a level commensurate with the value of the infrastructure that is required and also allows us to deal with that expenditure in a way similar to internal central government departments, we will be struggling to deliver this infrastructure. I cannot see any reason why we cannot be dealt with in a similar way to an internal department that has to deliver roads infrastructure, wastewater infrastructure or health infrastructure. It should not be any different. That is why I keep coming back to this issue of mainstreaming it through the Programme for Government. I would put those as the two main challenges outside our control in delivering these targets. There are others and I would like to mention just one. On the issue of us attempting to act collectively, and we have mentioned we are in three sub-regional groups, unfortunately we want to act collectively in a legal environment which conspires against us in that the district councils themselves
remain responsible for delivering targets. They are also the ones who are given the central government support commensurate with their populations essentially. Both of those issues are potentially very divisive in that a good performing council can ensure it looks after its own interests and those interests might be more than simply performance, they could be linked to the political perspective of that particular council vis-à-vis others in the group or beyond the group. We want to act collectively in any of the sub-regions but you will always get that complexion on things, particularly when things start going wrong. It is quite evident in some sub-regions that there are already those tensions and once we start applying £200 per tonne to non-performance I can guarantee you that those tensions will become very real and impact very much on performance collectively. What we want in government is a way of being able to deliver collectively so that a sub-region, say arc21 or any other region, can say, “Maybe this particular council is only sitting at 10% but this other council is sitting at 30%, so the average does comply with your targets. We do not want that one council to be penalised and that other council to go off and do its own thing”. We need more powers to act collectively in regard to our own internal partnerships. Also, we do not have powers that pertain in other parts of the UK in terms of partnering with the private sector. We can cite things like joint ventures and PFIs, which I suppose are contentious for some political parties in their own right, but we do not have the option in our procurement toolbox if we want to use it. We have had some best practice transfer from Germany where we had a proposal some time ago, and I am sure Mr McGrady will remember the Sotec proposal, which was a very good proposal to transfer best practice in Germany across to Northern Ireland using a joint venture model where the risks and rewards were equitably shared between the two partners and any profits that were made were shared and any costs that were incurred were shared. After six years that went to the wall despite the fact that it did get central government support. I personally was asked to get involved in that to look at the bona fides of the particular people in Germany. It fell because we do not have the powers for these real and transparent partnership arrangements with the private sector. In local government we have been lobbying for powers of first resort. We do have powers of last resort, which you might know here as the Henry VIII clauses in the best value legislation, we have that in Northern Ireland, but it means you have to argue a very pertinent business case before you can get a change in legislation and the Secretary of State has ultimate discretion. What we want is either dedicated powers which address these issues or the power of wellbeing which pertains in the rest of the UK which is a power of first resort. Without going too much further, I think those are some of the main issues for us in local government in Northern Ireland.

Q6 Mr McGrady: Thank you very much indeed for a very comprehensive and wide ranging reply. I will not attempt to follow all those trains of thought that you have set for me but perhaps if we can look more at the planning difficulty that you very correctly put as number one. Could you give the Committee some idea of the number of planning applications that have been made, where they are at in terms of increasing your capacity to deal with waste, how many were for facilities to divert waste away from landfill, for instance, how many were landfill voids or landfill diversions? What is the time factor? You have given us one example in the Larne application of 10 years. Can you give us some assessment, however broad or general, of the whole situation regarding applications and their position and the diversions?

Mr Quinn: This is again a very pertinent issue and one on which in my capacity as a member of the Waste Management Advisory Board I do not wish to pre-empt their representations to you but it is a question that we have asked of central government in terms of knowing what the status quo is with regard to infrastructure in Northern Ireland. We have asked questions about where we are with planning applications, where we are with extant permissions, what the waste streams are that will be treated by these facilities when they come on stream, what the capacity will be of these facilities when they come on stream. We asked that question of the Planning Service. We also asked the question of EHS in terms of the status of licensed facilities in Northern Ireland. Again there were similar questions about waste stream capacity and extent, and we did get answers but unfortunately they do not actually answer the questions in terms of the capacity in Northern Ireland in that they do not address issues. The planning process does not allow us to evaluate in the detail we need in respect of the question that we need to answer: how much capacity is there for recycling? How much capacity is there for composting? How many applications have been passed? How many are in train and what is the timescale for their determination? While government is aspiring to have that data captured in a way which can be used as a management tool, unfortunately our perception is at the minute that it is not available. I am not trying to evade the question but it is a question for central government. If you look at the big headline issues I am aware that when we started this process back in 2000 there were something like 18 major applications for waste management facilities, including landfill sites, that were pending over a long period of time, and there were a lot of landfill sites but a lot of other facilities also. Unfortunately, we have not really moved very much further in those four years in determining those. There has been one determination for a landfill site in Fermanagh, but certainly as far as the eastern region is concerned the situation remains critical at all of the levels in the hierarchy which we need to address. The bottom line, Chairman, is that I cannot answer that question.

Mr McGrady: Thank you for a very detailed non-answer. I appreciate the reasons; I concur with them. I just hope that maybe this committee’s findings and consultations with you will help produce some of the answers which we are both missing.
Q7 Chairman: Forgive me if I put words in your mouth but you seem to be saying that there is a general frustration with a lack of answers to questions and a lack of determinations in respect of planning and also in terms of the funding streams not being there.

Mr Quinn: Yes, there is a huge frustration in the process. We do have the engagement of central government and I think minds are focused because of the threats of infraction proceedings. Unfortunately, it is a little bit intermittent. Our perception is that the commitment seems to go with the strength of the threats that central government perceives to be there. It is a very difficult area to say what kind of impact to budget are you thinking of? Have you in your efforts? Are there any suggestions you could make as to how you could improve the nature and amount of funding open to you?

Mr Quinn: That is again a very pertinent question and it reminds me of the particular situation we have at the minute and the news article is correct as we sit here today. As I have mentioned, while we have received an indication of agreement in principle to funding and the fact that central government recognise that they need to give support to develop this infrastructure and meet the targets, given the implications of non-compliance I would think that the main driver for government is the implications of non-compliance rather than looking at it from a positive perspective. That is the main driver for most things in terms of the policy development here. In terms of grant, as I say, we are very glad that we are receiving grant, and I do not want to seem churlish in this but the way the grant is structured totally militates against the infrastructure issue. If you launch the details of a grant in October and we are expected to spend it and have invoices by the end of allocated to fill the deficit that we created in the inception. In 2001–02 it was £2.2 million. In 2002–03 it was £3.85 million. In 2003–04 it was 10 million, essentially excluding money for ODS compliance on waste fridges. In 2004–05 we received a commitment that it would be pegged at that level of 10 million. We again received those commitments through recorded meetings with the department where the indications were that we would receive 10 million again this year and that the criteria for drawdown would not change in the incoming year. That was at the start of this calendar year, about January time. It was quite late in the process but still timely enough for us in councils to set our budgets accordingly. For any council this represents about 3p in the pound of a rates burden which is held by this grant. All through the process of the first calendar quarter of this year we were advised that this would be the case. Unfortunately, within the last few weeks we have been advised that in the current review of public expenditure there is a danger that that money could be reduced by 25%. There are conflicting messages now that it might not be as bad as that but any reduction after rates have been set and estimates set and the whole financial profile set on a year-on-year basis within district councils has a huge impact. This money is not a luxury. It is mainstream money which is required to deliver the targets and it is hugely unacceptable for government not to be able to deliver the commitment that they have given. I hope very much that the indications we are getting do not transpire and that this situation can be retrieved because the funding is critical to meeting these targets.

Q9 Chairman: You mentioned earlier that there was a sum of money that you did not take because you felt that you were not in a position to spend it correctly without the infrastructure and this was a problem across the whole of GB. In fact, my own local authority was one of those that had to purchase recycled bins and different coloured bins very quickly in order to make sure that funding was spent. Surely there could have been some spend in terms of preparing areas for recycling in terms of bins, different coloured bins, recycled bins, that could have helped. Surely, whilst it would be applauded if all of the facilities were there beforehand, that should not stop us moving the public agenda on in terms of making people aware of the need to recycle?

Mr Quinn: Yes, Chairman, that is quite true. That has turned out to be the case. In all of the regions there has been money spent on developing the upstream collection systems, the bins and the vehicles. The first year there was not a facility for slippage. We argued for that slippage mechanism so that money that was not spent in one year could slip to the next, which is a similar situation with internal departments for the government. In the eastern region we were dependent on the capacity of the other two regions to spend the money that was allocated to fill the deficit that we created in the eastern region, so the money that was allocated was spent but not in the way that government anticipated in the first year. After that we were successful in convincing government of the need for a slippage mechanism, particularly on the capital side, and that does mitigate the problem. I have to say, in some way in terms of trying to plan ahead. If you do not get capital money spent in a particular financial year then you do have that facility.
Q10 Chairman: Before I move on to infrastructure could I have a very quick answer to a question that has not been answered so far? That is that the strategy had a laudable objective in seeking to constrain household waste to 1998 levels, so that as well as looking at recycling issues we are saying that households are going to peg their waste to those levels. How has that been implemented, or has it been implemented?

Mr Quinn: The short answer is that it has not.

Q11 Chairman: Why not?

Mr Quinn: In the eastern region this was one of the targets in the strategy which arc21 said was out of its control and it could not subscribe to in terms of its own strategy development and that is on plan because it is connected and it has been seen to be connected over all of the regions of the UK to both household growth and economic growth, and until those things are decoupled we cannot deal with that issue.

Q12 Reverend Smyth: Much of your evidence has been dealing with infrastructure. Would you like to tell us what facilities you think are needed and what are the key reasons why they are not being provided?

Mr Quinn: Again that is a very pertinent question. The infrastructure that is required is, I would say, required at two levels, the regional infrastructure that is required in terms of the big strategic facilities, but that cascades down to the local level where we need to develop the local household recycling centres and bottle banks and so on, and there is a challenge in regard to both of those. Again in the arc21 region the plan is a 20-year plan and the facilities have been enumerated in terms of the number required, the type required and indicative locations for them. Those are materials recycling facilities, anaerobic digestion facilities for composting of organic waste, in-vessel composting facilities, windrow composting facilities, transfer stations, landfill sites and, critically, in the absence of any other emerging technology, incineration—Waste to Energy. Those facilities need to be developed in the face of this deficit and in the face of all the challenges in terms of funding, affordability and planning. I have no doubt that when the other two regions develop their plans similar solutions will apply. I think the secret is that we do not replicate those solutions across Northern Ireland and we accrue the economies of scale by building facilities which do accrue those economies of scale and are located properly and equitably across the region. We also need to develop the local facilities in terms of the household recycling centres where householders can bring their waste and have it properly segregated, and in terms of the bottle banks and mini recycling centres that are required. The same public acceptability challenges pertain for those smaller facilities as they do for the larger facilities. I have personal experience in Antrim Council of having a public meeting not more than a month ago where a proposal for a household recycling centre was put to the meeting and while everyone insisted that they wanted to recycle nobody wanted a household recycling centre in their back yard. I am sure this is a familiar scenario throughout the UK and beyond. Not only do we have the challenges of the process in terms of planning and funding but we have got the big challenge of public acceptability and public buy-in to the facilities and the services on the ground once we do provide them. There is a huge challenge there.

Q13 Chairman: You said that the planning applications for recycling centres are a problem. In many parts of the UK that has been overcome by the recycling centre being based within the depot of the council’s waste management operation which then does not need planning permission because it already has planning permission for that type of activity. Is that not an option?

Mr Quinn: No. We have had quite a lot of debate with Planning Service about permitted development. This essentially is what you are referring to, Chairman, and we have been successful in achieving an agreement for bottle banks and mini recycling centres where they (or within the curtilage of another operation) do not have an environmental impact beyond the norm, so we do have that type of agreement in principle subject to certain qualifications, and that now applies across Northern Ireland. There has been a recent review of the General Development Order in Northern Ireland where those exemptions would apply. I do not think that has been concluded yet. We were consulted about that but it is important that those issues and the review of that GDO are brought forward quite quickly. We do not have the same exemptions unfortunately in Northern Ireland so we do have a big challenge there.

Q14 Reverend Smyth: As I understand it in a sense you are waiting for the government to do more, particularly to deal with those who are objecting to the facilities. Is there not a role to be played at the local level in educating the local population on the need for this and to get their consent because in the end there will be a reaction in contentious matters if it is seen to be Big Brother trying to impose it upon us locally?

Mr Quinn: Yes, that definitely is the case. I am not saying that local government is trying to abrogate its responsibility in that regard, but what we need is a collective effort, and that is why in our response we have said that we need some more direction from government about the big contentious solutions, like Waste to Energy. We need them to say that it is necessary or it is not so that we can subscribe to that or otherwise in the regions. There is a process started of Northern Ireland best practical option where workshops will be held and weightings will be given to the social issues and the more unquantifiable issues around social and economic issues, and they do not focus simply on environment. We have seen that process before in our waste management plans because we have already undertaken that process at a sub-regional level, so it is a little bit of the cart before the horse, but at least it is going forward and
perhaps out of that there will be some direction. Yes, in terms of public acceptability we cannot avoid our responsibility to engage with the community both at government level and at district council level. We need to do that in a very robust way in communicating with the stakeholders and raising understanding of the issues because there is a lack of trust and we need to make sure that the people understand the issues, the technological solutions and the reasons why we are proposing them. We also need to educate them in a way similar to the public service education programmes that there have been for road safety. They have shown measurable changes in people’s attitudes. Unfortunately, in terms of waste, where the waste programme has been well received and people’s awareness has been elevated, it has not translated into changes in attitude or behaviour and that is really the key output to education on this. There is no point in doing it for its own sake. You have got to be able to change attitudes and behaviour in a way which totally engages the confidence of the community and which lets them be aware of their own responsibilities at the household to contributing to environmental protection. I agree entirely with that.

Q16 Reverend Smyth: And it is more economic to take away waste paper to Germany and yet you had in terms of public acceptability we cannot avoid our responsibility to engage with the community both at government level and at district council level. We need to do that in a very robust way in communicating with the stakeholders and raising understanding of the issues because there is a lack of trust and we need to make sure that the people understand the issues, the technological solutions and the reasons why we are proposing them. We also need to educate them in a way similar to the public service education programmes that there have been for road safety. They have shown measurable changes in people’s attitudes. Unfortunately, in terms of waste, where the waste programme has been well received and people’s awareness has been elevated, it has not translated into changes in attitude or behaviour and that is really the key output to education on this. There is no point in doing it for its own sake. You have got to be able to change attitudes and behaviour in a way which totally engages the confidence of the community and which lets them be aware of their own responsibilities at the household to contributing to environmental protection. I agree entirely with that.

Q15 Reverend Smyth: As I understand your evidence you highlight that up to the moment anyway activity to date has largely focused upon upstream collection. What needs to be done n your opinion to shift the focus away to the high level issues of infrastructure and developing markets?
Mr Quinn: I think I have addressed the issue of infrastructure. The issue of developing markets impacts on a number of different strands of the strategy. I have mentioned first of all green procurement and I think that if government were to initiate a programme of green procurement that would certainly drive a change in terms of incentivising the market to deliver the processing capacity in a way which we need in Northern Ireland. I suppose the other big issue in terms of market development is producer responsibility. There is a programme of industry responsibility for delivering targets and I would cite packaging as an example. Unfortunately that has not been very successful in Northern Ireland in that the industry is cherry-picking the easy gains and is not engaging with local government where it is much more expensive to extract the packaging from the household waste stream and there is little evidence of building the infrastructure to process and develop markets even in a UK context through the packaging regulations. We have not seen evidence of increased capacity at paper mills other than through WRAP which we will come on to. We think we need local markets developed and local processing capacity developed. For instance, there is an argument possibly for a paper mill to service local markets in a way which makes that a viable proposition economically for Northern Ireland and the whole of the island.

Q16 Reverend Smyth: That is absolutely right. Unfortunately we do not have even that processing capacity locally any more and we are finding that this is really a barrier to market development in Northern Ireland. The other big issue is WRAP and we mentioned in our response that WRAP—the Waste Resources Action Programme—has been set up in response to the England and Wales Waste Strategy 2000 and is being funded essentially through landfill tax credit schemes in GB. Unfortunately, while Northern Ireland is subscribing to that programme there are two levels now of access throughout the UK and TAG will be lobbying very strongly for similar access to the WRAP programmes as they pertain to the rest of the UK. There are about seven strands to that programme in terms of market development. I think Northern Ireland has only got access to about four of them, so market development is key to developing and delivering the targets.

Q17 Reverend Smyth: You did argue for the establishment of a waste infrastructure task force. How would it operate or would it be just another quango?
Mr Quinn: In the absence of any direction or suggestions from government this is something that we in our dealing with government felt would be something to help bring us to the next stage in developing infrastructure. As I have said, one of the things that we in local government are saying is that there is a lack of a joined-up approach to the mainstreaming of waste management infrastructure in Northern Ireland. Again, local government has a responsibility. Central government also has a responsibility, but central government’s responsibility applies in many different ways to the agendas of the different departments. Some of it might apply to the economic development function within Invest Northern Ireland or DETI. Others might pertain to avoiding infraction proceedings for waste related directives coming through Europe, and others might pertain to developing general infrastructure through DRD. Unfortunately, we do not see cohesion in that approach in local government and we have suggested in TAG that we would be very willing to engage with the various different government agencies in looking at this big intractable problem through one task force. There are task forces set up in a similar way in GB and we need to engage with all of those people and particularly with Planning Service and the Strategic Investment Board to come up with a way to address this huge challenge.

Q18 Reverend Smyth: I gather from what you were saying earlier that you did not think it was a planning service; it was a planning hindrance.
Mr Quinn: Indeed, and I think that there are too many people within all sectors of government, public, central and local, who are thinking in compartments and the Planning Service will think of
their process, and I am sure they are very competent in that process but they are not looking across the other interests and the other agendas. What we need to do in local government is to look at our agenda and integrate that into theirs.

Q19 Chairman: In the spirit of good waste management you seem to have recycled most of our questions on recycling into the rest of your answers, but I wonder if I could ask for two short answers on areas that have not been covered. The first is to get some figures on record. Could you tell us what proportion of Northern Ireland’s population is now covered with kerbside or doorstep collections, and what proportion of the population is served by collection systems for bio-wastes?

Mr Quinn: We in district councils are the competent authorities for our own waste and for delivering our targets. The short answer is that TAG does not have access to the type of information you are asking for. Again, I would think that the performance monitoring and the capture of that data is required from government who are after all co-ordinating the delivery of these targets. I am aware that some research has been done in this regard by Friends of the Earth and I have a spreadsheet here of some figures for coverage of one, two, three and four material stream collections at the kerbside. It is very patchy across councils in Northern Ireland. Essentially there is only one council in Northern Ireland which does not have a service for at least one additional stream, being paper, and there is a range of access to various different multi-stream services across Northern Ireland. I do not think it is the place to go into the figures but I am sure we can try and give you those figures.

Q20 Chairman: Any details you can give us will be of assistance, I can assure you. One other technical question is in respect of the animal by-product regulations and the impact that they have had on recycling and composting since their introduction. Would you wish to comment on the problems that have been caused by that particular regulation?

Mr Quinn: The biggest problem is one of uncertainty in that we are going through a procurement process at the minute in local government but yet we do not have the specifications that we require to advise our contracting partners what the standards are, so that is one big problem for us. We have recently been advised that the standard that we should use is the recent DEFRA draft guidance. Unfortunately, that is a draft and when we present that to the private sector they will recognise immediately the risks attaching to a draft and consequently the price will go up. That is the main thing. The other thing I would say is that the uncertainty is driving us towards higher and more expensive technological solutions and I would say ultimately that the solution which is the most robust in this regard will be Waste to Energy.

Q21 Mr Luke: As the Chair made the point, you have tackled many questions I was going to ask on markets and my friend the Reverend Smyth made the point about the market of paper, where it is cheaper to send it to Germany than to reprocess it in Northern Ireland. What facilities are there in Northern Ireland to develop local reprocessing capacity?

Mr Quinn: There are not too many because what we need in terms of incentivising the market is the fiscal, legal and economic drivers and, as I say, we are very late in this process and those drivers are only just starting to emerge. We have a very poorly developed market and processing capacity in Northern Ireland and until such time as those drivers are articulated we are going to have this problem; we are going to have a lack of capacity and difficulty in meeting the targets. I understand through my engagement with the Waste Management Advisory Board that a North/South Ministerial Council which looks at one of the elements of that is to look at market development on an all-Ireland basis. I am not sure what the outcomes of that process have been; it has not been reported to the board. Again, our colleagues in central government may be able to answer that question. However, there is obviously recognition of the need to look at that issue on an all-Ireland basis. I have already mentioned the argument that is emerging for a paper mill to service the Earth and I have a spreadsheet here of some figures for coverage of one, two, three and four additional stream, being paper, and there is a range of access to various different multi-stream services across Northern Ireland. I do not think it is the place to go into the figures but I am sure we can try and give you those figures.

Q22 Mark Tami: You said that paper went to Germany. Does it still go to Germany or does it go to various places?

Mr Quinn: At the minute it is going to various places but WRAP have facilitated an increase in capacity in GB for paper at Shotton.

Q23 Mark Tami: That is my personal interest. I have Shotton in my constituency.

Mr Quinn: You will be aware that there was European challenge funding to that at one stage.

Q24 Mark Tami: I am well aware of that.

Mr Quinn: The procurement process eventually ended and Shotton won challenge funding and was able to lever in additional infrastructure funding to help to increase capacity to almost double at
Shotton. I understand that at the minute the destination for quite a big proportion of paper in Northern Ireland is Shotton, but there are other destinations, particularly in GB, for paper. There is also a local destination for mixed fibre in Lurgan but it is for low quality and consequently low value product. One of the things that we need to do in local government is recognise that we need to make cost effective decisions in terms of the way we collect these materials. One of the most valuable commodities is paper and the paper industry will be lobbying very strongly that there should be total separation of paper at the kerbside because of the issue of contamination. Indeed, I recently sat on a WRAP working group which looked at the impact of a new standard for waste paper and at the implications for local government collection schemes, and advice has emerged from that through WRAP in terms of collection schemes and the design of materials recovery facilities, but there is an argument about single stream collections as they do in Holland versus a more mixed collection scheme as they do in Germany. There are two ends of the spectrum, but certainly the quality of the paper is key to the viability of local government schemes.

Q25 Chairman: I would like to move us on to landfill in a few moments but I wonder if I may move us back to a question we asked a little while ago on animal by-products because the answer seemed to be pointing us in the direction of saying that you would be looking to use energy from that type of waste as a way of incinerating or providing energy. Does that mean that, given the regulations, you feel that there is no real role for the collection of kitchen waste for issues such as composting or digestion?

Mr Quinn: No, I would not say that, Chairman. It depends on the way the legislation moves. I am anticipating possibly the final direction of this, but certainly it does not preclude those types of solutions at all. Indeed, in the eastern region the two aspects which we are looking at are in-vessel composting and windrow composting. The animal by-products legislation I think will be driving us away from windrow composting for those types of catering wastes towards this two or three-stage containerised process.

Chairman: Let us move on and look at landfill.

Q26 Mark Tami: What are you doing to constrain landfill as it stands at the moment?

Mr Quinn: Everything we are doing to meet the strategy targets is to divert waste from landfill because the main driver for our waste management plans, and certainly in the eastern region waste management plan, is to comply with the Landfill Directive. I have to remind members that the strategy targets, and I am talking about the 2005 targets principally, are not statutory. The 25% target of 2005, the 40% target of 2010, are not statutory. The key drivers, the milestone targets, for the Landfill Directive are 2010, 2013 and 2020, and certainly in the eastern region that is the main consideration for the infrastructure, the time horizon and the development of the infrastructure to meet those targets. Northern Ireland PLC cannot meet the 2010 targets without the infrastructure development proposed in the eastern region, specifically anaerobic digestion capacity at 2008–09, which will hopefully make a step difference to landfill diversion in the eastern region and throughout Northern Ireland. The problem has been that government have not always recognised the way this infrastructure will be developed and have devised a scheme in terms of landfill allowances which seems to ignore the way that this infrastructure will be developed at discrete points in time.

Q27 Mark Tami: You made reference to the landfill allowance scheme causing some problems in your mind. Can you develop how you see that in relationship to the regional plan and the difficulties that you see which that throws up?

Mr Quinn: I have been in local government 24 years and I have rarely seen anything that has united local government behind a common cause against a particular consultation paper. What this says is that Northern Ireland as a region has to deliver a target to comply with the Landfill Directive at 2010. Central government will impose a situation on local government which, if you do not meet targets at district council level as the competent authority on a linear reducing profile, a straight line reducing profile, you in the district councils will have the burden of £200 a tonne of civil financial penalties in advance of Northern Ireland or UK demonstrating compliance or otherwise with the Landfill Directive. This is a huge and unprecedented situation in terms of the way central government would essentially penalise local government through the WET Act in advance of having to demonstrate compliance as a region in terms of the Landfill Directive. To us it militates against every principle of natural justice and law that you would care to mention. I think this has been evidenced by the strength of opposition to this scheme in Northern Ireland.

Q28 Mark Tami: So what do you think should be done, bearing in mind that you want to move towards—

Mr Quinn: First of all we will not be successful in convincing government to move away from the penalties as they are embodied in the WET Act, which unfortunately we did not have the opportunity to be consulted on. That went through at central government level in Westminster. There is an issue there about directive compliance being co-ordinated centrally and, waste being a devolved function in the regions, there is a conflict there which perhaps is an argument for another day but in terms of the landfill allowance scheme we have lobbied strongly for government who, after all, at ministerial level approved and determined our plans and they now have statutory status in terms of the time horizons for developing this infrastructure. On the other hand the same government department has proposed a scheme which totally ignores the plans and I think we have been successful, and hopefully when you talk to central government they will tell
you that we have been successful, in convincing government that they need to align their scheme with our plans, in particular to ensure that that profile is compatible with the way the facilities will be developed. That is our hope. We are getting quite positive noises from government that that will happen. In fact, at a recent meeting with the Northern Ireland Local Government Association the Deputy Secretary of the department and the Chief Executive of EHS did indicate that. The other thing that we have been successful in doing is convincing government to take a joined-up approach to this particular issue and to engage with the policy section, the regulatory section and councils in designing a suitable scheme. Some very positive work has been done with the three sub-regions and the civil servants in that regard, so I do not want to be totally negative. I think that they have perhaps late in the process listened to us and hopefully we will be able to come up with a scheme that is more readily compatible with our own waste management plans.

**Q29 Chairman:** One little contradiction that you can help clear up for me is that in the evidence you say that TAG have consistently argued for more fiscal and legal instruments to incentivise recycling and you point to some of the other European countries and their models, whilst at the same time you say that councils feel that the government is using those vehicles to unilaterally impose targets on the councils. Is there not a contradiction there in terms of TAG’s acceptance and arguments for more fiscal and legal instruments but at the same time criticism that the government is being too stringent in its approach to local government?

**Mr Quinn:** Chairman, there might on the face of it seem to be a conflict there. I would characterise it as being two things. One is a duty and an increasing legislative burden being placed on local government through legal and fiscal measures, including landfill tax, including all of the legislation. I would characterise the other as being powers to help local government to meet those duties. It is two aspects. One is the responsibility and the burden and the other is the tools to deliver that burden. What we have consistently argued for is the discretion to use these powers. I have already mentioned partnering issues through the Wellbeing Powers. The other thing that we do not have control over is the behaviour of those who generate the waste. We have the statutory obligation to meet these targets but we are not the generators of the waste in the first instance. What we are arguing for are stronger powers to compel those generators to recycle and prevent the waste happening in the first place.

**Q30 Chairman:** It sounds like too much stick and not enough carrot.

**Mr Quinn:** Absolutely, Chairman.

**Chairman:** One area where there is the need for the rod is in the area of illegal dumping.

**Q31 Reverend Smyth:** The responsibility for enforcement laws dealing with illegal dumping and fly tipping was removed as I understand it from councils. How effective would you say the councils’ role was in this?

**Mr Quinn:** I am going to bring my colleague Mr Burnett in here because he comes from a strong regulatory background in SEPA and locally in district councils. I would say first of all that we are not comparing apples with apples here.

**Q32 Reverend Smyth:** There are different types of apples, of course.

**Mr Quinn:** The environment has moved on significantly in terms of the drivers for illegal dumping from the time when local government first had the responsibilities in that we have very robust economic reasons for people to break the law, much more so than ever before, and I would say that it actually pays to break the law. Those drivers are the higher standards that are now pertaining in terms of landfill, the landfill tax situation and the increasing costs and legislative burdens that apply to both the generators of waste and the people who are supposed to deal with that waste. It is not a like-for-like situation.

**Q33 Reverend Smyth:** How effective was it in the past?

**Mr Quinn:** I would acknowledge that the effectiveness of local government’s regulatory function was patchy, and certainly in any response that we have made in TAG to consultation papers we have acknowledged that in some district councils it has been very strong. In others it has been very weak and poorly resourced and it really depends on the complexion of those individual councils. We would certainly welcome a more cohesive approach to regulation and one where the resources are commensurate with the environmental impact. I would like to bring my colleague Mr Burnett in on this because this is something that he has been canvassing for very strongly in terms of the regulatory environment.

**Mr Burnett:** As you will see in the written evidence, the approach that has been taken by TAG is to classify illegal dumping into two different categories. The first category involves a certain amount of organisation and a pure drive towards profit and that is reflected in the organisations that are involved in it. In the smaller scale indiscriminate dumping that takes place, although it may be smaller on an individual scale when you aggregate it up it is still a relatively serious issue for local government because when all is said and done it is local government that people look to to clear that up and that bears a cost. At the time of the change of function Northern Ireland faced a new phenomenon and that was the development of illegal sites where the origin of the waste appeared to be the Republic of Ireland. It was the scale of that which was a new phenomenon and it appeared to be fairly large scale. The department have reacted to that by, as you will have seen in the press, claiming to have a task force aimed at that, and rightly so. It deserves attention; there is no
argument about that. In fact, no later than last Friday there was a summit organised among various agencies of local and central government both sides of the border. The report I have received says that it was a useful exercise in terms of understanding the issues and the perspective from the various agencies and this was fully explored. I understand that everyone agreed that a further summit should be called. I would like to see that done in a Northern Ireland context as well, but whilst the responsibility for dealing with the illegal disposal at the sites lies with the department the council also have some responsibility in terms of frontier shipment of the waste and there has to be liaison between the department and the councils in that regard. It has certainly been the intention of government to try and transfer that function to central government and I would certainly welcome that at an early juncture. If we turn our minds to the smaller scale illegal dumping, as I say, if you aggregate it up it is a fairly big problem. A recent survey that was undertaken by ENCAMs indicated that that would cost us in UK terms potentially in excess of £40 million, so it is a big problem. Here there is a difference in effectiveness. When councils undertook the enforcement over to bring offenders in this particular case to account, if you accept that it was patchy at least it was there; there was an element of deterrent there. At the moment unfortunately the department, because of the site resource and manpower problems, have a policy where they will not prosecute householders and small scale dumpers from a trade source, and I think this is a retrograde step. Councils through TAG, as well as saying that they feel it is an unacceptable situation, have tried to be constructive and have offered the potential for a service level agreement whereby the department could utilise the experience and expertise that councils have in this to address this particular issue and the department are presently considering that suggestion.

Q35 Reverend Smyth: How do you think that would work out?
Mr Burnett: It works by investing the powers in the councils to enable them to undertake that work, but equally there has to be a transfer of finance because the councils ultimately do not have that function. However, what they do have is the expertise and to a certain amount the resource that is there and it would be a shame not to make use of that, at least in the short term. It is becoming of some concern to councils that the department are taking some time in their consideration of this. They acknowledge that they do have to consider it but we would suggest that it needs consideration and it should be allocated an element of priority. We need a deterrent to fly tippers. I am sure you will hear from other sources that the motivation to fly tip will become greater. All the indications are that fly tipping is going to become an even bigger problem and unless you have a deterrent that is just another motivation. It is certainly worrying.

Q36 Reverend Smyth: What sort of impact do you think all the illegal dumping is having in Belfast, and I am speaking in south Belfast terms especially at the moment, when you consider the wastelands strewn with debris, pallets and wasted tyres that are polluting the atmosphere? Surely over the years the authorities must have an idea where these are coming from and should have been taking action sooner.
Mr Burnett: In terms of action, of course, you need a certain level of evidence to present in front of a court and that in itself is a challenge. It is extremely difficult to secure a level of evidence that could bring about convictions. The other type of action, of course, is that once the material is there you can clear it up, but there are difficulties with that because you have to get people to physically do that and that is not easy either. Engaging council employees to do it or getting private sector employees to do it is very difficult and the closer you get to the time period you are talking about the more difficult it is to get people who are willing to do it.

Q37 Reverend Smyth: I understand where it is on site but it must come from certain places. They are responsible and I understand the question of evidence. I go back many years now when, on Roden Street, for example, there was illegal dumping by industry and we finally got people to take the numbers of the lorries, the time of the dumping and so on. It was only by those means that we could utilise the experience and expertise that councils have in this to address this particular issue.

Q38 Reverend Smyth: Your suggestion about the DoE not being prepared to take action might be part of the problem as well.
Mr Burnett: I think the issue of bonfires, because of the cultural connotations, is slightly different from the more commonly known fly tipping. There are peculiarities associated with bonfires which means that a slightly different approach is wanted.

Q39 Reverend Smyth: You have been calling for the establishment of an independent environmental protection agency in the longer term. Why do you
think this would be more effective than the present arrangements and which country model would you follow?

**Mr Quinn:** This is something that many stakeholders and consultees have been calling for for a long time. We go back to the original review of waste management structures in Northern Ireland by Aspinwall for the department back in 1990 when our predecessors at the Association of Chief Technical Officers argued very strongly for an independent agency. Although circumstances have changed in terms of the regulatory structure in Northern Ireland and the vesting of the collective powers within government and the fact that EHS is a next steps agency, it still is accountable to and reports to those who make the legislation and, most importantly, within government the operators of most of the infrastructure and services that have the potential to pollute the environment. I am thinking mainly of waste water treatment in that regard and there have been well documented, well reported instances of non-compliance with the Waste Water Directive and particular pollution incidents. The situation in government in Northern Ireland is different from the rest of the UK in that central government have proportionately a lot more functions than their counterparts in any other UK region, and consequently they have more activities which could impact on the environment and unfortunately at times do so. However, that organisation, within which sits the regulator who is accountable and reports to and is dependent on the same ministerial structure as those who are perhaps the poachers in this case, means that there is not confidence, although I cannot quantify it, in the robustness of the system of regulation in Northern Ireland that pertains in every other part of Europe and in our neighbours in the Republic and in Scotland, England and Wales, so we have been arguing for this independent facility for some time, particularly given the fact of Crown immunity that government has when it pollutes. We think this is a particular problem. There have been specific examples highlighted in the press recently. Larne Lough has been mentioned recently in the press and the lack of primary treatment for sewage being discharged into Larne Lough. In terms of the impact of EHS consultation on planning decisions, where EHS recommended as part of the statutory consultation process that there should be no more infrastructure development, particularly residential development, in certain areas of Northern Ireland because of the lack of infrastructure to manage waste water in particular, that recommendation has been overruled and we are in a situation where those houses are now built and they do not have an infrastructure to treat the waste water. Those are some particular issues. You will be aware of the recent publication of the McCrory report, which again revisits this issue on behalf of the community sector and there have been a number of options put forward in that report which align towards an independent environment agency for Northern Ireland, one which would be a non-departmental agency but reporting to the minister similar to SEPA and the Environment Agency in GB. The other would be a non-departmental organisation that did not report to the Minister, similar to the Food Standards Agency. I do not think either of us have sufficient knowledge of the structures of government to know which of those in terms of the experience of the other agencies would be better but certainly we would be looking very strongly for that independent agency, irrespective of which of those two models would be applied.

**Q40 Reverend Smyth:** I know that you have used an illustration within the United Kingdom. Is there any other country of which you are aware that has such a protection agency that might be worth looking at?

**Mr Quinn:** I really cannot say, Chairman. I know that we are the exception in terms of not having an independent agency but we do have an EPA in the Republic of Ireland, we have the Scottish Environmental Protection Agency, which my colleague did work in at one stage, we have the Environment Agency in England and Wales, we have a European Environment Agency, we have sovereign agencies within Europe, we have the American Environmental Protection Agency, which really was the model which has been followed in Europe, I think, and it has very robust powers. So there are many, many models. I cannot recommend which would be best suited for Northern Ireland but certainly the lack of any of them is not where we want to be in Northern Ireland.

**Q41 Chairman:** Gentlemen, you have been very helpful to us in your answers. There are just one or two questions to clear up that are still left on our list. In your written evidence to us you say that you have concerns over the timing of the autumn 2005 review. We are taking it that given the urgency to deliver your suggestion that it ought to be reviewed sooner. Is that correct?

**Mr Quinn:** Chairman, I think it is a question of document control rather than anything else. I can understand the Department would not wish to issue the final document on the strategy review which will shape the future 20 years’ horizon in a hasty way, and there needs to be a robust consultation process next year before that is finally determined, but there are very, very urgent issues arising in our engagement with government and through the Waste Management Advisory Board which require urgent attention if we are going to avoid the pain, and particularly the financial pain, of non-compliance with legislation.

**Q42 Chairman:** Could you just list those under headlines for us in terms of the most urgent measures that are going to need to be included as part of that review, part of that strategy?

**Mr Quinn:** We have detailed a lot of them over time but for us I think the main issues are to address the infrastructural deficit and to look at this planning situation. We have had a commitment from government to streamline the planning process through the Modernising Planning agenda, which was launched by the Minister last January, and in
our discussions with the Minister she is very very committed to implementing that. Unfortunately, there is very little evidence that that is the case. I am thinking of things like the way we deal with Article 31 determinations where there may be a public inquiry or there may not. It can take a year before we arrive at a decision on whether there is a need for a public inquiry or not, and indeed the decision-making process for that is not very transparent, it is internal to the Department. That is one example of what we need to resolve in terms of streamlining the planning process. We have put some proposals to the Planning Service to help them in this regard and we had a very constructive meeting in the eastern region with senior directors in the Planning Service where we have put a pathway to them for decision-making which would factor in things like BPEO, PPS11, impact assessments and other things in the process. I think there is a will there but we need to do that now, not wait until the autumn of next year. Finally the funding issue—and I do not think I need dwell too much on that—we need that sorted out now rather than wait until the autumn of next year.

Q43 Chairman: A very difficult question to answer at this stage but perhaps a yes, no, or maybe; do you think that Northern Ireland will meet its 2010 Landfill Directive target?

Mr Quinn: I think, Chairman, if we build the infrastructure that we are proposing and if we get the participation and capture rates that have been evidenced so far when we roll out the collection schemes that we will meet the 2010 targets. I think the problem and the biggest challenge will be thereafter, with compliance of the Landfill Directive, and the need to look at the very much more contentious issues of building facilities in people’s backyards which they do not really want.

Q44 Chairman: The infrastructure questions?

Mr Quinn: Yes.

Q45 Chairman: Gentlemen, this has been our first formal, oral evidence session. I think it has set a pretty good foundation for us in terms of the rest of the inquiry, so on behalf of the Committee can I thank you for the time you have taken and also for the detail in the answers which I am sure will serve the Committee well.

Mr Quinn: Thank you very much, Chairman, and thank you again for inviting us along; we very much welcome the opportunity.
Tuesday 15 June 2004

Members present:

Mr Tony Clarke, in the Chair

Mr Adrian Bailey
Mr Hugo Swire
Mr Iain Luke

Memoranda submitted by North West Region Waste Management Group

1. INTRODUCTION

The North West Region Waste Management Group comprises the councils of:
— Ballymoney Borough
— Coleraine Borough
— Derry City
— Donegal County (Republic of Ireland)
— Limavady Borough
— Magherafelt District
— Moyle District
— Strabane District

In April 1997 four of the above councils initiated a process to develop a regional waste management strategy. The purpose of this project was to identify regional solutions for the disposal and management of waste, which would maximise economic return for the region and minimise environmental impact.

In 2000 the Group was expanded and work begun to produce a sub-regional waste management plan in line with the Department’s requirements as set out in the N.I. Waste Management Strategy published March 2000.

The member councils of the Group came together on the basis that a regional plan would provide better opportunities to emphasise economies of scale, increase opportunities with respect to meeting obligations and to ensure that synergies were recognised and resources shared.

The administrative areas situated in the North Western region of Northern Ireland covers a combined area of approximately 3,830 square kilometres and have a total municipal waste tonnage of 211,000 tonnes per annum.

The North West Region Waste Management Group includes our neighbouring council, Donegal, in the Republic of Ireland. This co-operation is unique and brings with it barriers, none the less, the Group sees this as essential in attempting to realise practical solutions in a naturally defined geographic unit.

The Group acts as a co-ordinator and facilitator. Competency for waste management and disposal lies with the constituent member authorities and member councils must ratify all decisions.

2. WORK UNDERTAKEN

In line with Departmental directives the Group submitted it’s regional waste management plan in June 2001.

Each of the constituent councils duly notified the Department that the sub-regional plan represented their council’s proposals for the period of the plan.

The current plan for the Group covers the period until the end of 2005 and has been predicated on the basis that the Councils of the Group will concentrate on “green methods” of waste disposal in order to meet targets.

To this end the Councils of the Group have undertaken a series of actions to increase recycling and the composting of green and garden waste.

Blue bin systems have been introduced in all council areas and in March 2004 a contract was let on a regional basis for waste services for recycling. The continued expansion of the blue bin system throughout each of the council areas is proposed as part of a rolling programme.

A similar regional contract for composting services is currently being developed and it is envisaged that the contract will be let during the latter half of 2004.
At present the councils of the Group are under direction from the Department (15 November 2003) to carry out a review of the existing plan, this will result in a plan for the period 2005–10.

The review will essentially examine how the plan:
- Intends to meet long-term target.
- Establish and carry out BPEO.
- Examine sites and capacities.
- Production of comprehensive data.
- Deal with waste other than municipal.
- Compliance with the EC Waste Framework Directive and associated targets.
- Integration and network of all facilities.

Representatives of the North West Region Waste Management Group have observer status on the Waste Management Advisory Board for Northern Ireland and are members of the Northern Ireland Local Government Association NI Strategic Governmental Waste Partnership.

3. Issues

3.1 Reduction of waste to landfill

The current plan is concentrating on reducing the amount of waste sent to landfill by seeking to increase levels of recycling and composting within our region. The roll out of the plan has already significantly increased the levels in this area and it is envisaged that the region as a Group will be able to meet the first targets as set down by the Waste Framework Directive, however two particular barriers have been identified:
- The introduction of the blue bin system has increased the overall volume of waste being produced within the region above anticipated projections.
- The uncertainty vis-à-vis the standards and processes required to meet the Animal By Products Regulations for composting will impede the ability of the Group to let a satisfactory contract for mixed organic waste. The current plan is dependent on this element to ensure we meet our targets. Guidance is currently awaited on this matter, despite the Animal By Products Regulations being enacted during 2003.

3.2 Recycling

The North West Region Waste Management Group has been successful in letting a regional contract for waste recycling services. This contract will provide all the councils within our region with a guaranteed and consistent level of service at a standard price. It is worth noting that the successful contractor is a locally owned and operated organisation, which will invest in expansion to accommodate the provision of the service.

It has, however, been the Group’s experience that the capacity for the provision of such a service within Northern Ireland is limited. Although nineteen organisations, (UK and European based), requested tender documents the return was disappointing. A key element of the contract is the provision of end markets and this has been satisfied through our existing contract, however markets development work at the Northern Ireland level falls far short of that which is, and will be required if we are to meet targets as defined under the Framework Directive and the Waste Emissions Trading Act, 2003.

3.3 Landfill Capacity

Landfill capacity has been a particular issue for the Councils of the North West Region Waste Management Group. One member council has been without a landfill facility for over four years and it’s waste has been accommodated both within and without the Group. In the past year two member councils have had to take the decision to close their landfill facilities and another member has limited capacity, certainly not beyond the latter part of 2004.

This position further reduces the ability of the Group to contain its waste arisings within the region and places additional financial pressures on member councils in the area of disposal. This is a cause of grave concern to the member councils as is the cost of closure of existing landfill sites.

As a region the Group has embarked on an exercise to identify and procure a regional landfill facility, however, the lead in time for this process means that such a facility could not be operational for at least another two to three years.

The availability of landfill capacity within Northern Ireland is limited and will undoubtedly increase pressures on local authorities in the coming years in the provision of cost effective waste management. Indeed the Department’s approach to capacity management will serve to further limit landfill capacity and
may add additional cost burdens on landfill gate prices over and above those resulting from higher environmental standards. The Group would support a market-based approach in order to seek to ensure that competition and hence best value is achieved.

3.4 Illegal Dumping of Waste

This has been a recurrent feature of waste management and disposal for local authorities. Despite the provision of civic amenity sites, skip centres and bulky refuse collection services illegal dumping is a constant feature. The degree to which this impacts on a local authority is consistent with the scale of dumping. Increased charges at landfill facilities have to some extent exacerbated this problem. The responsibility for prosecutions has now passed from local authorities to the Department and it is essential that appropriate action be taken to counter illegal dumping.

Likewise the illegal dumping and disposal of waste from the Republic of Ireland has been significant in the last number of years, most likely due to the higher landfill gate prices being encountered in the Republic of Ireland. Again enforcement is a key issue to mitigate against these activities and the potential ecological damage that may occur.

3.5 Alternatives to Landfill

The current plan of the North West Region Waste Management Group has deliberately avoided the inclusion of any form of thermal treatment of waste. Extensive public consultation has indicated a clear reluctance by the public to technological treatment of waste until all efforts have been exhausted in attempting to achieve our targets using environmentally friendly methods of waste management and disposal, hence the drive for recycling, reduction, reuse and composting in the plan.

The plan is presently under review and as part of this process the public will again be engaged and consulted. The Councils of the North West Region will require that an unequivocal case be made before they will consider technological alternatives for the disposal of waste within our region.

3.6 Potential to learn from other regions

The North West Region Waste Management Group is committed to examining best practice in the field of waste management and disposal. Elected members and officers have in the past undertaken study visits to sites and facilities and will do so in the future in order to become acquainted with successful operations and to better understand how we can learn and replicate best practice within our own region.

4. Planning

The current system for planning in Northern Ireland presents as a barrier, which may impede the local authorities in meeting their obligations on a timely basis. Determining a planning application adds to the lead in time for infrastructural development and the Group would recommend a more joined up approach is required within the Department to alleviate delays in this area.

Delays in the planning process will impact on the ability of the all three waste management groups in delivering services thereby creating additional pressures on meeting targets.

5. Resources

A major concern for all the constituent local authority members is the resources issue for the implementation of the regional waste management plan. The local authorities accept that as the competent authorities they are responsible for the management and disposal of waste, however, the current legislative framework has greatly increased the requirements of managing this process and has placed a significant burden on Council’s financial resources.

The limited funds available through the Departmental grant scheme, while welcome, makes little impact into the real cost of this process. It is unrealistic to assume that given the departments prediction of a £200 million infrastructural investment requirement in Northern Ireland that the current legislative regime will allow local authorities to realistically address this issue. Funding level beyond those currently available will be needed if councils are to meet targets on reduction to landfill.

It is essential that Councils be adequately resourced to fulfil their obligations under the Framework Directive. We would urge that the Treasury examines the current levels of funding and the continuing revenue cost of managing and disposing of waste under the waste framework directive.

The Group would suggest that funding programme is put in place which will allow effective planning over a given period as opposed to the current annual grant scheme which by its very nature runs behind local authority budget planning.
6. CROSS-BORDER ENVIRONMENT

The North West Region Waste Management Group has membership from both sides of the border. The seven councils on the northern side of the border have adopted the regional waste management plan and our counterpart, Donegal County Council, has drawn up a plan for the county.

Both plans are compliant with the relevant legislation and both recognise the fact that they wish to co-operate with their neighbours, legislation permitting.

This approach seeks to maximise the potential of the capacity of the region to manage and dispose of waste.

Given the nature of our region it makes sense to co-operate and indeed as a Group we seek to ensure that where there are advantages the entire region should be in a position to benefit from cross-border co-operation in the field of waste management and disposal.

23 April 2004

Memorandum submitted by the Southern Waste Management Partnership

INTRODUCTION

The Southern Waste Management Partnership (SWaMP), a voluntary grouping of eight district councils, welcomes the opportunity to make this submission to the Sub-committee of the Northern Ireland Affairs Committee for its inquiry into the implementation of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland. This Inquiry is timely, given the current Review of the Waste Management Strategy for Northern Ireland.

PROGRESS TO DATE

The overriding objective of the inquiry is to examine progress in meeting the targets defined by the EC in the Waste Framework Directive and elsewhere. In submitting this response we would wish to emphasise that we recognise the significant advances that have been made to date in a number of areas. These include:

— The formation of three voluntary groupings of councils for waste planning purposes.
— The adoption and implementation of the Waste Management Plans, to the extent that Northern Ireland is, we understand, the only part of the UK not included in the most recent infraction proceedings by the EC over waste management plans.
— The establishment of the Waste Management Advisory Board.
— The Wake Up to Waste Campaign, which has been successful in raising awareness of waste management issues in the wider community.
— The provision of some additional funding from central government for local authorities and industry.
— The award of a number of recycling contracts by local authorities.

In many respects, these represent the basis of sound building blocks for the future. However, we believe that progress has been lacking in other areas. We have therefore set out comments below on a number of issues below.

LEADERSHIP BY GOVERNMENT

Strategy leadership is one of the key building blocks of the NI Waste Management Strategy. However leadership by Government, in our view, probably represents the most significant failure to date in the implementation of the Strategy. This is a criticism levelled at the whole of government, and not specifically at the Department of the Environment. Government departments generally fail to follow the policies set out in the Strategy.

Leadership must be provided at the highest level within government. It is not just a DoE responsibility. The introduction of appropriate specifications in the exercising of purchasing decisions and contractual arrangements would stimulate the market for recycling in both services and products, an area where progress needs to be improved.
REDUCTION OF HOUSEHOLD WASTE LANDFILLED

The Waste Management Plans all seek to reduce the quantities of household waste landfilled through an increase in recycling and composting. The Plans are supported by detailed Implementation Action Plans, and progress is monitored through a series of Key Performance indicators (KPIs).

The rate of recycling and composting has increased, and contractual arrangements are at various stages of preparation by councils to increase this further. However, the quantities of waste produced are continuing to increase significantly, to an extent that the quantities landfilled are not being reduced to any great degree at present. The Landfill Allowance Scheme will be a key driver for further action in this respect, but future action to be effective, householders have a key role to play in separating and presenting wastes for collection and recycling. In this regard, it would be helpful to have a legal obligation to provide a minimum number of bins at the household, backed up by appropriate enforcement measures, such as penalties, to “encourage” the public to participate.

To enable Councils to deliver long term solutions it will be necessary to consider the whole range of procurement options including PFI and PPP arrangements. However, as we understand it, the legislation as it currently stands prevents local authorities from entering into joint ventures with the private sector. Therefore clarification and/or additional legislation would need to be enacted to allow the option for such arrangements to be progressed.

The Review of the Waste Management Strategy must not only place greater emphasis on Waste Prevention, but it must move from its current aspirational approach to one of providing definite guidance in this and other areas.

The introduction of the plastic bag levy and potential levies on other waste/litter nuisances in the Republic of Ireland has been beneficial in both reducing waste arisings and increasing awareness on waste issues and therefore the introduction of such measures in NI would be welcomed.

DIRECTION AND GUIDANCE

As noted above, the Waste Management Strategy needs to shift from being an aspirational document, with an ineffective implementation Action Plan, to one providing strong guidance and direction. This is needed to create a robust framework on which stakeholders can rely.

In this regard SWaMP welcomes the current proposals to develop a Northern Ireland wide BPEO (Best Practicable Environmental Option) assessment. There is a need, however, for a parallel delivery framework to be developed that sets out the roles and responsibilities for all parties involved in the procurement, development and funding of facilities to generate the appropriate confidence for future investment.

WASTE PLANNING ROLES AND RESPONSIBILITIES

At present, responsibility for waste planning for all controlled wastes rests with district councils. However, controlled wastes include many specific waste streams (for example, hazardous wastes, waste electronic and electrical equipment, construction and demolition wastes, packaging waste, end of life vehicles, etc). There is merit in planning on a waste stream specific basis, and therefore in considering which body or organisation is best placed to do this, rather than continuing to place this responsibility solely on district councils.

RECYCLING IN NORTHERN IRELAND

Whilst there has been significant progress in terms of capturing wastes for recycling and recovery within the SWaMP Region, eg the 2002 recycling percentage for household waste was over 14% and this is estimated to increase to approximately 18% for 2003, more needs to be done to both increase the availability of recycling services for the public, and businesses, and to develop local markets for recycled materials. Current approaches treat recycled materials as a commodity, as a result of which much is exported out of Northern Ireland for re-processing. SWaMP therefore believe that DETI have a key role to investigate and assess potential market opportunities, that could contribute to economic development and job creation.

Equally, both central government (see comments above on leadership) and local government have a responsibility to exercise their considerable buying powers to stimulate the market for recycled products through the use of appropriate specifications. Government could do much to assess the potential and to develop specifications for wider use.

LANDFILL STANDARDS AND CAPACITY

The costs of landfill disposal will increase significantly due to the standards of development, operation and closure set by the Landfill Directive, coupled with the increase in Landfill Tax. As a result this will increasingly affect the economics of waste management, promoting recycling and recovery, and reducing the demand for landfill. However, there will be a need for landfill disposal capacity for the foreseeable future.
It is important therefore, that as a fundamental service requirement, it can be provided on a cost-effective basis, to both councils and businesses. This means a competitive market environment needs to be created, with the emphasis shifted from one of capacity management.

Other means could be considered to achieve environmental objectives, for example, a ban on the landfilling of certain wastes or materials, which would also promote recycling and recovery.

**Land Use Planning**

The current land-use planning system is perceived to be a major barrier to the timely development of the range of facilities needed to enable Northern Ireland to meets its targets and obligations. Applications take years to be determined, which in turn creates uncertainties for both applicants and potential host communities. Given the critical need for waste management infrastructure to enable Northern Ireland to meet the Landfill Directive targets, the planning system needs to be urgently reviewed to determine weaknesses in the current system and how the handling of applications could be improved.

**Funding**

Considerable funding assistance has been provided through the Environmental and Heritage Service to district councils, the primary conduit for this assistance has been through the Waste Management Grant which accounted for £10 million in the 2003–04 financial year. In addition other funds such as the New Opportunities Fund, Landfill Tax Credits and the Waste Management Industry Fund have been welcomed and have maintained the momentum of change required to deliver waste management plans. As the first phase of the SWaMP Waste Management Plan comes to its conclusion, that is up to 2005, the longer term requirements will become prominent in the groups needs. Typically considerable infrastructure will have to be delivered in the period between 2006 and 2010. This infrastructure will require investment and funding support way beyond the levels currently provided if district councils are to deliver on BMW reductions to be delivered in the period between 2006 and 2010. This infrastructure will require investment and funding support way beyond the levels currently provided if district councils are to deliver on BMW reductions to landfill. Further there is a need to identify a rolling funding programme up to five years in advance rather than the current year on year approach. This would be of assistance in combining funding support and long term waste management planning.

23 April 2004

**Witnesses:** Mr Eamon Molloy, Development Officer, Derry City Council, Mr John Kelpie, City Engineer, Derry City Council, North West Region Waste Management Group (NWRWMG); Mr Graham Byrne, Project Officer, Dungannon District Council, and Mr Andrew Baskin, Kirk, McClure & Morton, Consultants, Southern Waste Management Partnership (SWaMP), examined.

Q46 Chairman: Gentlemen, normally I would say welcome but I am conscious that Eamon and Derry are our hosts, so, instead of saying welcome, I would like to say thank you for providing us with the facility for us to hold this session. We are also grateful to you, Graham, for travelling up from the South West to give your view so that we get the whole picture to add to that already given to us by Mr Molloy. We have got a series of questions. Please do not feel as if every single person has to give an answer to every single question, what we are looking for is collective views and views to be expressed where you feel you have got something additional to contribute. Please do not feel pressured to answer every single question from each authority. I wonder if I can start with a broad and general question, and that is to ask in respect of the nature of the plans, to what extent have they been genuine “cross-authority”? In their development of regional plans, do councils simply do what they feel they should do or can you point to real, concrete measures that were laid down so that you can tell us “Yes, they are absolutely cross-party, cross-authority approaches that were introduced and accepted by all those councils”? How joint is the joint approach?

Mr Molloy: Chairman, I will take that. Firstly, thank you for giving us the opportunity to be here today. As the welcomes have already been said I will attempt to answer your question. In terms of the jointness of the sub-regional plans, I think that they are genuine. I can say with confidence that they are genuine joint plans. In the formulation of the actual plans themselves they have been done by representatives, both elected and officers, of each of the constituent member councils. The plans were then taken to each council and ratified in their totality by those councils. What were presented by both us and our colleagues in SWaMP to the department for determination by the minister were regional plans. Each council has individually ratified that plan but it is identical for each of the councils. The action plans are somewhat different in that they must be specific to the particular area. In terms of the jointness, a good demonstration of the jointness is our ability to let joint contracts to progress the implementation of plans in terms of joint tendering so that we are looking for regional solutions and not solutions which are specific to any one individual council. We are looking for the same quality of service, consistency of service, right across sub-regions. That demonstrates that they are truly joint in nature.

Q47 Chairman: Forgive me for being so forward so early on, but if the joint approach works so well then some have put it to us that there is no need for even
regional bodies, that there could be just one single body addressing waste management issues across the whole of Northern Ireland. What would your response be to those who suggest that such a way forward is feasible?

Mr Molloy: We are also aware that that proposition has been put forward. Whether it is a structural sense of one body or one plan, I think the important aspect is that as local authorities we would seek convergence of sub-regional plans. The advantage of addressing this on a sub-regional basis is that it does address the differences in sub-regions in terms of an industrial base versus the more rural areas and, to get into this at a very early stage, in the East/West of Northern Ireland, in the plans as they are constituted, from our perspective we seek to have convergence. The plans in the North West and SWaMP areas are pretty much aligned but they recognise the differences even to the degree of implementation. If there is one body that has been suggested then there is a danger, and I say no more than that, that the plan could be skewed to benefit the eastern side of the Province where there is a large concentration of population and where the urban conurbations are. What we have strived to take forward is that not only is there a consistency of service but also an equality in terms of cost and who is paying and that the charging in Derry City Council is the same as in Coleraine, as in Dungannon, wherever the plans converge. We are more concerned that there is sufficient infrastructure to service the delivery. It is important that there is an integrated network of infrastructure than that there is a single body to administer the plan.

Q48 Chairman: Would you concur with that?

Mr Byrne: I would, Chairman, yes.

Q49 Chairman: Just concentrating on the North West’s response, there is mention that you have been directed by the department to review your existing plan. Can you just explain what that means in terms of the direction and what were the reasons that were given for asking you to review the plan?

Mr Molloy: I am going to ask my colleague to answer as we are both under direction.

Q50 Chairman: That is both North West and SWaMP are under direction?

Mr Molloy: That is correct.

Mr Byrne: As you say, there are many similarities between SWaMP and North West and the planning horizon is one of the main ones. Briefly going back over our planning process, both groups started to develop our plans in 2000. We developed them, consulted upon them widely and adopted them in 2002. In November 2002 the department approved the content of our plans. Within both plans there is a series of reviews identified with the main review being 2005-06. As part of their acceptance of our plans the department issued directions to North West and SWaMP that we should submit reviewed plans to them by June of next year. This gave additional comfort and insurance when they brought the plans to Europe that we were going to plan over the entire timescale up to 2020. As it has turned out for us, we found it very beneficial because the Northern Ireland Waste Management Strategy is under review, there is a Northern Ireland Best Practicable Environmental Option analysis being undertaken and also, very importantly to us, there is the WET Act which was not on the radar screen when we started to plan, or even when we finished planning the last time. Now we can take all of those into account. The one thing we would say is that we are unlikely to meet the current direction timescale of June 2005 and we have sought, although we have not received yet, a deferral of that direction until 2006.

Q51 Chairman: Can I just be sure in terms of the amount of public engagement and public consultation that has been going on, are you consulting on the process of developing the plan rather than simply consulting on it once it is constructed? Is there public engagement considering that you have been directed to review? In that period is there going to be public engagement as to how the plan is constructed rather than simply what it is?

Mr Kelpie: If I could answer that question. We are at the very early stages of sitting down within our groups to review these plans and to discuss the nature of the consultations that we will embark on, however the template that we use will be similar to that which we used for the first plan. We had extensive consultation during that period, during the formulation of the plans, various public meetings in each and every council area, in schools, lectures, events, competitions, leaflet drops, websites, etc, a broad remit of consultation both during the formulation of the plan and on the completion of the draft plan. We will be taking the results of that and refining them and using them in the review process.

Q52 Chairman: I want to come on to the impact that the Landfill Allowances Scheme has on your plans. When you started did you envisage the Allowances Scheme looking as it does now? If you knew then what you know now, would you have done anything differently? What impact has the Landfill Allowances Scheme had on your plans and in terms of the review?

Mr Baskin: First I would say that at the time the Waste Management Plans were developed and being adopted, that was at the end of 2002, the WET Bill as it was in its early stages was not on the horizon at all, so we did not know about it, so what we have now in the WET Act and the Landfill Allowances Scheme, which is particular to Northern Ireland, is something that came after the plans themselves were developed. Possibly if we had known that was on the horizon and the nature of it, and the nature of it is simply rather than SWaMP and North West Group facing what was potentially a target of 2005 and another target of 2010 we now have incremental targets from 2005 to 2010, in a sense we may have taken a slightly longer forward picture to the Waste Management Plan to ensure that not only are we hitting 2005 targets but also hitting 2006 and 2007 and thereafter. It may or may not have made a slight
difference. Just to comment on the Landfill Allowances Scheme. It is one of the critical pieces of legislation facing local authorities in Northern Ireland specifically because it gives Central Government the opportunity to pass on infraction proceedings to local authorities if they are incurred or if they are incurred as a result of the UK as a Member State failing to meet its obligation and also if Northern Ireland fails to meet its obligation. Within this piece of legislation there is a possibility that those infraction fines could pass directly to district councils which would have severe financial implications. There is the threat of those infraction fines could pass directly to district councils which would have severe financial implications. There is the threat of those infraction proceedings and on the face of us being given very limited time to react to them, in other words the plan was adopted prior to that legislation coming on the horizon, and, secondly, the district councils could be held accountable, even though there could be circumstances outside their control which would not enable the necessary infrastructures to be delivered, such as planning permission or letting of contracts or whatever, there is quite a resistance to the idea of passing on infraction proceedings. There are a number of other issues in the Landfill Allowances Scheme which we have commented on previously and I know that the Landfill Allowances Scheme itself is currently under review so maybe there is still an opportunity to influence that.

Chairman: We may ask you later what your view is in terms of what you would like to see in terms of a review, in terms of what would be helpful in enabling you to carry out your duties in terms of that review. We may hold that question back for later. Mr Adrian Bailey, you have a number of questions on waste growth.

Q53 Mr Bailey: First of all, what do you think are the key drivers of waste growth?

Mr Molloy: The drivers of waste growth here, and I think throughout the whole United Kingdom, are things like packaging and how households react in terms of the whole social status, social sphere, influencing the types and amounts of waste growth. Some of the issues in terms of waste growth are within our control; a lot of them are not. In terms of addressing the issue of waste growth, basically a lot of it is down to central policy and, taking it further, is probably down to legislation.

Q54 Mr Bailey: The North West response mentions that the blue bin system has "increased the overall volume of waste being produced within the region". That seems a bit odd on the surface. Why should a system designed to curb it actually increase it?

Mr Molloy: If I attempt to deal with that and I am sure my colleague will assist me on this one. When we looked at this originally it appeared that levels of waste had increased due to the blue bin system. However, we are now more accurately recording the data and, having had the opportunity in the last few weeks to look at the entire 2003 data, it would appear that the waste growth has probably levelled out. In terms of recording the data and predicting, and our ability to predict or project the actual volumes of growth, perhaps that particular point

Q55 Mr Bailey: Would it be fair to say that without the blue bin collection the waste data would have given a substantial increase?

Mr Molloy: If I could take that question, Chairman, I think it is fair to say that the data collection system has been upgraded over the last couple of years. Obviously we are moving towards a stage where data is getting better and better. Just looking back at the trend over the last couple of years, all I can say is that some of the data in previous years was probably unreliable because what we did see in 2002 was quite a sharp increase in waste arisings and now what we are seeing in 2003 is quite a decrease in waste arisings. The reality is probably somewhere in the middle. As time goes on we will probably be able to better tell what is happening, but it does appear that both in the North West Group and SWaMP waste growth is either smaller or at least levelling out but as time goes on that will become better. There has also been another issue surrounding the definition of municipal waste. There are some differences in that and that has caused some confusion amongst councils. That refers to the EU's wider definition of municipal waste being household waste plus commercial wastes, similar waste to the household such as commercial waste, whereas in the UK the definition is more household waste plus commercial waste controlled by district councils and the department in Northern Ireland have interpreted that as really meaning household waste plus other wastes collected by district councils. We have been getting our heads round that definition for a period of time which has meant the figures being quoted are slightly different. All in all the figures are getting a lot better and it is giving us a much better feel on data.

Q56 Mr Bailey: Can I just move on. The SWaMP response mentions the Plastic Bag Levy, and possibly other measures used in Ireland to reduce waste. What measures have you taken to meet the target in the strategy for reducing per household waste arisings to 1998 levels by 2005 and, above all, how could Government help you meet this target?

Mr Kelpie: If I could take that question, Chairman. In according with both our plans, the measures to reduce have been mainly educational measures, working in schools, working with business, radio, press, etc., and actively engaging the community in various aspects of waste management. As my
colleague, Andrew, has mentioned, by virtue of the fact that the councils within the groups have introduced alternative weekly collections, that has pushed the volumes down to a certain extent. We are doing what we can. We are also tying in with the department in the Wake up to Waste campaign as effectively as we can. With regard to how Government can help, certainly we feel that there are a number of legislative issues that could be addressed. One very successful issue that has been implemented in the Republic of Ireland has been the Plastic Bag Levy, as mentioned earlier, and it has had a substantial effect in that jurisdiction. Other legislative actions with regard to packaging would be considerably helpful. Yes, on both fronts there is more that we can do but it is on a microscopic level in comparison with what Government can assist us to do.

Q57 Mr Bailey: Is Donegal planning to introduce direct charging for waste and have any lessons been learned from this?

Mr Molloy: Basically the system in Donegal and, indeed, in the Republic is very different from the system in Northern Ireland. In the Republic the collection side of waste management has been privatised, so it is private collectors who collect waste from households and, indeed, business and, therefore, there is a direct charge to households and business for this collection service. Certainly in Donegal it is not done on a rate basis at present. You buy a ticket for your bin or you buy a bag in which you deposit your waste and it is then collected. That has been the system for some considerable time because they do not have rates in the Republic of Ireland so, therefore, there is a direct charge on the cost of collection. We are aware that there have been trials further down South, right down in Cork, where they have chipped the bins and data is recorded on the weight, how often the bin is collected, etc. We believe that as a result of that there has been a 40% reduction in the amount of waste going to landfill because you are being charged on a per weight basis. Since we have direct rates here, I think it would be difficult to make a comparison because it would be hypothetical: if we did A or if we did B, what would the impact be? In Donegal there is an acceptance that if you want to have your rubbish collected you have to pay.

Q58 Mr Bailey: That is interesting. I can see that it provides a financial incentive to people to manage their waste more effectively. It also provides a financial incentive to them to get rid of their waste illicitly or illegally. On balance, what do you think has been the impact?

Mr Molloy: Certainly from discussions with our colleagues it would appear that it is working at present. I think that is because of the length of time that the system has been in place, it is natural and accepted that you pay to have your rubbish collected.

Q59 Chairman: Can I just intervene there. In some English authorities they have been controlling waste by having a bag allowance per household, so the number of refuse sacks given per household over a year is limited and then purchase is the only option after that. Is that something that you have come across, looked at or thought about in terms of a way of reducing waste and/or raising revenue?

Mr Molloy: To be frank, we have not discussed that as individual organisations and I think it would be unfair of us to give a comment which may be interpreted as a position for either of the groups.

Q60 Chairman: That is fair. You aware of that type of operation, are you?

Mr Byrne: I think it is fair to say that during our review process, and I do not want to keep harking back to this, we need to look at the technologies that we may employ to meet all of the targets and we need to see how that is going to be financed. We are looking at all of the options involved in the whole process, all of the financial streams, and that is being reviewed at present.

Mr Kelpie: If I could answer that from an individual council basis. I think a similar analogy can be drawn with the collection of bulky waste services from households. Our observations have been that if we charge for those or reduce the number of free collection services, we still have to deal with the problem in another shape or form, normally in the mews lanes of the city, etc, so we would not view that as a productive measure certainly from an individual council basis, although I must refer back to Eamon’s point that we have not discussed this as a group.

Mr Luke: It is becoming more common on the mainland to charge for the collection of bulky items.

Q61 Mr Bailey: Can we move on to infrastructure requirements. The SWaMP response hints that some form of mandate for a minimum number of bins, backed up by enforcement or penalties for those not using their recycling containers, would be desirable. Surely the region is free to implement the number of bins or other containers which it deems necessary. Why do you need a government mandate?

Mr Byrne: I do not really think that it was a government mandate to implement the number of bins. It is our intention to give at least one recycling facility to each household. SWaMP intends to have either a blue bin for mixed recyclables or a box system at each of our houses by next year. Some of our houses will have an additional collection for biowastes of some sort but largely on a trial basis, we have not fixed the number yet. I do not want to prejudge future questions but until we get firm guidance on the regulations regarding animal by-products we are not going to make any definite decisions. In relation to the proposal for fines, certainly the SWaMP councils, and I think the North West as well, feel that the existing legislation which would allow us to prosecute individual householders for not complying with the rules that we have set out for the recycling bins are too cumbersome because we would have to take them
through the court. What we are looking for is an on-the-spot fine system which would help us to ensure that we meet our targets. Obviously our Waste Management Plans are based on identified participation and capture rates. If we cannot comply with those rates then we are going to fail to meet our targets.

Q62 Mr Swire: Who would be the people who fine?
Mr Byrne: Who actually implements the fines? I imagine that would be at inspector level within the district councils.

Q63 Mr Swire: So there would be a new raft of people empowered to fine people?
Mr Byrne: Certainly on behalf of Dungannon Council I would say that we do have staff there to inspect the content of the bins.

Q64 Mr Swire: But not to fine?
Mr Byrne: No, we do not have the legal powers to fine at present.

Q65 Mr Bailey: Presumably it would have some implications in terms of staffing of the council given that whole new raft of responsibilities?
Mr Byrne: I have no doubt that in order to meet the legislation that is coming thick and fast from Europe that whole new raft of responsibilities? the approach to procurement?

Q66 Mr Bailey: Can we just move on. The SWaMP response mentions the need for the full range of procurement tools. In particular, you mention that existing legislation prevents you from entering into joint ventures. What legislation prevents this and what necessary procurement tools do you fear are not yet available to you?
Mr Baskin: Perhaps I can clarify that. It is not that the legislation prevents it but there is a lack of legislation that enables district councils in Northern Ireland to be part of a joint venture company. If I can take you back through the various methods of procurement. Obviously as the Southern Waste Management Partnership and North West Group go forward with the current review of their plans, they are going to want to make available to themselves a full range of procurement opportunities right from traditional type procurement where you set aside to provide a certain piece of infrastructure and you have then got to design a build type contract where a third party is responsible for design and for building, to the DBFOs where you have somebody else responsible for design and building and financing and operating, and at the pinnacle of procurement options is the PFI/PPP scheme. Our understanding is that for a local authority to enter into a scheme like that, it would have to have the legal vires to enter into a joint venture company with the private sector. As we understand it, the local authorities in Northern Ireland cannot do that currently. The point we were making in our submission was can we have that piece of legislation enabled so that particular procurement option is available to district councils in Northern Ireland. We would like to consider all procurement opportunities but our view is that in the UK there are considerable credits available through PFI so PFI funding, or funding going towards schemes which are PFI or PPP, is quite considerable within the UK through Defra and their Waste Management Implementation Programme. Funding is the key issue for Northern Ireland local authorities. Potentially could we be missing a funding opportunity if we cannot enter into these joint venture contracts? We were seeking clarification: can we enter it or not? We do not think that we can. Secondly, if we cannot, can we have enabling legislation to allow us to enter into a reasonable timescale because, remember, we have a plan to review within the next year or year and a half.

Chairman: It is certainly something that we will take up on your behalf.

Q67 Mr Bailey: I think that clarifies that issue. The North West submission stated that the full tender response to the letting of a regional contract was limited. Can you say how many responses did you obtain, and if the return was, as you put it, “disappointing”, does this suggest a problem with the approach to procurement?
Mr Molloy: Chairman, certainly in our opinion the approach that was adopted was correct and valid at every stage of the process. It was a process which was issued through the European Official Journal. Certainly from responses that we have had from companies nobody formally expressed any dissatisfaction with the process or with the documentation, so we would have to assume that the process itself was not flawed. What we would say is that this was the first contract of its type on offer, certainly here in Northern Ireland. We could speculate on the reason as to why we did not have the level of reply that we had anticipated. We had 19 responses for the formal documentation and I think it is fair to assume that within that there were a number from consultancies who would reply to all such tenders and they would use this as a library. There were also replies from companies which we would consider to have been bona fide and certainly organisations who could have delivered this contract. We would not want the impression to be created that we are all dissatisfied with the contract that we have in place and with the contractor. In fact, in many ways it worked in our favour and the contract was awarded to a local company, which ties in with one of our objectives that we should maximise economic return within the region. We felt that this was key to the contract, that we were more satisfied that the end market for the recyclables was clearly identified and that the same level of service was being awarded across the entire region at the same cost. We are extremely satisfied with the actual contract that we now have in place. Yes, we were disappointed that we did not have more responses. Whether this indicates that there is a problem with the size of the market, perhaps the volume, or whether there is some other reason, we have had no indication from those who requested the documentation but did not send in a formal tender
that they were dissatisfied with the process or with the document. As I say, perhaps we could speculate that this was a brand new venture, the first of its type, and perhaps that impacted on the level of returns.

Q68 Mr Swire: The North West response points to the diminishing number of landfills in the region, but it also suggests that the region is seeking a regional facility. Is it not to be expected that facilities will become fewer and larger over time?

Mr Kelpie: Yes, it is true that the region does have an issue with landfill. In fact, within this particular council area this would be the most pressing issue at present with regard to waste management and the costs associated with it. As a region, that is the North West region, we have decided that we will look at a regional landfill site, or sites. I think it is important to stress that a cornerstone of our Waste Management Plans and our Waste Management Strategies is the embodiment of local issues and the proximity principles, so in any of the facilities that we are looking at we are not necessarily looking at larger or less facilities, we are looking at integrated solutions across the zone, across the North West region. I think it is probably more true to say that we are looking for larger and fewer contracts to service that network of facilities to make these contracts more efficient and to give them economies of scale and in trying to seek the larger contracts that service this greater network of facilities we are experiencing difficulties because of the partnership arrangements that we may or may not be able to enter into, as discussed a moment ago by my colleague, Andrew.

Q69 Mr Swire: There appears to be something of a contradiction because, on the one hand, the SWaMP response seems to welcome the landfill tax as a driver but, on the other hand, the response argues for landfill provision on a cost-effective basis. Are you not contradicting yourself?

Mr Baskin: Chairman, perhaps I can clarify the point we were trying to make. Certainly within SWaMP we feel that the level of landfill tax is beyond our control. The Chancellor has set out over the next number of years the incremental levels of landfill tax and one would presume that is beyond the level of discussion at this point, so we have taken landfill tax increments as read. We do support it in the sense that as landfill gate prices go up, it should be an incentive for waste to be targeted to other treatment facilities. As well as that, there are already a number of other regulatory instruments which in the future at least limit the amount of waste that will be allowed to go to landfill sites. There may also be statutory targets for the quantities of waste that must be recycled. There are regulatory instruments that would prevent and reduce waste going to landfill. The point we were trying to make in terms of the market driven approach to landfill capacity was that we feel that the charge on the landfill tax and the gate fee, which will be enhanced due to greater environmental standards through the Landfill Directive, will be more than adequate to encourage waste to go to other treatment facilities.

In other words, once the gate fee at a landfill site gets to a level where all the other treatment options are cheaper, there is no further incentive in raising that landfill gate charge higher. Our point was if we have an environment where the capacity of landfill sites is restricted then possibly it could lead to an increase in gate fee because there is a limit on landfill sites out there. In the Republic of Ireland, where there is a significant limit in the capacity, you can see very high gate costs. Our point was landfill tax and environmental standards will bring landfill gate fees to a charge that is adequate to encourage other treatment facilities but we think to over-burden them with extra costs that result from a restriction on landfill capacity is too much. We want a market environment, a competitive environment, to building and operating the facilities.

Q70 Mr Swire: You argue elsewhere for a more market-led approach, but is this because you are saying that anyone should be allowed to fill holes in the ground on an entrepreneurial basis and leave their success or failure to the market? Specifically, what is it about the current approach to landfill capacity management which should be more “market-led”?

Mr Baskin: Chairman, the current approach to landfill capacity management is essentially restricting the amount of landfill space that is available. We do not have a problem with that per se. The only difficulty we have with it is if it is overly restrictive it may not enable competition in the market and that would make it difficult for local authorities to prove best value. The letting of contracts either on a regional or sub-regional basis in itself will restrict the amount of waste going to landfill. The other regulatory instruments, such as the WET Act and the Landfill Allowances Scheme, will restrict the amount of waste going into landfill sites and, therefore, the burden of restricting landfill capacity itself may not provide any extra incentive, it will just burden the cost on local authorities and may limit them in demonstrating that it is best value and that they have procured the service in a competitive environment.

Mr Kelpie: Chairman, may I add to my colleague’s comments, referring back to the question that landfill tax was a good thing. I think most councils—I cannot speak for all councils—would view landfill tax as a good thing on condition that taxes that are collected from waste are returned to waste. I think this is one of the major issues with all council areas in that a very substantial amount of tax is collected by Central Government from district councils at gates of landfill sites and Central Government then expects district councils to fund facilities that only return a very small percentage of that tax.

Q71 Mr Swire: Your response does raise a question as to why waste is not already going somewhere else if the process is overkill.

Mr Baskin: Chairman, we are envisaging that in the future as the Landfill Directive and the Landfill Regulations in Northern Ireland are enacted and become fully operational that the capacity in
Northern Ireland will diminish and, therefore, we are speculating as to what may happen in the future. The current situation is that there is adequate landfill capacity but that will run out certainly within the next year or so as some of the older landfill sites are closed down. It is really to the future that we are not looking in the next two to three years. We do not want to have the competition in the market limited for landfill capacity.

**Q72 Mr Swire:** This may be a question for North West given your close association with Donegal in the Republic. I would be interested in how you answer this. Would higher gate fees discourage cross-border movements of waste from the Republic since you say that these arise from relatively high landfill gate fees in the Republic?

**Mr Molloy:** To put it in context, the position in the Republic basically was they went from a very low baseline in terms of the charge at the gate fee, at something like five euro per tonne, to somewhere in the region of 125/135 euro per tonne in a very, very short space of time and obviously this had an impact on waste and where waste was going to. As I said earlier in reply to another question, the system in the Republic of Ireland is that the collection of waste is privatised and, therefore, you are dependent on private operators collecting waste and placing it in landfill sites and obviously that is a massive jump from five to 125/135 euro. That is a very significant increase. I suppose if you look at it in terms of the differential in gate fees, here on the northern side of the border the gate fees have been progressively climbing, so we would certainly envisage that we will not be impacted upon as greatly by an increased cost of the gate fees as perhaps they were initially on the southern side of the border. Speaking to our colleagues, and working with our colleagues, this seems to have been tightened up tremendously in the past six to 12 months so the issue has been contained and we are informed is greatly reduced.

**Q73 Mr Swire:** Can you give us some indication of the trend from Donegal to here?

**Mr Molloy:** Basically the trans-frontier shipment of waste is not permissible into registered council landfill sites and, therefore, no local authorities should be accepting waste unless it is permissible waste, which is waste for recycling. The position is that we are not accepting waste.

**Q74 Mr Swire:** Are high landfill gate fees on both sides of the border likely to exacerbate the problem of illegal dumping?

**Mr Molloy:** The experience on the southern side of the border is that it has been contained. As the differential between the two sides of the border lessens and you get almost a convergence in cost, we hope that this will not be a problem and it will be contained on the northern side of the border.

**Q75 Mr Swire:** Is it a problem on the border itself? What measures would you like to see to be able to tackle the problem, if there is a problem?

**Mr Kelpie:** If I could answer some of that question, Chairman. As my colleague, Eamon, has said, in recent months there have been some very firm measures taken by PSNI and the Garda with regard to illegal trans-frontier shipment. To some extent this has been quite effective and has dealt with the large movements of waste across the border.

**Q76 Mr Swire:** Can you tell us what sort of waste?

**Mr Kelpie:** Perhaps my colleague from SWaMP can add to this. Some of the illegal dumps in the southern area are of 10,000 to 20,000 tonnes in capacity. That is at one end of the scale and one end of the problem. The other end of the scale and the other end of the problem that we face, as the two sub-regions which have a border with the Republic of Ireland, is that on a domestic level on a daily basis we are having problems at our CA sites with people crossing the border on a much smaller scale but on numerous visits. We are having problems policing that aspect of it and the waste arisings in our area coming over the border.

**Mr Swire:** I suppose the dilemma is if somebody comes from Donegal into Derry to shop and takes their waste back to Donegal, is it right that it is Donegal’s problem? Maybe that is for another time.

**Mr Luke:** It is not only an Irish problem, there is also the movement of waste into Scotland as well.

**Q77 Chairman:** Then you have got the issue of where the product was manufactured in the first place.

**Mr Byrne:** It might be helpful to point out the INTERREG 3a application which our groups are undertaking. I understand that it has been successful in receiving funding and there will be a thermal imaging survey to be done along the border corridor to identify all or most of the illegal dumps. What we do with the material when we find it remains to be seen.

**Q78 Mr Swire:** Have there been any successful prosecutions to your knowledge?

**Mr Byrne:** There has been at least one successful prosecution of the operator of a site. It is a more difficult issue as to what will happen to the waste once that prosecution has been undertaken.

**Q79 Mr Swire:** There is no point in seizing it.

**Mr Byrne:** I understand that the problem is that the value of the waste or the decontamination exceeds the value of the land.

**Q80 Mr Luke:** Just moving on a bit from landfill to look at some of the alternatives, and this may go back to a question put earlier by my colleague about the restrictions as you go into a full range or procurement, and you talked about PFIs and PPPs, would that be to enable the movement into incineration? I know you have talked about thermal treatment as one of the options open to you. Has that been under serious consideration?

**Mr Byrne:** Certainly the two groups are in the same position on this. As we have said before, we are under review and we are certainly looking at all of these very actively. SWaMP group as a whole, the
whole board, has been away to look at waste management options in the UK, in the Netherlands and across Germany and we have produced a detailed report on that. There are members from this panel sitting on the Northern Ireland Best Practicable Environmental Option Working Group with senior department officials to try to inform the best fit for these technologies across Northern Ireland as a whole. We will be taking that information to inform our individual sub-regional BPEO processes. As far as SWaMP is concerned, we have not ruled anything out as yet and we are actively investigating all other technologies.

Q81 Mr Luke: I notice in the plans you have put forward that there is no consideration of MBT.

Mr Byrne: Mechanical biological treatment is definitely one of the technologies that we are considering, as are a number of new technologies which are just beginning to appear on the radar screen now.

Q82 Mr Luke: Obviously you have talked about municipal waste in the main, although there is a huge growth in waste outwith what would be considered traditional municipal waste. Can you give us some idea of the difficulties you are experiencing here in dealing with waste other than municipal waste? To what extent do you feel able to plan for dealing with these materials?

Mr Byrne: There are a number of issues involved with planning, councils planning for non-municipal wastes. The first thing, and I think this will be widely accepted by everybody in Northern Ireland and possibly beyond, is that we do not really have a firm handle on the quantities of waste when we are talking about construction and demolition waste. In terms of certain agricultural waste, which will become controlled waste within the next year or so, we feel we do not have accurate data and it is very difficult to plan facilities for those. Secondly, as Donal who was here from Donegal this morning said, part of their problem is they do not have control of the municipal waste stream and what they have learned is they have planned for their facilities but they cannot force people to come to their facilities. That is our situation with regard to non-municipal waste that we have to plan for and it makes it extremely difficult. I think the feeling of the two groups here today is that maybe the councils are not best placed to plan for these things and we should bring the relevant departments from Central Government on board to look at individual issues by waste stream and, to use a commonly used phrase, joined-up government is definitely the right approach for these waste streams.

Chairman: That is a very good link to our next question. Mr Swire, you have some questions on markets.

Q83 Mr Luke: That brings us to an interesting topic because in the previous session we had one of the comments that came out was about the issue of leadership in the context of the National Waste Management Strategy. Some of the correspondents have previously pointed out the lack of action on green procurement. I think in SWaMP’s representations you have made much wider criticisms, not just in terms of departmental leadership here in Northern Ireland but Government leadership in general. Can you tell us what you think the Government should be doing, apart from changing procurement practice, to instil this sense of leadership?

Mr Baskin: As you will see from our written evidence, leadership by Government is one of our key issues, the first one that we raised, leadership in a number of ways. The point we were trying to make was it is not just leadership by the Department of the Environment but leadership by the Government as a whole. What we saw in the previous Waste Management Strategy was the Department of the Environment setting high and commendable targets for achieving recycling and diversion from landfill to a whole series of waste streams. We have not seen adequate evidence at the local authority level that that commendable approach is widespread throughout Government and I suppose when we make the point that we would like to see green procurement we mean that we would like to see a whole series of commitments by all Government departments not only have to green procurement but specifically to be procuring materials made from recycled products where possible, to be procuring major infrastructure contracts which minimises the amount of virgin materials needed, which reuse materials where they can and that type of thing. Bearing in mind the public sector within Northern Ireland has quite a considerable net income, net expenditure, departments such as the road service and water service would have control over quite considerable budgets and quite a considerable amount of materials would be used in those. We are not saying that Government do or do not do it right across the board but we have not seen an adequate amount of evidence to satisfy ourselves that there is a joined-up approach and that it is widespread across Government. Certainly the Department of the Environment has been leading the way but we would like to see Government as a whole leading the way. It has to do with specifications and the use of recycled products and, ultimately, by default that should lead to a development in the markets of a need for recycled products. It is really starting the process from that end, Chairman.

Q84 Mr Swire: You mention a possible role for the Department of Enterprise, Trade and Investment in the context of market development. What is DETI currently doing in this area and what more could it be doing?

Mr Baskin: When we were reviewing the current opportunity to provide evidence we were just looking at the role that Government played in market development. Obviously market development is key. Certainly district councils and local authorities have the ability to collect materials and possibly to treat them and to segregate them and separate them, but what they do not have is the ability to develop adequate markets, in other words...
somewhere for those materials to go to afterwards. The Department of Environment and DETI currently work together and they have a Waste Management Industry Fund. We see market development as being very closely aligned to the whole economic development/job creation aspect of Government. That is something that is led by DETI and we feel there may be a comfortable relationship or synergy between what market development would require and what economic development would require. We see that DETI could have a role to play because what we in local authorities like to see is entrepreneurs and entrepreneurial spirit being encouraged. We want to see people designing new products that use recycled materials. We want to see people designing processes which require less virgin material or more recycled materials. We feel this is really a job creation/economic development function. As well as that, we consider that DETI may be better positioned than DoE in the current framework to access funds for that type of job creation activity. That was the point we were trying to make and it is for your consideration.

**Q85 Mr Swire:** The SWaMP plan mentions the need for Government to set standards for quality compost. Have there been any moves to do this in Northern Ireland? If not, how is “compost” defined?

**Mr Molloy:** Perhaps I can take that because I think this is an issue which is common to everyone here in Northern Ireland. In particular it relates to the recent animal by-products legislation and how that impacts upon the ability of producers to produce compost. Our bone of contention with that particular piece of legislation at present is that we are looking for a definitive position on what is the standard. We have been informed by the department that the guidelines are based on the guidelines that have been issued by Defra. Our concern is that these are still draft, that the word “draft” still appears. In our combined regions we will need to have composting as an integral part of our ability to meet our targets. In the North West we are about to issue a call to tender for a regional contract but we will be inhibited by the lack of clarity in that piece of legislation on the ability of producers or those who might reply to a tender to meet the required standard and, therefore, that is going to inhibit our ability as a region to meet our targets. I think that is the concern at present with that particular piece of legislation.

**Mr Kelpie:** It is simply as has been stated, it is an issue of guidance and timing. These issues were not in front of us when we were looking at the Waste Management Plans initially. We have targets to meet, we have to meet them very quickly, and we can only add to that through composting. We have an issue with the guidance on that and having difficulty with the procurement of those contracts.

**Q86 Chairman:** There is an issue if there is a lack of guidance but can we be assured that the questions have been asked? Sometimes we all sit around waiting for guidance without being forceful in asking the question.

**Mr Molloy:** We have asked the question and we have been assured that the Defra guidelines are the standard, but the issue is that the Defra guidelines are still draft.

**Mr Luke:** This is not dependent on European direction. I am sure there has been scrutiny of the regulations by the committee on the procurement.

**Chairman:** We interrupted you, Mr Swire, apologies.

**Q87 Mr Swire:** You both mention the Best Practicable Environmental Option and the SWaMP submission hints at the desirability of a Northern Ireland wide BPEO. Why do you see this as desirable? Was not the whole point of the BPEO to look at location specific issues?

**Mr Kelpie:** As my colleague, Graham, mentioned, the two of us sit on the Steering Group for the NI BPEO. The first of those meetings took place three or four weeks ago. The placement of the NI BPEO process, the regional process and the sub-regional process, is an interesting situation and, indeed, we took up quite a period of the first meeting in discussing just exactly the relationship between the sub-regional and regional BPEO process. I feel that the question at this stage can almost not be answered because we do not know whether the cart is before the horse or the other way round. With regard to part of your question, the specifics of the NI BPEO being location specific, that is certainly my understanding of the BPEO process. The BPEO process involves looking at a range of options or facilities and is a mechanism for looking at issues from an economic, political, a wide range of evaluation criteria and not something location specific.

**Q88 Mr Swire:** You may feel unable to answer the second half of this question in that case. How do you propose to prove that one or other proposed management strategies is or is not the BPEO, and how would you propose to deliver the BPEO solution in the context of rapidly changing policies, technologies and so forth?

**Mr Kelpie:** I will ask my colleague, Andrew, to answer.

**Mr Baskin:** Perhaps I can clarify as well as I can the current approach being taken in Northern Ireland to BPEO. The philosophy at least is that the Northern Ireland wide BPEO is really the umbrella BPEO where it will set out possibly types of technologies and possibly capacities. We are at the start of the process and we do not know how that is going to feed in. Essentially we will have an upper tier, an upper level BPEO, which will put certain constraints or offer certain opportunities to the types of facilities that are needed, when they are needed, and what size they should be. The next level of BPEO is then the sub-regional BPEO. After there is a Northern Ireland wide BPEO developed that will have to be further developed and incorporated into the Waste Management Plans, so then you will have a local BPEO. At that point it may or may not be site specific but when any piece of specific infrastructure is identified or delivered we would have to show and demonstrate that it is BPEO and at that point in time
it will be site specific. That may well be done through the local BPEO process or it may well be done at a later stage through a procurement exercise. What we are hoping to do is to integrate both procurement and the BPEO so that what we will come out with at the very end is a particular type of infrastructure and it is site specific and, therefore, we can happily demonstrate to the planning authorities that it is BPEO. There are a number of levels in the BPEO process and that is how we hope when a regional facility or a facility is identified that will be incorporated into it. Obviously we cannot pre-empt what the Northern Ireland BPEO is going to provide by way of the infrastructure that is required and until that happens we do not know how that can be incorporated into local plans.

Q89 Mr Bailey: We have had some discussion as to whether you have covered this subject or not, but I will pose it to you and if you feel you have already covered it, please say so. If there is anything you want to add then please do. The North West Strategy highlights that the uncertainty about the standards and processes required by the Animal By-Products Regulations is a barrier to developing a contract for mixed organic waste. What do you see as the problem and what action are you taking to resolve it? We appreciate you have already touched on this but is there anything else you want to add to it?

Mr Molloy: I think we have covered it.

Q90 Chairman: We have talked about composting and in terms of biowaste it is the same question. Gentlemen, at the end of the day all of this comes down to whether or not, as local providers, you feel that you have been adequately funded or you have adequate funding to carry out your responsibilities. Many have commented to us on the inadequacy of funding. If Government funds are changed it is going to come from general taxation but, given that the plan suggests that the costs of waste management are going to rise, is there an argument for increased charges on local rates, council tax, as well as money coming from the Government in terms of general taxation?

Mr Molloy: Maybe I can begin and I am sure my colleagues will have something to add to this issue. It is a key to the successful delivery of all of this but it is the major concern of local authorities, and I think I can safely say that all local authorities in Northern Ireland would feel that this is a very significant issue. Currently, because of the lack of infrastructure that is in place here in Northern Ireland, there are estimates that in the next 15 to 20 year period we will be looking at investments in terms of billions of pounds and the big question is how do we actually pay for that. At present this is being paid for through the local rates and the local councils. The reality of the situation from the perspective of the local authorities here is that is not going to be sustainable in the long-term. For example, the increase in rates projected for next year—I use Derry as an example—is a 20% increase to cover waste management. This is year-on-year. Over the past two years we have seen very significant increases in rates. We all have to face the reality that the rate base here is limited. There is residential and business but Northern Ireland is a relatively small region and if you look at what we have in terms of industry, etc., it is unsustainable to keep piling this on to the rates as they stand at present. In terms of a local tax, I am sure that the perception would be that would be an additional tax on to the rates, so the perception would be that people would be being asked to pay for this twice but in reality the infrastructural deficit, the lack of investment in facilities here, has left us in this position. The legislation has come fast and furious at us in the past three to four years and we have to try to make up that gap in a very short period of time and at a cost. I think it would be disingenuous for any of us to sit here today and not acknowledge grant aid that currently comes to the local authorities, but, faced with the issue that we are faced with, that level of grant aid is almost insignificant in reality and as time progresses it will become even more so in terms of our ability. I think I will stop there. I am sure my colleagues can add to that.

Mr Kelpie: Briefly, Chairman, adding to Eamon’s comments, I welcome your question. I am disappointed that it is so far down the agenda of questions because it is extremely high on the agenda of the councils, much more so than theoretical arguments about BPEO or standards in composting. If I could start by saying that all of what we are trying to achieve is based on a sustainable waste management approach and if the foundations to that are an unsustainable economic approach then it brings into question the whole issue and whole practical implementation of our waste management schemes. In our original Waste Management Plans 2002–05 we were asked by Government to prepare implementation action plans and Derry City Council prepared a detailed plan where it was shown that approximately £2 million per annum would be required to implement the plans in 2003–04 and 2004–05. The Waste Management Grant received by Derry City Council area, while welcome, is currently approximately half a million pounds, 25% of the implementation cost of the plan. The first plan was the thin end of the wedge. By comparison with the infrastructure that will have to be provided in the future it will be of not much significance. We are fearful of the sustainability of the infrastructure plans that we have to put in place and how we shall fund those. In addition to that, some of our councils, and Derry City Council is currently facing this issue, in addition to European legislation, UK legislation, that we have been talking about today, face major cost implications with regard to the closure of the landfill sites and the transportation and haulage of their waste to centres remote from the source. If you like, it is a double problem that we are facing in terms of resourcing. We welcome the department’s and Central Government’s opportunities to discuss these issues but we must highlight today the situation with regard to funding and the fact that in the future it is going to be a much more difficult situation than at present.
Q91 Chairman: Do you think there is a specific issue for Northern Ireland councils in as much as the duties of councils here are different from councils in GB and, therefore, the council tax ratepayer will look less favourably on you as councils if you say that one of the duties you have got is that you will be asking for more and more money and they will say, “Our council is not providing housing, it is done by the Housing Executive. They provide leisure and they provide waste and now waste is asking us for more money”. Is that an issue in terms of a difference between here and GB?

Mr Kelpie: With respect, Chairman, I am going to bring in one of my colleagues to more fully answer that question. I think the starting point in asking our ratepayers, particularly in this city but I assume across other council areas, is before we ask for a different type of tax, another form of tax in order to pay for waste management, we must be able to demonstrate that the tax we pay at present is fully returned to the council to enable the council to put in place facilities for waste management. Our ratepayers are suspicious of the fact that a large percentage of our landfill tax is used to subsidise other services by Central Government and until we can be sure that the cuts in service that we are having to propose in our council area are not being used to subsidise other services provided by Central Government then we cannot justify an increase in tax.

Q92 Mr Swire: You know that the Treasury has a collective nervous breakdown at the thought of hypothecation, which is what that would be.

Mr Kelpie: I would like to bring in my other colleagues on this issue.

Mr Byrne: Certainly in some of our councils, 50% of their annual budget would be on waste related issues, collection and disposal.

Q93 Chairman: Which are disproportionate in terms of local authorities in the GB area.

Mr Byrne: So any major increases in waste disposal costs are going to make a bigger difference than they would do across the water.

Q94 Mr Luke: Are you aware of the reports in the press that the Waste Management Fund might be reduced by 10%?

Mr Baskin: Chairman, if I can clarify the issue in terms of funding that is available. At this stage I do not think we are saying that we should get an extraordinary fund allowance over and above what other regions are getting. Having taken a snapshot of Scotland and Wales and the amounts of funds available to those regions per capita we feel, although we have not researched it in depth, Northern Ireland’s per capita grant is lower than the other regions. That is a point to make in terms of funds coming back. Because district councils in Northern Ireland have a limited scope of services it has a very visible impact if waste management costs increase. The predicted level of increases are such, as Eamon said, that we do not believe district councils could possibly accept that level of increase year-on-year. I guess what we would look for firstly, and perhaps you may be able to help through your report, is certainly that Northern Ireland district councils are getting a fair share of money that is available and, secondly, to take into consideration the amount of money that is coming out of the system in terms of landfill tax and how some of that can come back in by way of funding.

Q95 Chairman: I do appreciate that we have left funding until last and it is probably one of the most fundamental questions. I would like to give you some assurance as a Committee that our job is to scrutinise and advise Government as to the potential pitfalls of introducing new legislation, so any information you can give us in respect of possible rises in charges, in rates, across councils will be extremely helpful to us in presenting a case to Government on the need for intervention by them. Please feel free to let us know the full extent of your concerns either here or in writing to us so that we can reflect those in the work that we do. I just want to say that is a bit longer. Has there been any consideration of other measures that could help to fund change? We have talked about what happens in the Republic in terms of change in the whole ethos of what people believe should or should not be paid for as a public service, are there any issues around encouraging people to pay less if they recycle more or trying to bring incentives in to help people to take seriously the question of waste management?

Mr Molloy: I suppose to date our concentration has been on rolling out the plans and attempting to ensure that we are meeting our targets. The concentration, therefore, has been on the introduction of blue bin systems throughout the regions, for example, some composting units, some councils are doing brown bins, and, from our perspective, letting a regional contract for composting. The measures that we have been concentrating on have been the implementation measures so that we are meeting the targets. It is only now during this review process and when we look to the longer term planning horizon that these issues will come more and more to the fore. It is certainly not the case that they have been ignored but, as I am sure you will appreciate, the concentration has been on trying to meet the targets.

Q96 Chairman: That is understandable. Can I check with SWaMP: in the SWaMP strategy you had a budget for education and awareness of £1.50 per tonne. Have you been able to maintain that budget commitment and how have you spent that money to date? What sorts of programmes have been entered into?

Mr Byrne: Certainly that was an indicative budget although we have not researched it in depth, Northern Ireland’s per capita grant is lower than the other regions. That is a point to make in terms of funds coming back. Because district councils in Northern Ireland have a limited scope of services it has a very visible impact if waste management costs increase. The predicted level of increases are such, as Eamon said, that we do not believe district councils could possibly accept that level of increase year-on-year. I guess what we would look for firstly, and perhaps you may be able to help through your report, is certainly that Northern Ireland district councils are getting a fair share of money that is available and, secondly, to take into consideration the amount of money that is coming out of the system in terms of landfill tax and how some of that can come back in by way of funding.
Northern Ireland Affairs Committee: Evidence Ev 39

15 June 2004 Mr Eamon Molloy, Mr John Kelpie, Mr Graham Byrne and Mr Andrew Baskin

look at waste reduction. That is tied in strongly with the department’s Wake up to Waste campaign. We have undertaken the production of advertisements and leaflets tying in with their campaign again. We are hopefully in the final stages and are about to implement a schools recycling system whereby we will provide blue bins in schools to recycle waste and to reinforce the messages already undertaken in households.

Q97 Chairman: Is that similar in the North West in terms of education and awareness?
Mr Molloy: Many of our local authorities in the North West employ education officers and to date they have been working with schools and increasingly that is expanding into the business arena because obviously they are significant producers of waste. Education and awareness is seen as a key element of the successful implementation of the plans in meeting targets because we are convinced that the higher the level of awareness within the region of what we are attempting to do then the greater will be our success, hopefully. I think it would be fair to say that within this region, particularly in the North West, there are very active organisations which concentrate on the green issues and have very strong held opinions and, indeed, would be very active in promoting those. Because of that there is an addedonus on local authorities to ensure that they are getting the message out and collaborating on that.

Q98 Chairman: We will send you a transcript of this afternoon’s evidence but I would like you to feel comfortable that when you read the transcript if you find something you wish you had said is missing, I do hope you send that to us because we cannot have too much evidence. Before I close, could I ask you if there are any questions that we have not asked that you expected us to ask or if there is anything that you wish to place on record at this point that you have prepared for us?
Mr Byrne: If I could just refer to the previous question about the measures that would be required to fund change in Northern Ireland. I know it has been raised a number of times but obviously in relation to the capital infrastructural requirements that need to be there, if we had to describe those in one word it would be “deliverable”. There is no point in planning for these things unless they can be brought on line. In discussions prior to this meeting we agreed that it would be helpful if the DFP could be brought in to speak to us to see whether when we make our decisions on infrastructure they could advise us on possible sources of funding and measures we might take to ensure that these things are delivered and we meet our targets.

Chairman: We shall certainly take that forward for you.

Q99 Mr Swire: A quick supplementary on that. The figure for Derry next year is £2 million. I think you said. What is the collective figure for all the regions for next year?
Mr Molloy: We do not have that to hand but we will give you those figures.

Q100 Mr Swire: How long do your projections go?
Mr Molloy: Many of our local authorities in the North West employ education officers and to date they have been working with schools and increasingly that is expanding into the business arena because obviously they are significant producers of waste. Education and awareness is seen as a key element of the successful implementation of the plans in meeting targets because we are convinced that the higher the level of awareness within the region of what we are attempting to do then the greater will be our success, hopefully. I think it would be fair to say that within this region, particularly in the North West, there are very active organisations which concentrate on the green issues and have very strong held opinions and, indeed, would be very active in promoting those. Because of that there is an addedonus on local authorities to ensure that they are getting the message out and collaborating on that.

Q101 Mr Swire: I think these are the sorts of figures that it would be useful to have.
Mr Kelpie: Might I just add, Chairman, that I thank you for your time this afternoon but I just want to end on this particular issue again. As my colleagues have highlighted all afternoon, in this region in particular we have received very active support for waste management issues, for the strategy and the plans, and there has been a lot of debate, a lot of public interaction and a great deal of support for each of the individual councils in implementing the plans. However, this issue of resources is a huge issue that we face at the moment and is forcing many councils to reconsider some of their non-statutory services and has led to an erosion of support for the Waste Management Strategies that have been put in place. There is a very imminent danger of that happening as a result of this.

Chairman: I think in many ways that makes the Committee’s inquiry rather timely. We do hope that we can do justice both to your concerns and the need to bring some answers to the questions because we cannot afford to do this wrong, it has to be got right and there has to be the commitment not just from local authorities but also from the general public. Should there be a resistance then we are not going to meet our plans and we are not going to meet our objectives and the Government is not going to meet its targets. We are all in this together. We will take your message back and we will make sure it is heard loud and clear and we hope that the response from Government is favourable. We do thank you for the time you have taken this afternoon. As I say, we will send you the transcript, please feel free to correct and add to that. For now, I just thank you for the time you have taken, it has been very helpful.
Northern Ireland Affairs Committee: Evidence

Supplementary memorandum submitted by the Southern Waste Management Partnership and the North West Region Waste Management Group

NORTHERN IRELAND REGIONAL RATES 2003–04

1. The spending plans in the Northern Ireland budget agreed by the Executive are funded by allocations received in the Spending Review announced by the Chancellor of the Exchequer and also by revenues raised through the Regional Rates. The Regional Rates are decided annually by the Executive and approved by the Assembly. The current rate increases reflect the budget decisions made by the Executive in the draft budget even though they are being brought forward through Westminster under Direct Rule. They contribute towards services provided by the Devolved Government departments.

2. Rates are a property tax based on the rental value of properties occupied by households and businesses. In Northern Ireland the ratepayer receives a combined rate bill consisting of the Regional Rates and the District Rate, which is set by each District Council. The Regional and District Rates are both collected by the Rate Collection Agency. The product of the District Rates is paid over to each Council while the product of the Regional Rate supports expenditure by the departments of the Executive and Assembly.

3. Individual rate bills are calculated by multiplying the property’s Net Annual Value (NAV) by the Regional and District Rate poundages respectively. The Regional Rate poundages take into account the amount of Regional Rate revenue required as a contribution to those public services provided by Government departments and approved by the Assembly. The District Rate poundages take into account the amount of District Rate revenue required to fund those services provided by District Councils. The rate poundages are shown in the table below.

### REGIONAL AND DISTRICT RATE POUNDAGES 2003–04

<table>
<thead>
<tr>
<th>Region</th>
<th>2002–03</th>
<th>2003–04</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regional Rate Poundages</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Domestic Regional Rate</td>
<td>31.42p</td>
<td>25.56p</td>
<td>N/A*</td>
</tr>
<tr>
<td>Domestic Regional Rate</td>
<td>132.47p</td>
<td>140.42p</td>
<td>6</td>
</tr>
<tr>
<td><strong>Average District Council Rate Poundages</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Non-Domestic District Rate</td>
<td>19.63p</td>
<td>16.50p</td>
<td>N/A*</td>
</tr>
<tr>
<td>Average Domestic District Rate</td>
<td>124.50p</td>
<td>132.83p</td>
<td>6.7</td>
</tr>
<tr>
<td><strong>Overall Average Rate Poundages</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overall Average Non-Domestic Rate</td>
<td>51.05p</td>
<td>42.06p</td>
<td>N/A*</td>
</tr>
<tr>
<td>Overall Average Domestic Rate (After DRAG)</td>
<td>256.97p</td>
<td>273.30p</td>
<td>6.4</td>
</tr>
</tbody>
</table>

* Not comparable because of Revaluation.

EXPLANATORY NOTES

1. The Regional Rates are decided annually by the Executive, brought forward into legislation by the Department of Finance and Personnel and approved by the Assembly. Both the Domestic and Non-Domestic Regional Rates are uniform throughout Northern Ireland.

2. The setting of the Regional Rates is a balance between raising an adequate amount of revenue to contribute to funding public expenditure and increasing Regional Rate poundages (and hence rate bills) by an appropriate amount, which is commensurate with the local tax burden in Great Britain, taking into account social and economic circumstances in Northern Ireland.

3. The Valuation and Lands Agency has undertaken a revaluation of the Non-Domestic sector in Northern Ireland and this came into effect from April 2003. The Net Annual Values (NAVs) of Non-Domestic properties are now based on 2001 rental values, however the NAVs of Domestic properties continue to be based on 1976 rental values.

4. For the purpose of funding public expenditure, it is estimated that the Regional Rate will raise approximately £366 million in 2003–04. This is the Net Regional Rate Burden. The Net Regional Rate Burden is the amount of Regional Rate revenue to be raised after allowing for the reduction to Domestic ratepayers in the form of the Domestic Rate Aid Grant (DRAG). The Gross Regional Rate burden is the amount to be raised plus the amount for DRAG and is used to derive the Non-Domestic rate poundage as Non-Domestic ratepayers do not receive DRAG.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Regional Rate Burden</td>
<td>£416.45 million</td>
</tr>
<tr>
<td>Less Domestic Rate Aid Grant</td>
<td>£61.48 million</td>
</tr>
<tr>
<td>Net Regional Rate Burden</td>
<td>£354.97 million</td>
</tr>
</tbody>
</table>

The Non-Domestic Regional Rate poundage is calculated by dividing the Gross Regional Rate Burden by the overall adjusted NAV at 2001 rental values (£1,629.33 million).
The Domestic Regional Rate poundage is calculated by factoring up the Regional Non-Domestic Rate poundage and subtracting the Domestic Rate Aid Grant poundage. DRAG determines the balance between the Non-Domestic and Domestic Rate poundages. In order to raise the required rate revenue and stay in line with the percentage Domestic Regional Rate increases agreed by the Executive it is necessary to set DRAG at 65.41p for 2003–04.

5. The overall NAV at 2001 values net of adjustment for losses in collection set to derating policy, vacancies, rate reliefs discounts and irrecoverables is estimated to be £1,629.33 million.

6. The overall NAV adjusted to a 2001 valuation base is £2,118.77 million. This is made up of £1,134.48 million for the Non-Domestic NAV and £984.29 million for the Domestic NAV, both at 2001 valuation. The Domestic NAV at 2001 valuation is calculated by multiplying the 1976 valuation of £122.23 million by a factor of 6.053 which is the ratio of the Non-Domestic NAVS at 2001 rental values to 1976 rental values.

7. The District Rate is fixed by each District Council to meet its own net expenditure on such functions as leisure facilities, economic development and environmental matters. District Rates vary from district to district reflecting the rateable resources and spending policy of individual councils.

Department of Finance and Personnel, Rating Policy Division, Rathgaen House, Bangor BT19 7NA.
Wednesday 23 June 2004

Members present:

Mr Tony Clarke, in the Chair
Mr Adrian Bailey
Mr Gregory Campbell
Mr Stephen Hepburn
Mr Iain Luke
Mr Stephen Pound
The Reverend Martin Smyth
Mark Tami
Mr Bill Tynan

Memorandum submitted by CBI Northern Ireland

1. We note that the primary focus of the inquiry is to examine progress in meeting targets, and hence relates primarily to municipal wastes, whereas CBI (NI)’s emphasis is on the commercial and industrial sectors. Our comments therefore are made in that context, in the belief that many of the issues are overlapping, that the private sector have a key role to play in the provision of future services and facilities, and the development of markets for recycled materials, and that waste management in Northern Ireland can be optimised, for the benefit of all parties, if potential synergies between the waste streams are identified and exploited.

2. In submitting this response, CBI (NI) recognises the significant advances that have been made in a number of areas, including: the adoption and implementation of waste management plans by the three waste planning groups; the Wake Up to Waste Campaign, key to raising awareness in the community; the provision of some additional funding from central government for local authorities and industry; and the award of a number of recycling contracts by local authorities. However, much more remains to be done, if we are to move to more sustainable waste management practices, that enable us to meet our targets and other obligations. We have therefore set out our comments below to identify key areas where we believe effective action is required.

3. Leadership is one of the six building blocks of the NI Waste Management Strategy, yet appropriate leadership by government is probably the most significant failure to date in the implementation of the Strategy. It should be made clear, however, that this is not a criticism of the Department of the Environment. Rather it is a criticism levelled at the whole of government. While we recognise that there are examples of good practice, such as Water Service’s environmental management systems and Aquarius project, many government departments, as evinced by their own management and procurement practices, fail to follow the policies set out in the Strategy.

4. The key issue is that waste is not viewed as a resource. CBI (NI) support a shift from an end-of-pipeline waste management approach to one of resource management, an approach that is set out in the recent CBI-IBEC Report on Waste Management. Government needs to lead this shift in attitude and influence it positively through its own purchasing decisions and contractual arrangements.

5. Leadership therefore must be provided at the highest level within government, from the head of the Civil Service down through each Department. If such an approach was adopted, it would, it is believed, stimulate the market for recycling in both services and products. It would therefore also filter down through local government, and hence it would be much easier for all other sectors to follow such an example.

6. Significant levels of investment are required to provide the services and facilities needed to reduce the quantities of waste landfilled, and to increase recycling and recovery. The Waste Management Strategy therefore, through the current review process, needs to shift from being an aspirational document, with an ineffective Implementation Action Plan, to one providing strong guidance and direction. This is needed to create a framework in which stakeholders, including funders and investors, can rely and have confidence. We therefore welcome the current proposals to develop a Northern Ireland wide BPEO (Best Practicable Environmental Option) assessment, which must cover the full range of waste streams. In parallel, there is a need to develop a procurement/investment framework that sets out the roles and responsibilities for all parties involved in the procurement, development and funding of facilities, to generate the appropriate confidence for investment by the private sector. This is particularly crucial given the failure of the Belfast Phase 3 Tender, where significant sums of money were expended without any beneficial outcome.

7. Development planning also has a key role to play in building confidence. The current situation, with applications undetermined after many years is particularly unhelpful. It creates uncertainty for both applicants and potential host communities. Planning decisions need to be taken in a timely manner, and the resources need to be made available to ensure that this occurs. Indeed, given that the delivery of infrastructure is critical to meeting targets, and avoiding infraction proceedings, there may be merit in creating a specialist waste team to work closely with local authorities, applicants, local communities and other statutory consultees.
8. In terms of meeting NI’s obligations, we believe that the apparent distinction between the Strategy and waste management plans is unhelpful. Rather what is needed is a reduction in tensions and a collective approach by central and local government to engage with and mobilise all stakeholders. To achieve this, roles and responsibilities need to be clearly defined and understood, as well as, in some cases, being adjusted. At present, responsibility for waste planning for all controlled wastes rests with district councils. As a result, the focus of the current waste management plans is on municipal wastes. While CBI (NI) can appreciate the reasons for this, due to the pressures that existed when the plans were being prepared, this is not a sustainable approach. Controlled wastes include many specific waste streams (for example, hazardous wastes, waste electronic and electrical equipment, construction and demolition wastes, packaging waste, end of life vehicles, etc). There is therefore significant merit in planning on a waste stream specific basis, (there is a precedent for this in the common chapters on packaging and hazardous wastes in the current waste plans) and therefore in considering which body or organisation is best placed to do this, rather than continuing to place this responsibility solely on district councils. The current lack of hazardous waste disposal capacity highlights the importance of appropriate waste planning, and action needs to be taken to ensure that this is not replicated for other wastes.

9. Northern Ireland is unique within the UK, having a land border with a neighbouring EU Member State, namely the Republic of Ireland (ROI). This in itself creates both opportunities as well as potential difficulties. CBI (NI) believes, however, that given Northern Ireland’s relatively small size, there is significant potential for certain wastes to be handled on an all-island basis, as well as at a more local level. This is demonstrated for example by the recent all Ireland fridge tender. Therefore, we believe that:
   — Movement of wastes should be allowed on a cross-border basis for both disposal and recovery, provided that there is a reciprocal tax arrangement in place to avoid market distortions.
   — DETI should be taking the lead in assessing market opportunities on an all-island basis for the development of waste treatment and re-processing capacity. Such an example might be a paper mill, given the proposal in the 1990s for a pulp mill in the north west.
   — Appropriate reporting systems need to be in place to record the movement of all wastes in and out of Northern Ireland, so we can monitor current practices, changes which arise from policy or other measures, and to identify potential opportunities, which may be otherwise missed. An example would be the lack of recording of the movement of packaging wastes out of Northern Ireland to Great Britain.
   — Border counties in ROI need to be encouraged to consider the cross-border movement of wastes, where it would be of mutual benefit. Donegal is currently the only county in ROI which considers the potential in its waste management plan.

10. CBI (NI) would also refer the Sub-committee to the joint CBI-IBEC Waste Report on Waste Management in the InterReg Border Region, a copy of which is included with our hard copy submission.

11. CBI (NI) believes that a competitive market environment needs to be nurtured and developed to ensure the provision of cost effective and sustainable waste management services and facilities. The cost of doing business in Northern Ireland is already very high in many areas such as energy, and the cost of waste management is also very high compared to other regions in the United Kingdom. This puts local business and industry at a competitive disadvantage, in an increasingly competitive world.

12. The current Waste Management Strategy adopts a capacity management approach to landfill, seeking to limit the available capacity. This “command and control” approach to a key service is in stark contrast to the market-based approach which is set out in the recent EC Communication on Waste Prevention and Recycling. It is important therefore that this approach does not continue, and it should be the role of the Strategy and the waste management plans to ensure that there is effective competition in the provision of services and facilities.

13. CBI (NI) would add that this is not intended to indicate that only the private sector should be providing facilities, although the private sector will be the destination for practically all materials recycled and recovered. The SME profile of businesses in Northern Ireland means that many small businesses have only limited resources, and naturally look to the local authorities to provide waste management services. Both parties, and hence ratepayers, can potentially benefit from economies of scale where such a collaborative approach is adopted.

14. Proper regulation and enforcement is of critical importance to ensuring a level playing field, so that those organisations which seek to meet their obligations are not competitively disadvantaged. This means that action must be taken to stamp out illegal dumping of waste, much of which appears to take place under the guise of “agricultural improvement”. In this regard, given the range of waste management activities within the Department of Environment, CBI (NI) would support the creation of an independent regulatory body, ie. a Northern Ireland Environment Agency.

15. It is also vital that appropriate guidance, which is notable by its absence in many areas, is made available, and that there is an appropriate transition period to allow businesses to adjust to new legislation.

16. Recent experience, for example the outbreak of foot and mouth disease, and BSE, highlights the need to have a range of waste treatment technologies and additional capacity available in Northern Ireland. CBI (NI) believe that thermal treatment capacity is required. However, it is a disposal option, and therefore it
is imperative that any such facilities do not compromise other more sustainable recycling and recovery activities. Siting of such facilities, and the contractual arrangement for the supply of feedstock, therefore are crucial, and need to be considered initially through the waste planning process.

17. CBI (NI) are concerned that given the opposition of one of the main political parties to thermal treatment/incineration, may frustrate the provision of such facilities, and therefore we would support a Northern Ireland wide approach to waste planning, through the creation of a waste planning authority, whose remit is to ensure that the facilities and services needed to meet our targets and obligations have an appropriate waste planning framework within which they can be provided, and in which all stakeholders have confidence in its decision-making processes.

18. Much is to be learnt from experience elsewhere, but it is evident to CBI (NI) that in areas where high recycling and landfill diversion rates are achieved, there is not only a range of technologies available, but these are supported by a range of instruments, including regulatory, economic and social measures. Northern Ireland at present has only limited tools available. We would therefore support the introduction of further measures which encourage a shift towards more sustainable waste management practices through a market-based approach, which increase choice and improve, in relative terms, the competitiveness of businesses in Northern Ireland. CBI (NI) believe that the approach to technologies, however, should be based on Best Available Technology. By definition, this means that it is already in operation somewhere. We have concerns about the emphasis being placed in some quarters on what are described as new or emerging technologies, and believe that the future of waste management in Northern Ireland should be built around robust, proven and sustainable technologies, with the emphasis on innovation in the development of markets and uses for recycled materials.

22 April 2004

Witnesses: Mrs Deirdre Stewart, Assistant Director, CBI (Northern Ireland) and Mr Bryan Gregory, Consultant, Kirk, McClure & Morton, examined.

Q102 Chairman: Mrs Stewart, Mr Gregory, you are very welcome. We understand you had problems entering the building.

Mrs Stewart: No, we did not. We have been down there since five past three. We were under the impression somebody was going to come down and get us, but anyway, we are here now.

Q103 Chairman: You are very welcome.

Mr Gregory: We would have hated to have been the first witnesses who failed to turn up!

Q104 Chairman: We said earlier on, losing one set of witnesses is a bit much, but we lost both sets. We were very worried! First of all, can I thank you for the written submission from CBI (Northern Ireland); it was certainly helpful to the Committee. What we wanted to do was to supplement your written evidence with your answering some questions from the Committee. I wonder if I could start, not necessarily with a bouncer, but with a nice easy question in respect of non-municipal wastes. Do you think that the Waste Management Strategy and the Area Waste Management Plans contain enough guidance, incentive and direction for the treatment of non-municipal wastes?

Mr Gregory: Mr Chairman, thank you for the question. At the outset perhaps we could say thank you very much for this opportunity as well. We think this investigation by the Northern Ireland Affairs Committee is very timely and that it will provide good stimulus, both for the review of the Northern Ireland Waste Management Strategy but also the pending review of the Waste Management Plan, because I think it is crucial to the future of Northern Ireland Plc. In terms of the question on non-municipal waste, can I say at the outset that CBI (NI) supports a shift from one of waste management to one of resource management. The corollary to that is that resources are really only exploited effectively when economic conditions are right and business responds effectively to economic and regulatory pressures, would be our belief. Is there enough guidance in the current strategy for commercial industrial waste? I think the answer to that is probably, yes, but in so far as it is a relatively light touch, setting out the waste hierarchy and setting some aspirational targets such as the reduction of C&I waste disposed of to landfill. Coupled with that, however, there is a strong and increasingly stringent regulatory framework in place to which businesses need to respond: for example, the duty of care packaging regulations, and we have obligations for businesses under that. We do, however, feel there is a need for greater direction in some areas and we would specifically highlight integration on a cross-sector basis between municipal and commercial industrial wastes and also some greater direction on the choice of technologies, and that impacts on the waste management plans themselves. We note, for example, that the Waste Management Strategy is quite strong in providing clear direction on incineration; but it is also interesting for us to note that the current strategy, for example, in the section on planning an infrastructure and key action, there is no action against industry. So for the future, in setting actions and targets, we believe they need to be framed in a context of defining what the objective of that target is, who is responsible for it, what is the mechanism for achieving it and also whether it is a direct action or an indirect consequence of something, and the timescales for delivery, because that needs to be translated into effective implementation for the future. So, yes, the Waste Management Plan has implemented a strategy, and
it is argued that the commercial industrial waste must be included in the Waste Management Plan, because we think there are potential synergies there. There are opportunities to be exploited.

Q105 Chairman: You mentioned twice there delivery. Do you think it is appropriate that local authorities of the bodies should be developing waste plans for commercial industrial waste as well as those that they already produce for municipal?

Mr Gregory: Local authorities under the current legislation have a statutory obligation to prepare waste management plans for all controlled wastes, and they have a very strong interest in their own municipal waste schemes. We think there are potential synergies, and they can range, for example, from simple things like small SMEs could make use of council facilities, civic amenity sites. Some councils, for example, do not accept, take paper for recycling at their civic amenity site, but they will collect the waste from offices for disposal, and that seems to us to be a slight contradiction. They may not have the detailed knowledge of the commercial and industrial waste stream and the requirements for that. So we think that there is a need to broaden the waste management planning base to involve the relevant sectors. We have already seen in the current plans the involvement of waste stream specific chapters on packaging of hazardous waste, and we believe there is potential to expand that in principle.

Q106 Chairman: So you are really talking partnership, are you not? Local authorities already have a duty, but there should be more partnership and cooperation with the industrial sector?

Mr Gregory: We believe partnership very much is the way forward, Mr Chairman, yes.

Q107 Mr Pound: Welcome. Sorry about the confusion earlier on. Mrs Stewart, Mr Gregory, the CBI speaks with a voice of authority in the way that many other groups and organisations do not, and you have earned the right to be listened to. One of the expressions you used in your report—and the Chairman has quite rightly thanked you for it, and I think he speaks for all of us when he says that—is the issue of leadership. You say, “Probably the most significant failure to date in the implementation of the Strategy” is a lack of leadership. You also go on to say this is a criticism of the while of government rather than the Department of the Environment. I am not in any way being sensitive about this, but surely the DOE, as the lead department, should give that leadership. How would you personally like to see that issue of leadership tackled?

Mr Gregory: Perhaps, Mr Chairman, if I can offer an initial comment that actually comes from DETI, who commented, and I think I quote reasonably accurately, “The strategies led by DOE, and rightly so, other departments perceive to be the responsibility of DOE to implement and do not recognise the part that they can play”. Clearly, in our view, government departments and agencies have an important leadership role to play. They can make an impact through their own purchasing and waste management practices. Particularly in Northern Ireland, as the public sector is such a high part of GDP, the Government is in a much better position to influence practices than in any other part of the UK. I suppose it is similar in terms of our view to sustainable development: it is an overall government responsibility, not the DOE’s in isolation. We are not sure of the mechanisms, but essentially we believe that the Government, the head of the Civil Service, whoever is the most appropriate body, should issue a letter, a “let it be” memo, to all government departments, asking, instructing, or whatever the appropriate terminology is, each government department agency to implement the policies and measures set out in the Waste Management Strategy.

Q108 Mr Pound: Has this ever been suggested, are you aware?

Mr Gregory: Mr Chairman, I am not sure whether it has been suggested or not, but I think we would be making some comment on the roles of other government departments.

Mrs Stewart: If I could just expand on that. We feel it is all so clear that someone should play the lead role; but it cannot be in isolation: it does require the investment of DETI. The level of funding required, which we estimate as being of the order of as much as £3 billion over the next 20 years or so, would also require the involvement of DFP. Obviously we do not believe, for example, it would prove possible to fund the expenses necessary to comply simply through rates, because there is an issue, I think, about paying twice. Some of our members have actually raised this because they are paying an element within their rates already towards waste management and disposal. They feel that they are asked to pay again. They feel that they are already being asked to pay twice in this area. The DOE clearly leads in environmental protection, but we feel waste management is much wider than this. So, although they probably will still have the lead role, I think what we were trying to get over is that it is a lead role within a much wider government involvement in this area along with other departments.

Q109 Mr Pound: I can assure you, by definition, a lead role, a leader is an individual rather than collective and collegiate, but I am greatly attracted to your idea of a “let it be” memo, a fiat or a ukase, as used by the Imperial Russian Court in the nineteenth century, but are you not aware of any bottom up movement here rather than top down because it is always tempting to issue a note and say, “Let it be”, and, as I said, I am tempted by it, but if you look at the rest of GPU you often find that locally based schemes were put in place, in many cases, with chambers of commerce or CBI and it actually came from the bottom up. Are you aware of any such things in the Northern Ireland?

Mr Gregory: I think, Mr Chairman, there certainly are examples of very good practice, for example within government, and I would specifically refer to,
for example, Water Service, the Environmental Management System that has been driven by the members of staff within Water Service. Road Service, I believe, implemented one of the first black top recycling schemes in the UK. So there are within government already examples of good practice, but it tends to be, so far as we can see, in isolation. I think there is a potential role there, for example, within the procurement service, to have a big influence in the future; I think what is interesting to note there is that is going to headed by somebody who has come out of Water Service and brings that experience and drive with them. I think that offers potential for the future as well.

Mrs Stewart: Could I also mention an initiative that I am involved with in terms of the steering group, which is Arena Network (Northern Ireland), which does work through landfill tax funding with most of the existing 26 councils in Northern Ireland. There is an issue there, I think, in terms of funding, because the Chancellor has changed that formula, but basically Arena is, I suppose, the private sector environmental arm, if you like, of CBI, Chamber of Commerce, IOD and a number of other organisations, and they are actually working on a day-to-day basis in terms of waste management issues and, indeed, wider environmental issues, as I said, through most of the councils in Northern Ireland. So that is an example. I think I am referring to that later on as well.

Q110 Mr Pound: Last question, Chairman. I appreciate I am trespassing on your patience. Referring to GB and the local authorities, there were lead authorities in GB. I am thinking of Adur Council in Sussex and ECT from the London Borough of Ealing, which was one of the first people to grasp the issue of particularly kerbside recycling and the wider management of the waste stream. In fact, Stephen Steers started that back in 1986–87. Is there a lead local authority in Northern Ireland on that basis, or is there a “beacon”—if you will forgive me for using the jargon—local authority we can refer to?

Mr Gregory: I think, Mr Chairman, yes, there very clearly is, and I am sure the follow-up witness will be making reference to that, but certainly we would hold up, for example, Banbridge in Armagh is a district council with primary—

Q111 Mr Pound: They would be your beacons?

Mr Gregory: They would be our beacons, and there is that expectation from the public as well. One comment Mr Chairman, if you will hear with me for just one second, is that at the time the last strategy was prepared, if my memory serves me right, Water Service and Road Service were part of the Department for the Environment. So at that stage they could not produce a leadership example of this group practice. That is now outwith the Department of Environment’s remit, but was there housed within DRD.

Q112 Reverend Smyth: Can I follow up on that? Is it not a fact that Belfast Council had been planning a strategy years back and had to change it because government officials in the environment did not know much about mismanagement, and it has already begun to take off with the appointment of Professor Stephen Austin, and that has put Belfast back and, with the new regulations, they might not be able to deliver in the time schedule that has now been accepted?

Mr Gregory: I think, Mr Chairman, the chairman of the Belfast tender was referring to the cumulative exercise that was taking place in the mid to late 1990s. That was undertaken with a view to putting in place a long-term contract. We do not know the details of the process and procedures. What we do know though is that a significant investment of time, energy, money, commitment by the council, by the tenderers and, indeed, by the Department, but the end result was that not a single facility was developed through that process, and we are still left with a legacy of a number of undetermined planning applications that were borne out of that process. We do not think it was by design, but the net result was at the end of the day it seemed to reach a position whereby, if the Department gave planning permission to a facility, that would be the one that would win the contract. That seems to us to be untenable for a government department to end up essentially as the arbiter on a commercial tender for a third party, and I think that process—we can learn from it. It has had the effect, I think, of severely denting the confidence of major waste management companies and the ability of Northern Ireland Plc to deliver, so there is an investor confidence issue there. There is also a confidence issue in relation to waste management companies that might be looking to bring facilities on stream in the delivery of planning applications as well. So in recognition of that, I think it is fair to say that the Department have committed to developing a procurement strategy that overlaps with their development of a Northern Ireland wide BEPO. I think that if that is developed successfully, all employers, including the private sector, councils, planning service, the environment and heritage service, a potential tenant will know what is expected of him and should be able to deliver, to meet, particularly towards 2010–13, landfill refusal targets.

Q113 Reverend Smyth: You did say “if”. Is there a doubt in your mind that you may not be?

Mr Gregory: Mr Chairman, I think time is of the essence with this, and when we start to look at the Landfill Allowance Scheme that is in place in Northern Ireland, our rough estimate, for example, if the measures that are in the current waste management plans only are rolled out, then Northern Ireland is probably looking at a fine under the legislation, based on £200 a ton, of between £20 to £30 million in the year 2009. Therefore, decisions need to be taken now, essentially from the middle of this year—decisions need to be taken next year to make the longer term targets, but time is of the essence.
Q114 Chairman: Our sincere hope is that we have an assembly that can show some leadership back up and running, but in the interim perhaps the Committee can set an agenda.

Mr Gregory: I am not sure that the CBI has a position on this, but from our conversation we would very much hope to see an assembly up and running.

Mrs Stewart: I think we would, CBI would, as well.

Q115 Mr Hepburn: On the cross-border issue, you say that there is “potential for certain wastes to be handled on an all-island basis”, and you mention, more specifically, the recent all-Ireland fridge tender. Do you think this potential has been explored to an extent that you are happy with?

Mr Gregory: Mr Chairman, not at present, would be our belief. For example, there are only three waste management plans that refer to the potential for cooperation on a cross-border basis, and that is the one prepared by County Donegal in the Republic of Ireland and the North West and SWaMP Waste Management Plan. The waste management plans in the North East and Connaught regions of the Republic of Ireland did not seem to make any reciprocal or recognise the potential for reciprocal arrangements at the time the plans were prepared. I am not sure of the reasons for that. Having said that, we understand that inter-reg funding has been allocated to a study to look at this potential within the inter-reg region. We welcome that. We believe it will be led by ICBAN on behalf of the SWaMP and North Eastern Connaught regions, but we are not aware of any work, for example, being undertaken by DOE or DETI in these areas.

Q116 Mr Hepburn: What is DETI doing at present, what more could they do to develop cross-border opportunities and how realistic is your suggestion of an all-Ireland paper mill?

Mrs Stewart: If I could handle the first part of that. We are not aware of what DETI are doing, to be honest, on this front. However, we do believe that there is potential for them to be proactive in analysing and assessing the potential in conjunction with local authorities and the business community to identify and encourage potential economic development opportunities that could be exploited. I will hand over to Bryan.

Mr Gregory: The simple answer on the paper mill is that we do not really know at this point in time. What we do know is that it is a specific issue that has been raised time and again through the public consultation process, for example, for the waste management plans, it has been raised by some of our members as a potential opportunity, so at least there is a widespread perception that this paper mill would have some potential. We also know in the early 90s there was a proposal for a pulp mill in the North West, and we understand that the business model for that demonstrated viability but had failed to come to fruition for other reasons. We also appreciate that paper is essentially a commodity and that there have been changes in the market. There has been the development of additional capacity, for example, at Shotton, there are increasing quality requirements being imposed by re-processors for source separation, and essentially we are playing in the commodity market unless we develop local capacity in local markets. Notwithstanding that, we think there is some merit at least in exploring that and assessing the potential for that, but it does seem to have that sort of potential acceptance.

Q117 Mr Hepburn: Are there not likely to be issues handled on an all-island basis”, and you mention, associated with trans-frontier shipments with different mechanisms on both sides of the border? Are you not really arguing for a rewrite of European legislation?

Mr Gregory: Mr Chairman, dealing with the European legislation, to the best of my knowledge we believe that more could be done on the basis of cross-border cooperation. We do not believe it is against European legislation to transport for disposal. We believe, or understand, that the European requirements are that it is acceptable or it is recognised in respect of waste management plans. It is the UK import/export plan that we understand has gone slightly further and has imposed a ban on export for disposal or import for disposal as well. A good example of that, for example, in Northern Ireland is the North West where Donegal is essentially an island compared to the rest of the Republic, and there is clearly a lot of potential there for cooperation between the Northern Ireland and the North West Management Group and County Donegal as well. Judging from reports as well, the simple fact is that it is happening. There was a report published by Pier Pagan Associates (?) that put the figure, from memory I think it was about 5,000 tons per annum coming into Northern Ireland last year, some of them many reports of illegal dumping. From our perspective I think CBI believe that cross-border movement of waste for treatment and disposal should be allowed in a properly regulated market environment with appropriate controls, so it should be allowed between the waste planning areas in both Northern Ireland and the Republic of Ireland. It was one of the recommendations in the CBI/IBEC report. We were particularly pleased to note the change of policy announced by the Irish Government in the article in the Irish Times of 26th April, and we think that approach will help to ameliorate the competition and achieve economies of scale—the corollary—which is, I think, the point that you made very fairly. There are dangers that within the respective jurisdictions we have not placed instruments or mechanisms that become drivers themselves: for example, the Landfill Tax or the Landfill Levy in the Republic of Ireland, a set differential rates. So we think there should be a reciprocal tax arrangement put in place essentially with the tax at the point of export, for example, so that a tax does not become the driver in its own right, it is the competition in the market and the effectiveness of a properly regulated market.
Chairman: Do you accept that this could cause problems in the rest of the GB if there are different reciprocal tax arrangements between the north and south of the border but different tax arrangements again on this side of the water?

Mr Gregory: I am sorry, I am not sure. When I say “reciprocal tax arrangement”, essentially, I think, what we are trying to say is that waste that is produced, for example, in the Republic of Ireland should be paying tax at the rate at which it would apply in the Republic of Ireland even if it was being exported for disposal in Northern Ireland. Similarly, waste being produced in Northern Ireland, if it was being transferred to the Republic of Ireland for disposal, should be paying tax on the Northern Ireland rate so that the tax differential does not become the key driver. It may create difficulties or issues, but it is a suggestion, Mr Chairman.

Chairman: Thank you.

Q119 Mark Tami: You will no doubt be aware of the practice of Scam recycling. What do you estimate to be the extent of this particular problem?

Mrs Stewart: I do not think I could comment on the extent. We have been getting some feedback on this. I think we were looking at this issue in terms of how it could be acted against. We feel that what is required is tight contractual requirements.

Q120 Mark Tami: I am sorry to interrupt you, but presumably, if you were going to counteract it, you would need to know what its effects were in the first place?

Mrs Stewart: This is part of what I am going to say. I think this is part of the issue, that there is an issue around what are the true percentages going to recovery or diversion. I do not think that the true percentages are coming out. This is part of the issue. I have heard instances of some people using skips which they have procured from elsewhere and filled with recovered material to give the impression that recovery is going on when, in fact, only small amounts are being recovered or recycled on the site. I think another aspect of it is also a legislative one. We need the legislation in place to set out the limits and definition of recovery which we do not have in Northern Ireland but does exist in England and Wales. I think we certainly need good reporting back requirements on the total quantities disposed of when recycling. So the issues are connected. I know what you are trying to get at. I think the two are connected. Do you want to add anything?

Mr Gregory: No.

Q121 Mark Tami: It is said that this is a cross-border type issue. Would you agree with that, or is that a problem throughout the businesses?

Mr Gregory: I think that ... Certainly what we are hearing is, yes, shipments which are supposedly for recycling or recovery are, in fact, ending up being dumped.

Q122 Mark Tami: It is said that certain stuff is taken out, a small amount, and the rest is dumped in the landfill?

Mr Gregory: Yes.

Q123 Mark Tami: Is that your view?

Mr Gregory: Yes. Certainly that is the feedback I have been getting from members, yes.

Q124 Reverend Smyth: You enclosed a report with your submission suggesting that there was very little that SMEs could do about the rising disposal costs. Is not the most obvious change to try to avoid disposing of waste, a matter that, as I understand it, is in the hands of the enterprise concerned?

Mrs Stewart: You mean waste minimisation?

Q125 Reverend Smyth: Yes.

Mrs Stewart: Obviously that is, I suppose, the council of perfection, if that can actually be achieved. I think in terms of this issue, there was a question around what CBI’s role would be: because obviously this is our report along with IBEC. I think IC are on here as very much an educative and promotional one. I have mentioned our involvement in Arena already. I suppose we are chiefly a lobbying group, but part of our mission is to spread best practice. We have been talking about waste minimisation through, in the early days, 10 years ago, our environment club, through promotional events for quite a few years in Northern Ireland. In more recent years we have instituted a best practice environmental bench-marking initiative called Contour, which, I think, 20 companies in Northern Ireland undertook last year, and using the European quality foundation type model to see where they fitted in terms of peers, and so on. We actually had two or three member companies who were world class, but obviously there is a long way to go. They are the kind of initiatives and areas in which we see our role; so it is very much an educative and promotional one rather than action, specific actions.

Mr Gregory: Mr Chairman, if I could add a comment there as well, because I think it is also important in looking at these things to look head slightly. For example, the thematic strategy in waste prevention recycling—we are anticipating that it will bring out measures that will apply to businesses in the future: for example corporate waste prevention plans were specifically mentioned in the consultation paper. There is also the thematic strategy and sustainable use of resources again looking at the potential of “green” procurement and taxes on virgin materials. There is the Integrated Product Policy Directive. All of these are measures that are continuing to add to the regulatory framework and the policy framework to which business needs to respond; so it is a very, very dynamic environment.

The one thing that is clear is that the old, traditional practice of chucking waste in a dump just round the corner is no longer sustainable, and I think business is responding to the challenges as they evolve.

Q126 Reverend Smyth: It would be important then to avoid that council of perfection because, human beings being what they are, will always find ways of not doing what we ought to be doing?
Mrs Stewart: That was an unfortunate expression!

Q127 Reverend Smyth: Do you think that what you are suggesting will help to promote recycling infrastructure in Northern Ireland, and is CBI taking the lead in that?

Mrs Stewart: I think there is an issue around infrastructure. I think one of the key comments we made when we initially commented on the Draft Waste Management Strategy a number of years ago, was that it was very important that there was an infrastructure and indeed markets in place for recycled products. I think we still have issues around that. Your perception would be that, while progress is being made towards the targets, there would not be a great deal of public knowledge about this. Even probably in our view, we would be closer to the issue than I would say, a lot of businesses, and we are not hearing an awful lot about the Waste Management Strategy and in terms how it has been implemented ourselves, so I would think that the average business is hearing a lot less. I think there is an issue in terms of capacity and also again they are referred to as the education process, or even publicity. Perhaps it is not even education; it is publicity, if you like.

Q128 Reverend Smyth: Does CBI see a role for WRAP (the Waste Resources Action Program) in Northern Ireland?

Mrs Stewart: Yes.

Q129 Reverend Smyth: If so, might the CBI work with WRAP?

Mrs Stewart: Yes. I actually heard advanced publicity about WRAP, I suppose. A number of years ago I remember a deal. He had a meeting, a lunch-time meeting, and told us, brought people over from WRAP and GB and told us that this initiative was coming on the cards, and so on, which obviously we welcomed, but I think the issue now is that . . . I know there was a seminar. Ian Garner, who is the WRAP officer in Northern Ireland, ran a seminar last September to try and raise the profile, and so on, which unfortunately I was not able to attend, but, to be honest, since then I have not heard anything more from WRAP, and I am not sure what they are doing; but I think there are more fundamental issues, one of which is the access to WRAP programmes needs to be the same, I think, in Northern Ireland as it is in the rest of the UK. My understanding is that we only have access to about four of seven programs which GB has; so obviously the issue of market development is the key to developing and delivering the targets. There is also an issue around how WRAP coordinates with initiatives such as Arena, which I mentioned in answer to an earlier question. I think what we suffer from in Northern Ireland is that besides quangos we have a lot of other bodies who are all busily working away in their own silos and may be not aware and not coordinating together. There is another issue, I think, around where WRAP is situated, which is in-house within the DOE, one of the DOE offices, which we feel is not the most appropriate location for them. We would also point to Wales. There is a best practice model where, I understand, the officers involved there worked closely with the Welsh Development Agency: because I think what we are trying to get, and it is a theme coming up throughout our submission, is that we feel this ghettoisation of waste towards the DOE, we want to see DETI getting much more involved in this as an economic issue. So we see this as part of that.

Q130 Mr Luke: I have a few questions to ask on the issue of planning. In your submission you make the point that the current situation with planning applications undetermined after many years is particularly unhelpful. Can you give us some reasons why these planning applications remain undetermined and why there is such a lengthy delay in determining planning applications? Can you give us any concrete examples of the determination of planning applications?

Mrs Stewart: Yes. I think it is part of a wider issue. In terms of planning we have in the CBI been doing quite a lot of work on how the planning system is working or failing to work, because it obviously impacts in terms of our members in construction development, and so on. There are issues around the resources of the planning service, which I know have been addressed to an extent however do not seem to be developing much in terms of improving the speed of handling planning applications on the ground yet. I know they certainly have taken on extra staff within the last two or three years. I think there are fundamental issues in terms of how they see their role but also in terms of their day-to-day operation. In terms of specific examples, there are many. If I could give one, which is a member company who is actually . . . I do not want to name them, but it could perhaps be worked out who they are. Their planning application or their time in the process is now no less than 106 months, which is nine years, and that is not the worst example. There are ones which Bryan could give which are even longer than that. Obviously this is quite unacceptable. So there are some quite technical issues around there, but it is not just an issue in relation to planning for waste management facilities, it is part of a wider problem with planning services as a whole as well, but it has particularly come to the fore in planning because we are now reaching some quite crucial issues in terms of, for example, Dargon Road running out and the substitution for that. Do you want to follow up on that?

Mr Gregory: No. Mr Chairman, I think the length of time of some of the longer ones referred to the question earlier about Belfast. A number of those tenders were borne out of that process and then, when that process fell, those applications have still continued and the applicants have done their best to adjust as they saw the changing needs or situation; and I suppose at some point in time decisions do need to be taken on these to move the thing forward to ensure that we have adequate capacity for the future.

Mrs Stewart: Could I add another example, which I think is quite a good one? This was a company’s application for an extension to its waste
management licence. Apparently, if you go for a new waste management licence it is even worse, but this was an extension, which you think would be quicker. Apparently the planning service lost two parts of the company’s application and the process took months. Apparently the process has got worse this year because the responsibility for the issue of new licences has passed to the EHS from district councils from the end of last year and since then everything seems to have ground to a complete halt—so the situation is no getting any better at all—and there also seems to be lack of communication between the planning authorities and the EHS.

Q131 Mr Luke: You make some specific recommendations. You talk about the creation of a specialist waste team as part of the solution to the problem. You also support the creation of a waste planning authority. How would you see it operating? Are these one and the same body, or are these different bodies? How would they relate to each other and how would they operate in practice?

Mr Gregory: Mr Chairman, our approach, in terms of a specialist waste team, we see it as a natural evolution of the special study section that has already been established within the headquarters of Planning Service, and the reason for that is that it creates a specific, a focal point and it also creates an opportunity for the officer dealing with it in Planning Service to develop specialist knowledge of the waste as well as having knowledge of the planning policy and processes. But, dealing with the planning application for waste facility, it needs knowledge, not only of the development planning process and issues, but also knowledge of waste management planning. It requires knowledge of BEPO. BEPO under Planning Policy Statement 11 needs to be demonstrated for each and every waste management application, and all these relevant strands need to be drawn together quite effectively. Reference was also made earlier to the timescales involved for a decision of moving forward. Planning decisions do now need to be made quickly, or will need to be made quickly in the coming years, if you like, to unlock some of the facilities that are required to that, and the delays are something that need to be addressed, and that includes delays that go from statutory consultees responding to letters or queries from Planning Service, and those are issues that do need to be streamlined. We understand that Planning Service are looking to address this and we would like to see some concrete action involved from that. In principle such a team would operate pretty much as a special study section or an evolution from that, but I think it does need to be driven almost from the top down within Planning Service and monitored. The Waste Planning Authority really losing it—you know, the word partnership was used before. There needs to be some form of forum, authority—we are not sure of quite the right word—but somewhere where the different requirements and the different waste streams can be brought together and put into a melting pot that the optimum solutions for Northern Ireland Plc can evolve from.

Q132 Mr Luke: This would be a super planning authority as well which would take the responsibility for determining, planning how local authorities begin to—

Mr Gregory: Mr Chairman, I am not sure I would like to suggest that we are creating another planning authority to run in parallel with the current one. I think there would have to be an evolution in that—something to work with the Waste Management Plan. Certainly in Northern Ireland I am not sure that we need another tier of any form of government.

Chairman: I leave that point well made. Mr Bill Tynan.

Q133 Mr Tynan: In your statement the private sector has a key role to play in the provision of future services and facilities. That is in your submission. You seem to point out that at the present time they do not provide it. What prevents the private sector from providing the services and facilities which are required?

Mrs Stewart: I think we would need to put this in some context. Fifteen years ago there was no private sector capacity—they were all public sites. There is now a fewer number of bigger public sites and there is a level of cooperation between councils. I think we have seen that through the Waste Management Plans and the consortia. I think the issue is where will the private sector get involved in the cycle? Local authorities need to consider their role to provide efficient services to direct to rate-payers involving economies of scale because obviously major capital investment would be required. I think the key issue is to have—

Chairman: My apologies. That bell tells us that there is a division. I believe there may be more than one. So the Committee is suspended until five minutes after the last bell.

Mr Pound: It actually means one of us has escaped!

The Committee suspended from 4.30 pm to 5.20 pm for a division in the House

Chairman: First of all, my apologies for such a long delay. Votes in the Commons are a bit like deregulated bus services in Northampton: you see nothing for hours and then four or five come along at the same time! I do understand and appreciate that you have to get back to the airport, so, with your permission, we shall try to do justice to the questions we have perhaps with short answers. May I suggest that, if you wish, you can supplement those with additional written submissions to the Committee if you feel that is appropriate. At the time that the Committee was suspended we were on question seven. Is that correct?

Q134 Mr Tynan: Yes. Obviously it is a long time since we met. Could you tell me, what prevents the private sector from providing services and facilities, to come back to that question?

Mrs Stewart: Yes. I think I was talking about the context of that and the fact that 15 years ago there was no private sector capacity, it was all public. Now there are a fewer number of larger public sites and
there is cooperation between the councils, but I think we see the issue as where will the private sector get involved in the cycle, and the local authorities need to consider their role to provide efficient services to rate-payers which involves economies of scale and because of major capital investment. The case is how procurement processes will be designed, and particularly in relation to security of supply. A good example of this is the recent tender by the North West Group, where all the councils in the group were involved in relation to dry mixed recycling. I think I will just end on this one that in terms of the private sector involvement, because of the financial constraints on them, the councils need to be able to guarantee tonnage for a number of years.

Q135 Mr Tynan: Do you think there will be much interest in the private sector developing separately, independently from the public sector, these types of facilities?

Mr Gregory: I think, Mr Chairman, it is a question of scale, and there was the point we were trying to get across earlier about the synergy between the different waste streams. For example, we would highlight the potential synergies between the agri-food sectors and the catering waste from kitchens within households, a relatively small quantity for the council waste stream, but clearly there are potential opportunities given the requirement for treatment under the Animal Bi-product Regulations. Deirdre is quite right in that historically, certainly from the municipal waste paper move from the traditional local dump or local authorities who perhaps have a number of local facilities just round the corner that were low standard operations, and this has evolved over a period of time. The private sector really would seek to buy the services that are required in response to procurement opportunities. As Deirdre has already said, once you are into the commodities and recycling of material, it is a question of where that material enters the private sector and goes to the market. It is in the provision of the waste collection services from the transfer point, and that really is a decision, in many respects, for local authorities in the design of their procurement arrangements, but there is clearly a parallel commercial and industrial sector where facilities also need to be developed. Our point is we believe there are potential synergies there that should be optimised to the benefit of all parties.

Q136 Mr Bailey: In your submission you talked about the costs of waste management, saying that basically it put Northern Ireland at a competitive disadvantage. Given the fact that it is a relatively low proportion of total cost for industry, for most industries anyway, what evidence can you put forward to substantiate that and which particular industries are you talking about?

Mrs Stewart: I think what I would want to say quite briefly is . . . I appreciate your point that for most . . . I do not think I could single out any particular sectors or industries, but I would take your point that for most industries it is a relatively small proportion of their cost, but we have been doing over the last year a lot of work on the cost of doing business in Northern Ireland along with our national work in CBI and, in fact, did a fairly detailed submission towards the end of last year responding to the cost comparison study which Ian Pearson had commissioned, and, I think, to give some specific examples, we certainly do have higher landfill costs. Just to run through some of the issues in terms of landfill capacity, we feel we need more competition, and obviously this is an issue in relation to planning development control, which we have already touched on earlier in the session; in relation to hazardous waste disposal, we need interim arrangements and the encouragement of new facilities by the DOE and the HSM Planning Service: in terms of recycling facilities, we need pump priming and financial support to assist in the development of facilities, and we see that as being a role for Invest Northern Ireland; and, in relation to North and South cooperation, we need to implement the IBECS/CBI recommendations on waste management which are contained in the report which you have, and this would be an issue for the government departments in Northern Ireland and the Republic: because I think we see the situation getting worse with several EU directives and a switch away from landfill. Finally, I think this also needs to be seen in terms of higher costs of doing business in Northern Ireland in relation to issues such as electricity, transport, water trade effluent charges, compliance costs generally, insurance, which has been a big issue for us in recent years, and, indeed, labour costs.

Q137 Chairman: Could I check on a couple of questions in respect of technology? There was, if not a contradiction, a surprising imbalance in the comments that you sent to us in written format whereby you were calling for innovation in market developments but saying that as far as innovation in technology within the operational sector is concerned that you should use best available technology. So you are almost saying that innovation was good for market development, but not so good for practice. Could you square that circle for us?

Mr Gregory: I think, Mr Chairman, yes, a turn on our choice of words. We really were not trying to suggest that there was no room for innovation or the use of demonstrator projects, and that certainly was not our intention. We believe that innovation is essential to the future competitiveness of Northern Ireland in all areas of our economy and we are very focused on a knowledge-based economy. Our emphasis on that best available technology, which is really a pollution abatement issue, is that authorisation for facilities under IPPC require compliance with BEPO; and guidance documents have been published by the European Commission on both waste treatment and waste incineration; and from our perspective we believe there is a need for a range of technologies, but we would also be uncomfortable with having all our eggs in one basket in one of the new emerging technologies which after a period of time perhaps proved to be unreliable.
Q138 Chairman: Another point, if I may. There was a commentary on the outbreak of foot and mouth disease as being a reason for introducing a further treatment capacity. We are very hopeful that that type of event is not necessarily too frequent. Is that an acceptable reason for having a thermal treatment capacity, or do you feel that there are others?

Mr Gregory: Again, Mr Chairman, I suppose the point we are trying to get across here was not that BSE or foot and mouth disease provided a basis for investment. That was clearly not our intention. I suppose what we were trying to get across is that there are unplanned issues that arise over a period of time and that we did not have the capacity to deal with those issues effectively as they arose in Northern Ireland at that time, and we still face some issues as a result of that. So we think that a capacity management approach carries significant risk and that there is potential, at least, for ensuring that there is competition and perhaps slight over-capacity to allow for fluctuations in the waste stream. Even, for example, if waste growth continues at a higher rate than had been planned for in the first place, that in itself would exceed the capacity that would be made available under a capacity management approach. So, no, that was not our intention. Thermal treatment for us, I think, is a separate issue. We believe it is needed as part of an integrated waste management system, and our specific concern there is that any such plant could potentially create a demand for feedstock of waste and then start to prejudice more sustainable recycling and recovery activity. So it does need to be sized and planned within an integrated waste management plan.

Q139 Mr Campbell: Could I ask you, on the issue of calls that there have been for the establishment of an independent environmental protection agency for Northern Ireland, where would you see the CBI in terms of that? Are you in favour of that?

Q140 Mrs Stewart: Yes. This was an issue we pointed up as long ago as 1993 where it is actually quite topical, because at the moment there is a current consultation on the way forward in terms of environmental regulation, and we also see this as being relevant to the review of public administration in Northern Ireland, so we will be doing some work on this over the summer. But taking our original position, which I do not think we see much reason to move away from even though it was quite a few years ago, I think what we have seen the issue in terms of there being separate arms, if you like, of government or regulation and strategy. I think we did see it being problematical that both these strands were contained within the DOE, and we see the need for transparency and openness in terms of these issues. Briefly to develop that, in terms of other issues around this and what happens elsewhere, my colleagues in CBI (Scotland) did a survey on businesses’ experience with the Scottish Environment Protection Agency through means of a fairly detailed survey, and what they found was that there were concerns in Scotland regarding activities of the agency there, particularly regarding IPPC and the proactive role in terms of promotions and was less in evidence because there was pressure to implement the new regulations leading to quite a bureaucratic approach which was putting unnecessary costs on business; but I think that was maybe a warning for us that we did not particularly want to go down that road. One final point I would make which I also got feedback on from members in terms of the prosecution role of any future environment protection agency. There is an issue there in terms of would prosecutions be done through the DPP, for example, in Northern Ireland, or would it be done through agency staff? I think there is a feeling that it would probably be better to go down the DPP route, although that would need to be a scheme that would probably need technical assistance. Obviously that is a long way down the road, but it is just a point for the future. To conclude on that, I think this will be something that we will be getting feedback very specifically from members over the summer, but I do not see our 1993 position changing too much on that, and so, yes, we would favour an independent agency.

Q141 Mr Campbell: Chairman, could I beg your indulgence to go back on a separate issue briefly? You made reference to the issue of a paper mill in the population base, and there was some correspondence from other contributors that indicated that there would not be the population to support it, and you indicated that you thought that there would be. Given that at the moment, in recent years, there has been, between Scotland and Northern Ireland, waste in transit simply because of the problems that have been faced, would you see a population base, for example, in a paper mill, or other issues that might include Scotland, Northern Ireland and the Republic, being a population over 10 million, that that might sustain something?

Mr Gregory: Mr Chairman, I am not sure that we are suggesting that there is a population base in Northern Ireland or on the Ireland of Ireland to sustain a paper mill. It is one of those issues that has been raised and seems to have some currency in that context. We believe there is certainly merit in investigating it, and it is about the issue of economies of scale, and perhaps the Republic of Ireland, Northern Ireland, Scottish Access may indeed provide that base, but we do not have detailed information to support that.

Q142 Chairman: Mr Gregory, I think the Committee is content, but is there any question that you expected us to ask you that we have not?

Mr Gregory: Mr Chairman, I think the Committee is content, but is there any question that you expected us to ask you that we have not?

Mrs Stewart: I think you have hit most of them.

Mr Gregory: The only other one perhaps, Mr Chairman, was hazardous waste, which is a concern for some of our members. What is important about that is that it should be seen in the UK wide context where we are moving from the position of perhaps several hundred, may be 200, consented hazardous waste sites at present down to perhaps half a dozen.
We saw the article in the Daily Telegraph on, I think, 16 June that referred to five permitted facilities and 18 applications. So there is a step change there in the availability of such facilities. There are none in Wales, none in Scotland, none in Northern Ireland; so there is a major issue there. The Department has moved quite quickly in Northern Ireland in developing BEPO for hazardous wastes, and that has been put into the public domain in terms of land-filling and development of specific sales, specifically for asbestos contaminated materials; so that is very much to be welcomed. Although that is a facility, I am not sure that it is... There is still a major decision to be taken as to whether Northern Ireland needs such facilities. We have heard figures of £5,000 a skip being quoted for disposal of asbestos contaminated material after July. So it is of concern, but it is not only a private sector issue; I would suggest to you that it is also a public sector issue. Look at the concern about asbestos in schools. At that sort of cost it could be a major burden on the public purse as well to address some of those issues; and, indeed, the decommissioning of, for example, Belfast West Power Station, more significantly, is how some of this contaminated material could be generated. So there is an issue there. There is an issue as to whether one facility would be developed and a monopoly created with exceedingly high prices, or, if that facility was to be closed for licenses to be sold. So there are dimensions there to be taken through. I think, in waste planning as a matter of urgency as to whether one or more such facility needs to be provided in Northern Ireland and the most effective mechanism to provide it.

Mr Campbell: Decommissioning remains a very topical issue.

Q143 Chairman: Absolutely. That is very helpful to the Committee. Thank you for that. Can I thank you both; and can I apologise that the business of the House interrupted our session and repeat our offer that, should you wish to supplement any evidence in writing, feel free to do so.

Mr Gregory: Thank you. Mr Chairman, just in closing, can we say that although perhaps we maybe come from different perspectives at times, certainly from our perspective we believe that essentially all stakeholders in Northern Ireland share the same vision of a sustainable management system to share with the needs of the people in Northern Ireland. You yourself mentioned partnership earlier on. We believe that, based on effective planning and firm and deliverable commitments, that certainly represents the best way forward for Northern Ireland Plc; and thank you very much for your time.

Chairman: Thank you.

Memorandum submitted by Bryson House Recycling

Bryson House Recycling (BHR) is the NI market leader in providing multi-material kerbside recycling services to households. 55,000 households will be serviced by the end of June in six local authority areas. The company is a social enterprise, owned by the local charity Bryson House and the London based ECT Group (a social enterprise company). In just over three years, Bryson House Recycling has grown from four to 45 members of staff, reflecting the rapid growth in demand for our services. We are an ambitious company that seeks to grow and diversify into other forms of recycling, bringing with us our values as a social enterprise.

I have covered each area outlined below:

1. Action to reduce the amount of household waste sent to landfill in line with the requirements of the EC Waste Framework Directive

This area of responsibility lies largely with local authorities, and although the speed of change could be criticised, there is clearly a massive change underway in the way waste is handled. This requires considerable change—attitudes and infrastructure, and I am personally quietly pleased at the way most local authorities are taking this transition seriously. It is clearly no longer a fridget activity for most.

I would particularly like to draw your attention to the activities of Banbridge District and Armagh City and District Councils, who have pioneered an approach that has much to commend it. BHR works closely with both Councils. They recognised a number of important things:

— Nearly 50% of household waste is comprised of compostable food and garden waste and could be composted instead of landfilled.

— Providing a second wheeled bin to householders to collect this compostable material, while reducing the collection frequency of residual rubbish to fortnightly (interspersed with composting collections) enabled them to use their same fleet to divert compost from landfill—thus reducing the need for additional expenditure dramatically.

— The savings made from composting this material (saving about 50% of landfill costs) would enable them to pay for a weekly collection of dry recyclables (a service provided by Bryson House Recycling).

— Moving to alternate week collections of waste, while providing an excellent recycling service to households puts pressure on households to use the recycling and composting facilities made available (or their bins get too full). This also keeps a lid on the overall amount of waste collected.
The combination of these factors has meant that both Councils have achieved remarkably high recycling/composting rates of around 50% from the households receiving the service. Bearing in mind the 2010 target is for 40% recovery, then this is a notable achievement. I can add that Castlereagh Borough Council (CBC) is similarly introducing this approach to 16,000 houses in May/June this year, a programme that BHR is also assisting in the delivery of. Given CBC’s reputation of financial prudence, this option is clearly cost effective.

The approaches of these Councils can be contrasted with many in the Belfast area who have not developed their activities much at all. However, given their commitment to the arc21 procurement plan, it would be difficult to be too damning of their approach. The nature in which Government money has been handed to local authorities has not helped (ie notifications late in the financial year with immediate spend requirements—this is no way to sustain the sensible growth of an infrastructure).

2. Progress on recycling in Northern Ireland and the potential development of the recycling industry here

The recycling collection industry will grow rapidly in the next few years. The scope however for new secondary raw material utilisation within industry is perhaps a little limited. I am doubtful for instance, as to whether an all-Ireland paper mill would be viable—scale is crucial, and we simply don’t have the population base. Having said that, efforts to improve NI utilisation of secondary raw materials should continue to be encouraged, simply because of the economic and transport saving benefits, and there are smaller scale niche markets. As a point of interest, BHR has had almost no difficulty at all in finding suitable outlets for our materials. This is largely down to the fact that we put a lot of emphasis in maintaining the integrity of the materials we collect.

It would be worth noting the role of local authorities, who, up until now have resisted the temptation of bringing in a large outside organisation and have helped develop local companies. Arc21 could have tendered out all their recycling services into one massive integrated contract, but chose to break the contracts up into bite-sized chunks suitable for smaller NI based companies as ourselves.

3. The current and future availability of landfill capacity

It should be kept tight, as this helps drive the economics to force change. However, care should be taken to enforce the inevitable increase in fly tipping and illegal dumping.

4. Illegal dumping of waste

Not only is there a large amount of illegal waste being dumped which is well documented and disturbing, there is also the marginally legal and ethically dubious practise of “scam recycling”. This has evolved as a method of avoiding the rules on stopping waste for landfill from crossing the border. My understanding is that lorry loads of material is crossing the border to “reputable” companies in order to be “recycled”—a minimal process is used to remove some recyclable fraction prior to the remainder being landfilled locally. Although I am unable to give specific examples, there is much talk of this practise in the trade, and I feel should be challenged as it will, if nothing else, give recycling a bad name once the practise becomes more widely known.

5. Proposals for Alternatives Such as Incineration

Opposition to incineration has helped to put it on the “to think about later” list of local authorities. To the credit of NI authorities, there is a strong emphasis on recycling and composting, and these approaches should be given their chance before alternatives are introduced. There is a real risk that if introduced, incineration will water down the resolve of the public to bother recycling or composting, in the mistaken belief that the alternatives are as good an approach.

Given the example shown by Armagh and Banbridge Councils, my view is that the moratorium on incineration should be extended for a further five years, with the 2010 target showing the need to reach 40% recycling/composting rates without recourse to “recovery”.

6. The Potential to Learn from Experience Elsewhere

We should never close our minds to new ideas, but the time now is primarily about action.

Beyond the immediate scope of the questions raised, there are a number of other matters that I feel may be relevant to this enquiry.

There is clearly a lack of communication between varying parts of the DoE. This has come to light with the Landfill Allowances measures that do not take into account the planned step changes local authorities are relying on to achieve their targets.

The commitments made by Government to the Strategy in relation to green procurement etc have clearly not happened. How seriously is the Strategy taken outside of the EHS? There must be greater clout.
This may be as a result of rapid growth within the organisation, but there is clearly a lack of sensible sequencing and project management within the EHS. It is easy to be critical from the outside, but when funds are released for local authorities to spend with only a few weeks to do so, something has to be wrong. There have been other examples whereby demands to comply are made in very short periods of time, or prior to relevant advice being made available.

There is not enough emphasis on waste minimisation—a good start would be to measure the kilos of residual waste generated per house per year, rather than always using percentages, which can be grossly misleading.

There is perhaps too much emphasis on household waste (mirrored by the emphasis put on this enquiry). I suspect this is because there is a measure of control, due to the involvement of local authorities, where as industry have no reporting functions or requirement (other than specific large companies under the packaging waste regulations) to improve.

Our role in influencing waste legislation within Europe has been overlooked. Could we be influencing product design so that plastic packaging is only produced from starch based material, and therefore compostable through emerging means. We always seem to simply react to legislation and behave defensively. The fact that these changes are happening is good, and we should be in there making the changes more relevant and helpful to us.

The role of the NGO sector has been decimated this year. The demise of the landfill credits scheme and its rather disorganised replacement with the transitional scheme funds, (yet to be paid out), for groups for work carried out in last financial year—a deficit of £147,000 for BHR alone), and with no programme yet worked out for this current financial year, has left this sector on its knees. The traditional role of the sector in improving education and understanding of the waste issue is being ignored at a time when it should be at its strongest. It is clear that the sector brings credibility to an often sceptical public over the waste/recycling issue, and our influence is needed. The EHS seems content to rely on one large public relations body to carry out an advertising campaign, rather than utilise the huge resource the NGO sector brings with it. The replacement landfill credit scheme must give access to funds for this sector to enable them to carry out the role identified in the strategy. Preferably, the money should be handed out by a third party (eg the Lottery New Opportunity Fund model) in order for the money to reach the groups as and when needed, rather than over a year later!

9 May 2004

Witnesses: Mr Eric Randall, Director, Bryson House Recycling, and Mr John McMullan, Director, Bryson House the Northern Ireland Charity, examined.

Q144 Chairman: Mr McMullan, Mr Randall, welcome to the Committee. Perhaps I can start with a word of congratulations. I note from your written evidence to us that your company has grown from four to 45 members in a very short time.

Mr McMullan: Thank you very much, Chairman.

Q145 Chairman: Given the conversation we had earlier on about the future that there can be for those who enter into waste management, I think, you are proof that those that do invest and those who do take seriously this growing market can prosper. So my hearty congratulations to you. Perhaps I can begin the questions by asking, could you outline briefly Bryson House’s current involvement in recycling as a practitioner in the recycling business? Can you give us your view as to the general development of recycling and composting in Northern Ireland over the past few years?

Mr McMullan: Mr Chairman, can I thank you on behalf of Bryson House for the opportunity to come and share our experiences and give evidence to the Committee. I echo also the CBI’s view that this is an opportune time for this matter to be looked at. It is clearly a matter of key public interest and it is very helpful and useful that you are investing the time to thoroughly examine the issue. I will say something briefly about Bryson House and its involvement leading to its work in the recycling activities, and Eric will take you through the remainder of the issues in response to the rest of your question. Bryson House is a long standing charity formed in 1906, but its purpose has remained the same: developing sustainable responses to new and emerging social needs. We do a lot work on the social care front and the education front, but particularly in the environment and from our links with local communities, we were very clear that there was a need for assisting a demand that exists within those communities to engage in recycling, but the response to that was limited; it was mostly a variety of local authority provided “bring sites”. Our work with those communities indicated quite clearly they wanted to participate in a robust scheme. So we for many years, for 12 years we have been working on the recovery of aluminium cans and felt it an easy step to develop our work actually collecting a wider number of materials. I will hand over to Eric to talk a little bit about that process and how we see it developing. Chairman.

Mr Randall: We have certainly been involved in recycling now for about 12 years, and we were interested in our approach to recycling, which is a kerbside, door-to-door collection service, years ago. The climate simply was not right and it was not until approximately four, four and a half years ago that
we began to see that local authorities were taking an interest in doing something new and innovative. At that stage, even relatively recently as four and a half, four or five years ago, the misconceptions were there about availability of markets, and there were barriers thrown up as to why in Northern Ireland we could not achieve a reasonable recycling type operation. So we set about drawing down European and landfill tax credit money to run a demonstration programme that could say, “Look, here it is happening. We have the markets and the materials. We can make this happen”.

Q146 Chairman: You mentioned the differences across Northern Ireland between areas such as Banbridge and Armagh to that of Belfast. Why do you think that Belfast has developed at a slower pace in respect of recycling?

Mr Randall: I think when I mentioned Belfast I was not specifically mentioning Belfast City Council. I think the Belfast region, of which there are 11 local authorities, have taken a much more long-term, perhaps considered, response to the challenges infrastructurally that are required to deliver the recycling, composting. So that is by no means a criticism of what has happened there, but it is a fact that in other areas of Northern Ireland it has happened quicker.

Q147 Chairman: So a difference in the planning rather than the—

Mr McMullan: It is a planning process; and they may well reap the benefits of that.

Mr Randall: If I can add to that, Chairman. One of the things that concerned the charity because of its wish to develop policy through demonstration, but I had understood quite clearly and rightly that local authorities with substantial interest should plan and should carefully plan. We were suggesting that what they really needed was a risk partner, some body, some organisation who could try and develop and learn from practical exercises as opposed to simply trying to plan for it. That is why we took the initiative and found the resources and approached the local authorities and said, “Come and see how this works. We know it works elsewhere. We have found some money. Come and be part of this and see how it fits into your final strategy.” So rather sitting, planning and writing about it, we felt doing something was a better way to learn about it.

Q148 Chairman: I was very impressed by the commentary you gave us on using weight targets for residual waste rather than percentage targets, being that if we concentrate on weight we can minimise a lot more. Would you like to elaborate on that idea?

Mr Randall: Yes, certainly. One of the targets within the Northern Ireland Waste Strategy is to see waste minimisation happen at 1% a year. I think it is a forgotten about target. It is very hard to grasp waste minimisation. How do you actually deliver it? From a local authority perspective it has nothing to do with trucks and it has got nothing to do with delivering services on ground, it is about behavioural change fundamentally, and the only way you can measure it is if you look at what actually goes to landfill. It is also quite possible to achieve very substantial increases in recycling rates while at the same time increasing the amount of material going to landfill. If you bring in a large quantity of garden waste, for instance, that previously was not being dealt with, it is not a particular issue in Northern Ireland because we have always used wheelie bins which have always had a lot of garden waste in them, but it is relevant for other areas. You can rapidly increase the recycling rate while also sending more material to landfill, and that is something that has to be borne in mind. If you look at both issues of recycling weight and residual weight you can perhaps overcome that problem.

Chairman: We thank you for that commentary. As I say, I think it will be useful in reporting back our views. Gregory Campbell.

Q149 Mr Campbell: Thank you. Welcome to the Committee. We have had a number of submissions regarding the problems and delays that have occurred in relation to planning submissions. I do not know if you were present when the CBI were indicating some exchanges—

Mr Randall: Yes, I was.

Q150 Mr Campbell: I am wondering, do you have any experience or knowledge of the extent of delays and what you think can be done about it?

Mr Randall: I will comment directly on our own experience. Our type of operation would be considered to be pretty innocuous. We have been told to budget for about four months for what is, in effect, a straightforward change of use planning application in an area surrounded by other waste management type activities. Four months is a long time to wait for that type of operation when we have pressing deadlines to meet in terms of the demand to local authorities, have taken a much more long-term, infrastructure that are required to deliver the—

Mr Campbell: Apart from obviously resources and additional planning service officials to deal with it, which, I think, is being addressed, at least according to the minister when I asked about it, apart from that, is there anything else that you think can be done in order to try and get something like a six-week time schedule, which I would have thought was more appropriate?

Mr Randall: I do not know enough about the mechanisms and the workings of what causes that delay, to be honest, to make a useful comment on it.

Q152 Mr Campbell: Right. In your opinion four months is excessive.

Mr Randall: Yes, it is, for that type of application where it is uncontentious.

Mr McMullan: It certainly mitigates against you running your business where it is a simple process where we are extracting materials and preparing...
them for sending on to be recycled. It is a different issue when it is dealing with landfill and landfill sites, and there is a requirement for that process not to be too speedy because of the need to take account of the impact it has on people who live in the vicinity of landfill sites. There is a substantial issue in and around the Belfast area, the Belfast Hills. I think in the Lisburn area there are probably 60 landfill sites functioning within that area. Our experience, and this only our experience, is that on occasions some of that landfill breaches its planning consent and, as such, is awarded retrospective planning permission for extending their site. That is very problematic from the point of view of what has happened during that period of time and what is contained within it. So that is a particular worry that we get from our community organisations which are living in the vicinity of those smaller sites.

Mr Randall: Can I also just add. There is an interesting philosophical debate really as to: are we in our case really handling waste at all? It is the material which is patently going to an industrial use as a secondary raw material. It arrives on our site sorted as a material, and all we are doing is bulking the material up and selling it on, and we are highly dependent on income stream attributable to that sale of material. It is not waste. Clearly it is not waste, but it is classified as waste within the system, because that is what it had previously been considered as.

Mr McMullan: One of our biggest barriers in working with some of the local authorities is convincing them, the very point that Eric makes, that it is not rubbish but a resource: this stuff is valuable if it is treated properly. We have had great success in getting the public to see that. They are very keen and they understand that. We are dealing with a mindset that remembers and looks at a collection of rubbish for landfill. It sees recycling as being a collection problem when we are clear it is a cultural behavioural problem: people need to value—local authorities need to value and maintain the integrity of the material that is being recovered.

Q153 Chairman: You are asking that recyclable material is not considered to be waste?

Mr McMullan: That is right, but historically that is the perspective, Chairman, we have come to understand.

Mr Randall: We still fill in tender documents which ask for recycling services and ask you where you are going to dispose of your materials. Of course we are not going to dispose of our materials anywhere.

Chairman: That is a very valid point. Mr Bailey—

Q154 Mr Bailey: Some issues of finance. We have heard local authorities are very critical about the amount of finance available from central government. The first question is what is your view about the adequacy of funding from central government? The second thing which arises from that is that local authorities say that in order to fully implement the plan and reach targets, the cost to local rate-payers would be absolutely astronomical. What is your view? Do you think they can do it within the context of the resources that they have available?

Mr Randall: I think that any major infra-structural change like this is bound to involve considerable resources and will continue to for a period of time. I think our comment would be, we would want to throw into the picture however that it is not only just about how much money they get, it is how smartly they spend it. We have raised the issue of Armagh and Banbridge, as did the CBI previously, as two good examples of local authorities who have taken the trouble to look at the overall system they operate and make some very painful decisions about how they are restructured in order to best approach waste management in their area. I think they are using the best use of the resources that are available and will achieve recycling rates as good as or better than their counterparts in the rest of the UK.

Q155 Mr Bailey: An interesting comment. What sort of implication it that had on their local rates?

Mr Randall: They have to go down the route of changing their residual waste collection, their normal waste from a weekly to a fortnightly collection, and they are using their same fleet of vehicles to collect composting materials on alternate weeks. That is a good use of resources because approximately 50% of material going into the wheelie-bins in Northern Ireland is compostable; so it is very sensible to take that material out.

Q156 Mr Bailey: So, in effect, if other authorities adopted some of the procedures that you have seen demonstrated by these local authorities then these particular complaints would be, if not, shall we say, completely removed but would have less weight? Would that be reasonable?

Mr Randall: Yes. There is always going to be . . . Any change of this type is going to involve some public complaints arising from it, and they have to be managed. You have to have a very careful process in place to deal with that.

Mr McMullan: I think the point stemming from what Eric said is spending smarter rather than spending more. There will be a requirement to spend more; some of that will mitigate against the rising cost of landfill which makes the economics stack-up better, where larger volumes are being diverted the high costs per tonne ratio are clearly avoided, but clever use of a system which allows the same fleet of vehicles to collect, as Eric has said, on alternative weeks, supplemented by a scheme which is resourcing high quality, high value recyclable material has shown to work significantly well. One other point I would to like make on the issue of resources. One of the reasons we were able to demonstrate the work that we have been doing was because we were able to access landfill tax credits which for the first time introduced an opportunity for our sector, the NGO sector, the charitable sector, to draw down resources to be able to demonstrate things and to work in partnership with local authorities. That is what made this work able to be put in place. It was critical to us that we went to local
authorities to say to them, “We have found the money to try this. You really want to see how this happens. You want to come alongside us as we would all learn from this”, at no particular extra pain to that council with a view to seeing where the advantages were. Losing access to that is a problem for us to continue to develop our work.

Q157 Mr Bailey: Can I slip in. Do you have a view about the way in which landfill tax revenues should be used then?

Mr McMullan: Strangely enough, yes. We were quite advanced in identifying the potential for credits when they became available to be used to underpin sustainable waste management processes which engaged local communities, which was not normally the case for any previously available resources, particularly from councils, given the understandable procurement restraints they have. We were able to go with those resources saying, “These are programs that we think we should try, or the programs you think we should try. We can fund them and experiment with them and use the learning to inform policy.” So having access to that for waste minimisation projects was good. The change in the scheme has caused a problem for us in that we are not now able to access those resources, and the interim arrangements that were put in place have not been easy to work.

Q158 Chairman: Just a couple of questions on procurement. I am sure you have views on the appropriateness of the procurement process by local authorities, and you mentioned in your submission that Arc 21 resisted the temptation to roll all their services into one large contract. Do you see a potential for larger contracts to threaten the future of your organisation and organisations such as yours, or do you think it is reasonable for local authorities to procure some services jointly?

Mr Randall: It is not the issue about procuring the services jointly that is the problem. The issue is really when they lump every waste management activity together into one massive integrated contract. Lancashire district, I think, is doing that at the moment. What it does is enables about five players to bid, and that is it because other companies are not big enough to operate in that scheme. It also means that you get one company who acts as the middleman, in a sense, and buys in whole range of different technologies that are on the market. I think it is better value for money to deal directly perhaps with smaller companies or specialists in those particular areas. They will still be big contracts but they do allow for Northern Irish companies to be in there with a shout for those types of contracts.

Chairman: That is a very good point. Reverend Smith.

Q159 Reverend Smyth: Many of the written submissions we have had make reference to the issue of markets for recyclables, but you seem to say in your submission this not going to be a problem for you. On the other hand, as I understand your submission, you speak of the desirability of greater material utilisation in Northern Ireland. If the issue of markets is not a problem today, an issue today, could it be an issue in the future?

Mr Randall: It could be an issue in the future. What we have seen, though, over the last five or six years is a massive step-change in the way the industry, the paper industry, the glass industry, approaches recycled materials. We are in a very fortunate situation partly by planning, in that the materials we collect are all of extremely good quality because we separate them as we go along. We make sure that they are a saleable commodity, so we have never had a difficulty in selling our materials, in fact we have several options for all of the materials that we collect. It simply is not an issue for us. Having said that, if you look at the whole issue of markets for materials in the local context and what is best for Northern Ireland, clearly if there were opportunities to turn those materials into commodities in Northern Ireland, then we are able to add value and jobs to Northern Ireland Plc. You would expect that to be an advantage, but there is an issue of scale, and paper would be an example. We would have a contract with Shotton paper mill, which is pretty close to us, really, it is across the Irish Sea, and they give us a very good stable price for five years. It would be silly for us not to take that. I wanted to mention that, because it kind of fits into the arguments about an all-Ireland paper mill. If you were going to go for a very large-scale type of operation, there are three paper mills in England, two on the west coast and one in Kent. I would be of the view that a large-scale paper mill would be quite difficult, for the very reasons of scale, and also because of the contractual obligations that organisations like us have tied ourselves into, but John will make another point.

Mr McMullan: I think we chose a process route towards recycling which preserved the integrity of the materials that we recover. That is critical if we want to convince industry that they can use these materials as a new form of raw material. Some of the proposals that are in place for recovering materials co-mingles and therefore contaminates or creates a problem in terms of quality. That has been critical to us. Eric points out, we do not recover materials that we do not have a market for. We have somewhere to sell it. To date materials that are covered like paper will go to Shotton, and that is to a paper mill, and there has been an issue about the requirement for a paper mill, but we would say if enough material is being recovered new uses will come into play. I think of processes like the Warm Cell Company who use recycled paper to create insulation material to insulate lofts. Just as an example, but if we are recovering materials and industry is sure of the integrity of it, they will find ways to use it in an economic way to create new products, and that is part of the new thinking and new development, but there are markets for the materials we have recovered currently.

Q160 Reverend Smyth: I appreciate that one. What impact, if any, would you perceive for the implementation of the green procurement
commitment by the Government? Will it have any impact upon recycling and the market for recyclables?

Mr Randall: It is bound to. They must be the biggest single purchasers of materials in Northern Ireland. It will create demand. It is a fairly straightforward answer, I think.

Mr McMullan: It is a good “pull” system for engaging industry to develop products that will use recovered, recycled, reused materials, and as such it is quite critical to be used strategically. Governments purchasing and Governments contracting could be quite critical to getting the step-change that we need. We have seen experiences where government contracts for the disposal of spoil ends up in Belfast hills—not the fault of the Government, maybe the fault of the contractor—where the contractor goes to where the material can be disposed of at best cost in order to maximise profit, but clever drafting of contracts would require that the certification of all materials or all spoil being used—I think, again, it is about functioning smarter rather than functioning at more expense.

Q161 Reverend Smyth: On the basis of your answers, what role would you see for WRAP in Northern Ireland?

Mr Randall: At the moment we partly buy into WRAP. I think we probably get the worst of both worlds. In a sense there is a concern that because WRAP is a UK organisation involved primarily in large infrastructural change that Northern Ireland would be marginalised within that process. We would have to be pretty sure in Northern Ireland that that does not happen. However, having said that, I think there is a grand swell of opinion that having WRAP fully involved in Northern Ireland is important, but providing we have that proviso at the end, that we make sure it works for Northern Ireland.

Mr McMullan: Eric makes the point that we get the worst of both worlds in terms of being part in and part out. The other side to being fully in is that we would need to be clear that there was local control and local direction on a body such as WRAP to ensure it matches the local need rather than simply maintains the national perspective, which may not be wholly appropriate in our context. So we would need to be sure that there was clearly the facility for regionally requiring a WRAP type organisation to reflect local need.

Q162 Mr Luke: You mention in the section in your submission on the current and future availability of landfill capacity the issue of fly-tipping and illegal dumping. What is really the extent of the problem in the province and what are the reasons for this, do you think?

Mr McMullan: It may be going to Scotland. I suspect.

Mr McMullan: The estimated value in the article, from memory, is 500,000 to 750,000 tons per annum, possibly, passing over the border.

Q165 Reverend Smyth: That is one aspect of illegal dumping. Can you throw any more light on the more recent one where there was a medical waste pile, and whether it came from within Northern Ireland, from the hospital sector, or from some chemists who were trying to dump stuff?

Mr McMullan: I cannot comment on medical waste. Our experience in Belfast Hills, however, does indicate an increasing number of tyres being dumped on farming land in the middle of the night.

Q164 Mr Luke: Okay, on the east coast. I wonder, at the end of the day, what is the extent of this? What can be done to tackle the problem?

Mr Randall: I have brought you an article from the Irish Times, which you may want to have a look at. From discussions I have had with people, I understand we are talking in the region of hundreds of thousands of tons, not just tens of thousands of tons. In Cork, apparently, according to this article, it cost 230 Euros per ton to landfill; in Northern Ireland it is going to be somewhere in the region of £45 a ton. So you can see there is a huge economic driver, and what I understand is happening is that this material is coming across in lorry loads on the basis that it is going to be recycled, and small amounts are removed, possibly, or it is just rejected, this cannot be used for recycling, therefore we have to send it to landfill. The only possible explanation for bringing it 300 miles from Cork is because it is cheaper to landfill it in Northern Ireland; otherwise you would recycle it in the south of Ireland. It is clearly a huge issue and I think the authorities are aware of it.

Mr McMullan: It is bound to, they must be the biggest single purchasers of materials in Northern Ireland. It will create demand. It is a fairly straightforward answer, I think.
given the restrictions on the island of cost to dispose of tyres. Easily medical waste, if not being disposed of properly, could find its way—

Q166 Reverend Smyth: There is a place in Belfast at the moment?
Mr McMullan: Yes, there is another way, a unique method of disposal in Belfast around this time of the year, I suspect.

Q167 Reverend Smyth: The beach?
Mr McMullan: I know from contacts we have with Wicklow County Council that they have found medical waste in lands in the Wicklow Hills, and it was explained the model I gave you of agricultural improvement where a farmer is encouraged to allow a pit to be dug, filled it and whatever goes into it goes into it.

Q168 Reverend Smyth: Were you aware of the recent report in the press of this in Northern Ireland?
Mr Randall: I had heard of it, but I could you not give you any details or throw any more light on it, I am afraid.
Mr McMullan: We do have a substantial problem, and I mentioned it in terms of the retrospective approval of land-filling, where no-one knows what has been buried, and only once the approval has been put in place. We do not have much experience of bore-holes being used to identify material. I know from the Wicklow experience that they will bore down, and if they find evidence of the provider of the waste they will prosecute. It would be interesting for the Committee to ask that where retrospective planning—where no approval has been given to landfill sites or where they have been land-filled in an unauthorised manner—how many times have the land-filling agents been asked to remove the fill? I suspect it is probably zero, but it would be an interesting question to ask, because that kind of enforcement brings home the real penalty of carrying out a landfill operation in an unauthorised or unlicensed way.

Q169 Chairman: You have suggested it. It is a very good question for the Committee to ask. I am sure the record will show that, and I am sure our clerks will make sure that we do ask that question. I think it is a very important question to be answered.
Mr McMullan: I understand the experience in the Republic has indicated that in Wicklow where they have required large volumes of materials to be removed.

Q170 Chairman: Do not worry. It is not a vote. The House is simply adjourning. We will not leave you again. I promise.
Mr McMullan: They have required the large volumes of materials, particularly by a substantial road builder, to be removed from a site and brought to licensed sites. That is the kind of enforcement which will make clear the penalties and implications for not following the law.

Q171 Chairman: I wanted to finish on a high. I congratulated you at the start on the fact that your company has grown and is successful now, and I am sure you would agree with me that your company has a social purpose as well as simply an industrial process and that you obviously see significant job creation potential in recycling in general. However, some people comment that jobs in recycling can be seen as low-skilled, and are the jobs really necessary. What would you say to those critics, and perhaps you could build on this answer and give us a view of where we are going in say five years time. What opportunities are there for people both coming into the sector and building the sector, rather within a dynamic forward thinking sector rather than simply processing material? I shall not say waste because you have picked me up on that before.
Mr Randall: You will be in trouble. Perhaps this is an opportune moment to invite you, Mr Chairman, to come to our facility and ask the question of our members of staff.
people who can manage, plan logistics, and as we produce materials more jobs will be created in the manufacturing end of the economy to use the material. So we see it as being a substantial contributor, and the idea of investing in people and letting them grow is borne out by the two guys here who are giving evidence. Both of us were long-term unemployed, came through training programs and have moved up within our own organisation. So those opportunities are there and we have evidence that it works for people.

Q173 Chairman: Do you see a potential for innovation in more local use of recycling materials by new companies in terms of some of your staff becoming involved themselves in the manufacture of goods from recycled materials: because surely the answer is to recycle as close to the community as possible?

Mr McMullan: One of the things, Chairman, we were able to do and are currently doing when we had access to landfill tax credits was to invest in research and development with industry and with universities to identify options for using recycling material within manufacturing or recovering them within communities. I think a good example of the community analysis was we have engaged for many years with Belfast City Council and Belfast in Bloom. Last year for the first time we were able to source compost for the planting for the Belfast in Bloom competition from recovered domestic waste: so you can easily link the circle together; and that is a wonderful way of teaching people that there is a value in that material. The next step is getting them to compost it for themselves so they are continuing on in the practice but using their own waste which is not going into the waste stream, being composted in the home. Hopefully that answers the question you have asked.

Q174 Chairman: You were quite critical of the demise of the landfill tax credit system. What progress do you feel has been made to work up a viable replacement scheme?

Mr McMullan: I think that is an issue that does concern us. The closure of the scheme and the change of the scheme allowed for redirection of a portion of the recovered credits somewhere between £100 and £110 million per year over the next three years. The Northern Ireland portion of that went into the block grant, which I suspect was probably around £2.8 to £3 million, of which a portion was then secured by Environment Heritage Service to fund what was termed the transitional scheme or an interim scheme. We were then made aware that that was a scheme that we could buy into for carrying on our activities until a formal scheme was put in place. That was an interesting experience, Chairman. I think the criteria that were developed for securing the funds were put together by someone who had read Catch 22 on more than one occasion, in that we were advised that we could attract funding for schemes which had been offered funding for which there was no funding available. No distributor in their right mind could possibly offer funding where it did not have the funding to offer; you can end up in substantial difficulties. So we had to be creative in terms of making awards to enable us to pull down resources. Those resources were applied for, the funding was applied for, in March 2003 with the expectation of an award in April 2003 for schemes running in that April. The letters of offer were made available in July 2003. The funding was to be claimed within the year of operation, because it could not run beyond that. We received our first payment in respect of that funding in April of the following year (2004). That was an interim payment of—I think it was probably about £90,000 of the total award of somewhere around £250,000—the remainder has yet to be paid. The charity finds itself in the position where it is inappropriate for it to fund government, but it seems that it is doing that. So that was a problem for us, but, I think we have to understand, EHS are under pressure. They had a short staff position and they were developing a new scheme. We are currently into the second year. We do not have a scheme in place, although one is planned, and we are part into that year of funding, which has caused problems for the NGO sector where we run very tight margins. Issues of cash flow and working capital are critical to us, and government needs to keep that in mind when it is creating a scheme. Our view is that any scheme should be administered by a third party agency. That was one of the values of the Landfill Tax Credit Scheme, that it was taken outside of government, which made it a bit more flexible as to how it was used; not any less accountable, and no-one is suggesting that it should be less accountable, but certainly more flexible.

Q175 Chairman: You used the model of the Lottery New Opportunity Fund, did you not?

Mr McMullan: New Opportunities, yes. There are quite a number of Northern Ireland particular models that could be considered such as those distributing European funding, as some around the table will understand, are delivered through independent agencies whose sole focus is on the delivery and development of the scheme as opposed to the additional substantial responsibilities that a body like EHS would have. This would allow us to focus. We like the idea of partners being involved, including particularly the local authorities, possibly through the three consortia ensuring that the funding compliments of waste management plans as opposed to runs counter to them, Chairman.

Q176 Chairman: I am content. I am looking at my Committee. Gentleman, as I asked the last witnesses, are there any questions you expected from us which you wish to raise the Committee’s awareness to?

Mr Randall: There is one area of clarification which I would like to make regarding landfill tax and its role within what is now a business subsidiary of the charity, and ECT in London run as a joint venture. I make it clear that we have used landfill tax and other sources of funding in order to set up demonstration programmes. When it comes to a tendered
programme with a local authority, all grant funding is out of the picture and we then have to compete on a level playing field with any private sector operator. There has been some misunderstanding, I think, within Northern Ireland which has caused some friction in our direction. In case that had crossed anybody’s mind I take the opportunity to make that quite clear.

Q177 Chairman: That is helpful.
Mr McMullan: Chairman, the responsibility for landfill moved from local authorities to the Environmental Heritage Service, I think, in December of last year, but the issue of fly-tipping did not move with them; it sits with local authorities. Our experience is that there is some confusion around responding to that. We would ask you to look at that. I would like you to consider a report which we produced on the Belfast Hills with volunteers who monitors fly-tipping and unauthorised landfill which might inform some of your thinking on that.

Q178 Chairman: That is helpful yes.
Mr McMullan: I would certainly leave that behind. The point we get from departments is zero-tolerance in relation to the unauthorised dumping, which is something we clearly would like to endorse. Unfortunately, the issue I have mentioned about retrospective approval means that those actions go unpunished, and if the Committee could consider and concern itself with looking at how appropriate it is to provide retrospective planning permission after landfill has taken place and with impunity, without any award against the person that carries out that would be something we would like you to consider.

Q179 Chairman: Thank you. You also have an article from the Irish Times that you were going to leave with us. Gentleman, this inquiry for us has probably posed more questions than it has given answers, but can I just say that it has been refreshing in the last half to three quarters of an hour to talk to people who are actively engaged in providing some of the solutions. I do congratulate you on what you have achieved so far and thank you for taking the time you have with us.
Mr McMullan: Thank you. Do come and visit us.
Chairman: That is on our mind. The Committee is adjourned.

Supplementary memorandum submitted by Bryson House Recycling

I am writing formally on behalf of the Charity and its recycling joint venture company to thank you and your committee for the opportunity to give evidence to your investigation during your meeting on 23 June 2004. There were a small number of issues which we neglected to raise or emphasise at the meeting and we would appreciate if you could take them into account.

They are as follows:

1. We understand that the DoE, which has responsibility for the monitoring and enforcement, in respect of landfill sites (unauthorised or otherwise) currently grant “lawful status” to sites that have been in operation for over 10 years, where no enforcement action has been taken during that period. We believe that it is incumbent upon the department to ensure that the proper enforcement action is carried out for retrospective breaches, as well as for current breaches. Giving landfill sites a retrospective exemption by default ignores both the unauthorised action and requirement to know exactly what has been placed within that site. Ignoring the requirement to award a penalty for such breeches sends the wrong message while making no one accountable for any longer term consequences of the act.

2. Over many years we have developed links with local authority staff responsible for enforcement in respect of landfill and unauthorised dumping, it is our opinion that the transfer of responsibility to EHS as the new licensing authority (19 December 2003) has created a substantial reduction in the number of active enforcement officers. Indeed, there has been some suggestion that the previous arrangement through local authority officers provided insufficient staff to realistically address the important matter. We would suggest that the Committee should concern itself with this matter and seek to satisfy itself that sufficient enforcement provision is in place.

3. Regulation and enforcement in respect of a number of statutory requirements surrounding land filling, unauthorised dumping and fly-tipping are the responsibility to at least some extent of a number of agencies ie HM Customs and Excise, NI Planning Services, Environment and Heritage Service and local authorities. We are not convinced that sufficient co-ordination is in place to ensure that a seamless system for working together and as such, may impact detrimentally upon responsiveness to incidents as a result of competing priorities and communication shortcomings. We would ask the committee to consider the benefit of a common approach and response protocol, to co-ordinate interdepartmental action in respect of breeches of regulatory/statutory requirements.

4. We understand from the newspaper article entered into evidence by the committee (Irish Times 27 March 2004) that in the Irish Republic the Criminal Assets Bureau is expected to target the assets of those suspected or convicted of illegal dumping or the operation of illegal landfill sites. We would ask the
committee to consider if similar arrangements should be made in Northern Ireland and to enquire from EHS/PSNI (as is indicated in newspaper article) if there is evidence or if there have been reports to suggest paramilitary involvement in some of these illegal operations.

5. We raised during our evidence our concerns in respect of granting of approval for agricultural improvements. We believe that DoE Planning Service should not be granting planning permission for landfill under the pretence of a conservation scheme, to redeem land for agricultural use when it has been acknowledged that inert material of whatever type including builder’s waste cannot be regarded as material for conditioning land. Planning Policy Statement 11 (PPS 11), Planning and Waste Management has gone some way in tackling this issue but unfortunately it is subordinate to the Planning (General Development) Order (Northern Ireland) 1993 which states that a “planning application is not required for the carrying out, on agricultural land comprised in an agricultural unit, or engineering operations reasonably necessary for the purpose of agriculture”. As a consequence it becomes an exempt activity. We would suggest that The General Order needs revising in light of the PPS 11.

6. In our evidence we made reference to the replacement scheme, which EHS are intending to bring in to fund the sustainable waste management element removed from the original landfill tax credit scheme. We noted our particular disappointment at the undue delay in putting this scheme in place (was to be in place to support programmes from 1 April 2004, still not in place July 2004) and that any such scheme should compliment the regional waste strategy. We also wish to make the following points:

— The scheme should be administered by an independent Intermediary Funding Body (IFB) made up from a partnership, which includes NGOs, representatives of the three regional local authority waste management consortia and government agencies. This will avoid the over bureaucratisation of the programme and preserve an important part of the original scheme.

— Local authorities accessing the scheme should be required to find local NGO/community partners and that applications funded must demonstrate that the funding will be for initiatives that are additional to their normal statutory duty.

— The particular value of the original programme was the support for innovation and education. We would suggest that the new programme would have a predisposition towards innovation and development. The vibrant Kerbside initiative which Bryson House has developed was only made possible by access to the original credit scheme. It is our view that local authorities left to their own devices would not have considered this approach to development.

7. In order to promote best practice within local authorities, we believe that it would be useful to publicly announce their performance on recycling achievement (e.g. recycling rates, waste minimisation rates) in a league-table format.

8. The practice of co-mingling waste for recycling has been discussed recently in the House of Commons as a concern, due to the poor quality of materials produced. There are a couple of issues which we feel need to be addressed in the Northern Ireland context, given that a large number of local authorities are using or planning to use this approach.

— We feel that it is important that local authorities should only be allowed to use the weight of material going to recycling processes in calculating and reporting their recycling rates, rather than the common practice of using the weight of materials entering a processing facility. This practise fails to take into account any material that fails to be recovered or is recovered in a manner, which because of contamination is subsequently sent to landfill.

— We understand that it is common practice for mixed waste, rich in paper that results from co-mingled processes, to be exported to India, or other Eastern countries, as a low paper grade. Although this clearly has a small economic value to the users, the social and environmental implications of this trade should be questioned.
Wednesday 8 September 2004

Members present:

Mr Tony Clarke, in the Chair
Mr Adrian Bailey
Mr Iain Luke
Mr Eddie McGrady
Mr Stephen Pound

The Reverend Martin Smyth
Mark Tami
Mr Bill Tynan

Memorandum submitted by Waste and Resources Action Programme (WRAP)

Introduction

1. The Waste and Resources Action Programme (WRAP) welcomes the opportunity to submit evidence to the Northern Ireland Affairs Sub-Committee inquiry into “Waste Management in Northern Ireland”. This submission focuses on the issue of progress on recycling in Northern Ireland and the potential development of the recycling industry in the Province.

What is WRAP?

2. WRAP is a not-for-profit company that was created by Government in 2000 to work with industry, the public sector and the wider community to bring about positive change in the management of waste in the UK by increasing recycling. The clear remit given to WRAP as its first priority was to act to improve the UK’s recycling performance through a programme of recycling market development. The company’s mission is to create stable and efficient markets for recycled materials and products.

3. WRAP was originally allocated £40 million of Government grant funding in its first three-year programme for the period 2001 to 2004. The Department for Environment, Food and Rural Affairs (DEFRA) is the largest Government sponsor (providing around £10 million pa), while other sums are provided by the Department of Trade and Industry and the devolved administrations in Scotland, Wales and Northern Ireland. The Northern Ireland Assembly subscribed to WRAP in December 2002, and makes a £400,000 pa financial contribution. Government funding for the continuation of WRAP’s market development work is confirmed up until March 2006 and the company will shortly publish a Business Plan setting out its work programme for 2004–06.

4. Further detailed information on the work of WRAP can be found at www.wrap.org.uk

Importance of Recycling Market Development

5. Northern Ireland, like all parts of the UK, faces a tremendous challenge in seeking to manage waste more sustainably, in particular through the need to meet the requirements of the EU Landfill Directive. While the Directive provides the main focus for activity in managing municipal waste, requiring large reductions in the tonnage of biodegradable municipal waste going to landfill by 2020, many other European-led Directives (eg on Packaging, End of Life Vehicles and Waste Electrical and Electronic Equipment) are rapidly raising the profile and impact of wastes management as an area of public policy.

6. The Northern Ireland Waste Strategy (NIWMS) published in 2000 identified the lack of markets for recovered materials, compost and products containing recycled material as “the major obstacle to increasing levels of recycling and resource recovery in Northern Ireland”. Historically there have been a range of barriers on both the supply and demand sides of the market economy which have prevented significant progress in increased recycling in the UK. The main barriers include low market confidence in recycled materials and products, low critical mass of demand for products, unfavourable recycling economics (materials are used in low value applications or have high collection and reprocessing costs) and there are insufficient high-quality materials being delivered to reprocessors.

7. The following section outlines the programmes and UK-wide approach that WRAP has pursued since its launch in November 2000. In June 2001, WRAP published a Business Plan, that sets out its intended aims and approaches over the initial three year funding period. This was produced following consultation with over 150 stakeholders representing manufactures, retailers, local government, community groups and the waste management industry.
WRAP Programmes and Priorities

8. WRAP has eight programmes in progress that aim to address barriers to achieving greater recycling. Two programmes are focused on generic areas where action is needed if there is to be a step-change in recycling: business and finance (supporting investment in recycling), and procurement (public and private). The other five are based on specific materials streams: paper, glass, plastics, wood and aggregates. The first four of these material streams were chosen because they offer the best potential for tonnage gains (paper and glass) and the opportunity to develop markets where current recycling levels are low but have potential for significant increases (plastics and wood). The fifth material stream (aggregates) was added in April 2002 as part of a new Aggregates Programme managed by WRAP and Construction Innovation and Research Management, part of the Department of Trade and Industry.

9. The eight programmes currently underway are designed to contribute to the increase in recycling that is required in the future through creating a critical mass of demand for recycled products, developing market confidence in recycled materials and products, improving the economics of recycling and delivering sufficient high-quality materials to reprocessors—all of which are key ingredients in the recipe for successful and sustainable higher levels of recycling.

How WRAP’S UK-Wide Approach is Benefiting Northern Ireland

10. This submission does not seek to give an exhaustive list of work that WRAP has carried out. Instead it seeks to illustrate to the Sub-Committee how WRAP’S UK-wide approach is having a positive impact on recycling in Northern Ireland, by sharing and harnessing the benefit of expertise and resources pooled across national boundaries. As a sponsor of WRAP, Northern Ireland is effectively buying-in to significant capability for research and development which is now being translated into opportunities for business development and product demand in the Province. While recognising that there are differences in the national situations with their separate strategies and targets, as a UK-wide programme WRAP is well placed to avoid duplication and optimise resources by delivering transferable results that draw on best practice both in the UK and abroad.

11. Since 2000 WRAP has committed a total of £5.5 million to 34 new R&D programmes that aim to bring to market new applications for recycled materials. The applications for funding have come from a wide range of leading industry organisations, private companies and academic institutions across the UK. The application of successful research projects results into product process development in Northern Ireland is vital to rapidly expand the ability of the market in the Province to absorb materials collected for recycling. An example, a company based in Scotland has used WRAP funding to help set up a facility to recycle glass into high quality cullet suitable for drinking water filtration and gain approval and market acceptance for its use. This project has the potential to further increase the quality of the water we drink as well as reducing costs and environmental risk for the water industry. As a result of this project, a trial of the product is planned for Northern Ireland in drinking water filtration.

12. Developing workable and reliable standards for products containing recycled materials is one of WRAP’S key activities. We aim to demonstrate that many secondary materials are capable of meeting the same standards as virgin materials and can be used for the same purpose. An example is the new standard for composted materials (BSI PAS 100) sponsored by WRAP that was launched in November 2002. This sets out minimum requirements for compost of a quality appropriate for general use, and represents what can reasonably by good practice composting of source segregated biodegradable materials. The standard was developed with UK-wide application in mind and in February 2004, a Northern Ireland company, Natural World Products, became the first compost producer in Northern Ireland to achieve certification from The Composting Association.

13. When WRAP consulted on its business plan, there was wide support and many strong calls from all sectors of the recycling industry for further direct capital investment support to kick start new investments in reproprocessing capacity, the lack of which was widely seen as a major hurdle to expanding recycling collections. WRAP therefore developed competitive processes for capital support for investments in newsprint manufacturing, plastic bottle sorting, wood recycling and fine glass powder processing, all of which have the potential to significantly enhance recycling levels of these materials across the UK. An example is a paper mill operated in Shotton, North Wales run by UPM—Kymmene. The mill has been converted with the help of a £17 million WRAP grant to use 100% recycled fibre. The project has increased the UK’s recycling capacity for newsprint by 30%, and is leading directly to the collection of newspapers and magazines from an additional four million households, including in Northern Ireland. A number of local authorities in Northern Ireland (or their waste management contractors) now have supply contracts with Shotton.

14. The focal point of WRAP’S Financial Mechanisms programme is the Business Development Service (BDS) launched in January 2002. This provides support to businesses in the recycling sector in finding and obtaining the best sources of capital investment. It also offers these businesses—which are primarily small to medium enterprises—practical, tailored advice on a range of issues such as business plan development, market research and management advice. WRAP’S BDS has given business strategy and technical advice,
along with consultancy support and business planning to a plastics business in Northern Ireland. It has also funded a Northern Ireland/all-island recycled wood markets study for a Northern Ireland wood reprocessing business.

15. WRAP’s BDS has launched two innovative schemes to respond to the needs of investors and recycling businesses. The Recycling Fund is a £5.5 million equity fund and the first dedicated to the UK recycling sector. Launched in October 2003, WRAP developed the Fund in response to an equity gap faced by early-stage businesses in the sector. The BDS held a half-day seminar on the Fund in Belfast which was attended by 71 delegates. This event also outlined the eQuip Residual Value Guarantee Scheme, launched by WRAP in February 2004 to help minimise the risk associated with the financing of plant and equipment. The Scheme will provide lessors with a guaranteed residual value on the asset, and the business with easier access to competitive lease finance. WRAP hopes the eQuip leasing scheme will now enable companies to obtain finance for standard equipment and innovative technologies and plans to provide £40 million of investment over the next five years. So far it has attracted attention from businesses in Northern Ireland ranging from materials reprocessors to recycling machinery manufacturers and suppliers.

16. There is great potential for increasing the use by private and public organisations of products containing recycled materials. Public sector procurement on its own counts for £25 billion per annum in the UK.1 Achieving large-scale changes of attitude and purchasing practices in business and the public sector will not be a quick or simple task, and different buyers and product groups will require different approaches. WRAP commissioned a survey into purchasing in the public and private sectors, looking at their buying habits, needs, market dynamics and attitudes to recycled materials. Several messages clearly stood out: quality is a major concern, lack of information on recycled products is critical to increased procurement and the price differential between virgin and recycled products deters purchasing. Building on this analysis and understanding, WRAP has developed a comprehensive procurement programme to advocate recycled products to the public and private sectors and to encourage businesses to share good practice. WRAP has linked its procurement programme targets with Northern Ireland market development opportunities, for example in the construction sector where the potential for products that incorporate recycled materials to be both manufactured and procured is evident from activities of the sustainable construction lobby in Northern Ireland2 and the Central Procurement Directorate.

17. Since March 2003 WRAP has employed a Northern Ireland. Liaison Officer with the role of focussing on the effective delivery of the WRAP Business Plan in Northern Ireland through creating and maintaining close links between WRAP, Northern Ireland businesses and the public sector. The role has enabled more intensive activity in actively engaging and supporting existing and emerging businesses in the recycling sector. At an Open Meeting held in Belfast in September 2003, WRAP board members and staff presented to 100 delegates details of the company’s market development programmes and the progress made so far towards the targets set out in its Business Plan. This was followed by a WRAP-convened seminar entitled “Opportunities for developing recycled materials markets in Northern Ireland”. This covered issues such as sustainable procurement, investment and growth opportunities, and end markets and applications for recycled materials.

18. WRAP has provided specific market development support to businesses and stakeholder groups through visits by WRAP staff and specialist contractors and by organising and supporting a range of events in Northern Ireland. WRAP has run three Recycling Managers Training Courses in Northern Ireland. The free of charge, residential courses are aimed at people from local authorities, the community and private sectors who manage or develop and promote collections of recyclable or compostable materials. There have also been events and training on the production and marketing of compost products as growing media. Working with other Stakeholders in Northern Ireland, WRAP supported a seminar convened by the Northern Ireland Central Procurement Directorate on the use of recycled construction and demolition wastes as aggregates. There are also regular stakeholder meetings with Invest Northern Ireland, the Environment and Heritage Service and the Northern Ireland Waste Management Advisory Board.

CONCLUSION

19. There is a real challenge for us all in reconciling the stated desire for urgency in achieving greater sustainability in waste management with the actual length of time it takes, and can take, to effect change on the ground. The size of Northern Ireland’s population and industrial density, compared to other parts of the UK, influences the rate and opportunity for achieving a positive impact on recycling through market development. However, through WRAP’s support combined with other market development initiatives in the Province, there are encouraging signs that the growing recycling sector in Northern Ireland is well-placed to create, exploit and participate in all-island markets as they emerge, as well as continuing to send materials to markets and reprocessors based in mainland Britain and the rest of Europe.

April 2004

2 Rethinking Construction, Northern Ireland http://www.engi.ulst.ac.uk/RCCNI/
Q180 Welcome, gentlemen. Thank you for taking the time to be with us and to assist the Committee with its inquiry into waste management. Bear with us. This is our first week back and we are still trying to refresh our minds in terms of the inquiry that started before the recess. There will be a division at 4 o’clock. Could I start the questioning by clarifying WRAP’s role in Northern Ireland? We see that you carry out different functions in different constituent country within the United Kingdom. What strands of WRAP’s programme does Northern Ireland currently subscribe to and how much are you contributing to that?

Mr Ward: The first thing to say is that WRAP is a UK-wide organisation. It was set up originally with participation from the English departments and the devolved administrations; everybody came in on the same basis. Our initial programmes, therefore, what we call our market development programme, are provided uniformly across the UK. As life moves on, devolved government has evolved. The different administrations have identified different needs and different requirements. We have tried to respond to that. The biggest intervention from our point of view has been the Waste Implementation Programme run in England, but we have worked with each of the devolved administrations to try to see what it is that we can offer which builds on the work we are doing, that fits our objectives and meets their local requirements.

Mr Creed: On the actual market development side of things, WRAP runs a series of material-focused activities that are about working with the supply side of the chain, getting material out of initial waste through processing and manufacturing and into the end market. We are working with plastics people and glass. We have also worked on standards, which we have now moved away from and put those back into the individual programmes, but at the point we were working on standards, the main focus was organic. Things like the PAS100 programme is also in Northern Ireland, although we have a new organics programme in which only parts of the programme are available. In addition to that, we have some overarching programmes that focused on helping the industries that operate in the recycling sector themselves to operate on business and finance, as we call it, which is all about helping organisations to access funding in one way or another. Those programmes are in the business development service which helps businesses become investment-ready, the eQuip scheme which provides access to finance from guaranteeing leases, and the Recycling Fund, which is an equity fund that makes investments that are available in Northern Ireland. On the procurement side, we have worked a lot on developing information and we have started to work with people on how we can change procurement practice. All of that is also available. Much of that at the moment consists of research we have done on Quick Win guides to identify existing products in the construction sector and some management in other areas where products have a high recycle content. A lot of our work in the public sector is in trying to set the targets for recycled content. We are also looking at the public sector in Northern Ireland. In addition to that, some of the programmes that we discuss in detail, although we are in discussion with the Department of the Environment in Northern Ireland at the moment about this, are the programmes Phillip Ward referred to which are more about waste minimisation and awareness. On the awareness front, they already have a good awareness programme. In fact, Northern Ireland was one of the first to start an awareness programme, which has been quite successful, and that is great. In addition to that, there is also waste minimisation. We are working in some very specific areas like nappies and home composting. We are working with the major retailers on attempts to get them to help consumers reduce what they actually throw away. There is an interest in that at the moment. Those are the main programmes in which we are involved.

Q181 Chairman: The reason I asked the question is that waste management is a complex issue and I do not think any of us are quite sure how the relationship between the purchaser and provider of services works inasmuch as you also offer a lot of advice and our devolved administration acts in different ways. We are never quite sure whether or not they prioritise the services that they buy from you, whether or not they purchase them on an ad hoc basis, or whether they are advised by you as to services that they themselves require. Is there a difference between the administrations as to where they are in terms of their demand for services and the level of input you have to give in order to provide a service?

Mr Ward: The key thing to say is, as Steve Creed has outlined, that most of the programmes do go across the piece. There are these newer programmes where, either because one or other devolved administration has already got a programme in place or they are working with another agency as part of another programme in the same area, or for whatever reason, they have taken the view that they do not need to have that service from us. That is fine. I think there are a number of areas where we are still talking to the relevant administrations about whether they would like to take a service from us. There are other considerations. We are keen to be helpful and to provide a service in a way which meets the local needs. That is very important to us. We should point out, of course, that sometimes, it is not cost-effective to devise very tailor-made programmes for one particular part of the UK. There is a balance of dialogue we have to have with people about how we can adapt or produce things which fit local needs where we are building on the basic infrastructure that we put in place on a UK-wide basis. I think we are having quite a grown-up debate about all that. We accept the logic of the devolution situation, which is that devolved administrations have to make judgments for themselves about what they want from us. I would not describe their decisions as ad hoc. Our experience is that they have pretty good
Q182 Chairman: There is always the risk when complex equations. The outcome is di
Mr Creed: Another thing we see as important is not so much prioritisation of the services that WRAP offers but the benefit that all the devolved administrations get, as well as the Westminster-based operations, of having a UK-wide strategy that ensures that a lot of business does not see things within the same boundaries as you might see geographical issues. There are some differences between the Sainsbury shops in London, Wales and Northern Ireland, but basically the company sees that as an operation in the UK. There are certain kinds of things happening in the markets as opposed to the materials side of it. You have to respect how the market is going to respond. Our feeling is that we are providing a clear framework. Another example might be where we are trying to push up public sector targets. One of the things we are very keen on is trying to get people to think about buying products that are recycled in the construction sector on the basis of value as part of the total bill for a particular infrastructure item. The benefit of that is that it creates innovation in supply chains. We are not saying that you must buy a recycled article and you have to buy this kind of brick. We are saying: find a way to meet this kind of target. That leaves a lot of opportunities for innovation. We are also trying to get all the public sector people throughout the UK to think about this in the same way because it will not work for Carillion, which is a UK-wide construction company, to have one target in Wales, a different one in Scotland and another in Northern Ireland. The benefits come if everybody moves together. Finally, there is discussion about what might happen with some of the aspects of recycling and an additional landfill tax. We have been in discussion with DEFRA about what might happen in England, but we are also talking with the devolved administrations and having discussions with them. We are ensuring that there is a collective approach in our activities now and going forward with everybody having an input. We are almost acting across the boundaries to help make sure we do not end up with potentially another Waste Implementation Programme (WIP), as it were.

Q183 Chairman: There are also the opportunities, I take it, to work cross-border in terms of that work going on in the Republic?
Mr Ward: Yes. We have been supportive of that. We might talk later about the All-Ireland paper study which is something we are currently co-sponsoring with the Republic of Ireland Government on the possibility of an all-Ireland paper mill. There is a good clear opportunity to look at that.

Q184 Mr Tynan: The Committee has heard differing views with regard to the seriousness of the situation concerning markets for recycling in Northern Ireland. Would your organisation be of the view that the issue of reprocessing capacity within Northern Ireland is still a major problem?
Mr Ward: It is difficult, as it were, to take that all in one piece. There are different markets for different commodities. Our view is that there is not any particular virtue in saying that all waste has to be reprocessed where it arises. We are talking about materials which are traded nationally, internationally and globally. Therefore, where the reprocessing capacity arises is something which, at the end of the day, will be sorted out by the market. There are some riders to that. Clearly, what we need to do is to have a situation in which material can be collected, reprocessed and used in a way where the economics flow through with value-added at each stage. Where the best place to reprocess is going to be will depend a bit on the nature of the material, how much it is going to cost to transport it anywhere and what the nature of the reprocessing capacity is, and also where the end market is likely to be. For the material once it has been reprocessed. These are complex equations. The outcome is different according to whether you are looking at paper, which is a globally-traded commodity, or at aggregates, which is a pretty locally traded commodity. I am sure there will be elements of the market in Northern Ireland where there are constraints on reprocessing capacity, because this is a developing market and all markets in that phase have hiccups and bottlenecks, but that does not mean to say that everything has to be sorted out there. One of the examples would be the Shotton paper mill. We have been very heavily involved in bringing that to a situation where it is using recycled newspaper. We understand that something like 100,000 households in Northern Ireland are actually supplying the paper mill in Shotton, and that makes
sense and the economics stack up. That is a contribution which we can make to that. I do not think there is a simple answer to that question. I am sure there will be problems and there will be opportunities for market development operations that we and others are providing to try to stop problems where they arise. But overall I think this something which, at the end of the day, the market largely is going to have to sort out.

Q185 Mr Tynan: On a general basis, the view would be that there are no severe constraints in Northern Ireland but there could be special circumstances where that could occur?

Mr Ward: As a summary, that is fair enough. I do not think at the moment in our perception there is a major significant barrier. Of course, as the rate of recycling goes up, the amount of product which has to be shifted will go up. You have to keep everything moving in step. A lot of people, for example, are relying on the capacity of the Chinese market to absorb recyclate and that is fine at the moment. The problem is that if the Chinese market takes a downturn, where else have you got to go? It is a question about diversity, security and sustainability. These are questions which need to be considered as well.

Q186 Mr Tynan: One of the key targets in the Northern Ireland Waste Management Strategy is for the DOE and the DETI to initiate and co-ordinate a market development programme. Have you been involved directly in this and are you aware of the current situation?

Mr Creed: We have been discussing with them how it would make sense to go about doing it. They are looking at various options. One of the things we feel quite confident about is that it is in a small area, so there is a limited number of players you can bring together and work with. I also think there is a lot of on-the-ground activity going on in things like Full Circle in Belfast where different components of what is needed to deliver a market development programme are already in place. It is more a matter of defining the direction it needs to go and identifying a shared vision of how you are going to get there. I believe that is the next step we are looking at taking.

Q187 Mr Tynan: So you are satisfied with your involvement as an organisation in that development?

Mr Creed: Yes.

Q188 Mr Tynan: A waste management industry fund is one of the initiatives that has been set up in Northern Ireland under the Market Development Programme. Have you a view on how effective this fund has been up to date in developing markets for recycling materials and are there any changes you would like to see to the fund? Is there any overlap between the fund’s activities and WRAP?

Mr Creed: If you take the last part first, in terms of overlap, I think the industry is in need of a lot of investment in various forms, so I doubt if we could suggest that a £1 million fund is going to cause an issue of overlap because there is plenty of opportunity in lots of places to make those investments. A co-ordinated approach is needed, but I do not think it is an overlap. In terms of the operation of the scheme, it is always challenging in a situation like this to provide capital grants to people and get the right balance between ensuring that you are confident that what is going to be provided for will actually happen and making it simple enough to gain entry. It is one of the things that WRAP itself in fact is always working on reviewing as to where we are in terms of providing our stakeholders with that kind of access. I think the fund is learning as they go through how you go about making that work properly.

The Committee suspended from 3.59 pm to 4.18 pm for a division in the House

Q189 Rev Smyth: You mentioned that WRAP had funded a study for an all-island wood reprocessing facility. What was the outcome of that study?

Mr Ward: Let me get on the record that we did notice that there had been some misunderstanding about that. We have done a study on behalf of a wood processor in Northern Ireland on the all-island market for wood reprocessing. That was a piece of commercial advice to them about the prospects for the market. I think we are probably limited in what we can tell you about that.

Q190 Rev Smyth: It was not actually a facility; it was just guiding them?

Mr Creed: It was a specific business in Northern Ireland that was looking at the market opportunities. We were trying to help them prepare a plan that would help them raise funding for their activities. That is my understanding of the market conditions.

Q191 Rev Smyth: Some respondents have spoken of the desirability of an all-Ireland paper mill. Are there any reasons why a similar study was not done for paper?

Mr Creed: There actually is a study about to be tendered on 15 September to investigate the potential for an all-Ireland paper mill, which WRAP is part funding.

Q192 Rev Smyth: Would that be developed in Northern Ireland or somewhere else?

Mr Ward: Where the mill would be sited, or if indeed it is sensible to have a mill, is what the study is going to be about. Particularly when it comes to paper, decisions about where paper mills are sited are very complex. They are very large and very expensive installations. As for what guides those who make those investments, traditionally it used to be where the trees were, but these days it is much more guided by where the markets are. The availability of paper to recycle is not necessarily the thing which will drive people to want to invest in Ireland, in the whole of the island or part of it. It will be a question about whether they actually have a market for the output
of the mill and whether that suits their overall market strategy. That is the thing which needs to be investigated. As I said earlier, it is possible that you could take a slightly broader view about where paper is reprocessed and still produce very good value for the citizens of Northern Ireland. As in the Shotton case, a lot of them are supplying that mill. There are different ways of looking at it but we do need to investigate what the opportunities are and what the market possibilities are.

**Mr Creed:** The objectives of the study are to investigate what could be done with the paper. A mill is an option. Another option is an auto paper sorter, which is a piece of equipment that allows you to separate grades of paper to be recycled. Certain types of paper are of much higher value and, rather than have a mill, you might just have a paper sorter that allows you to identify the higher grade and sell it on to a better production and the lower grade can be used locally.

**Q193 Rev Smyth:** I understand that and we also assumed that there were such mills in the past and paper producers. I am more interested in the economic side since WRAP, I understand, is actually funded by the UK Government, the Scottish Assembly and something from Northern Ireland. I just wondered whether the Republic is also contributing to your research?

**Mr Ward:** The actual research we were just referring to, this study, is done 50:50. We are paying half and the Republic of Ireland is paying the other half.

**Q194 Rev Smyth:** Does WRAP concentrate on developing markets for materials captured from municipal wastes, or do you use suppliers and others who are in the market?

**Mr Ward:** WRAP is an organisation concerned with resource efficiency. Although there is a lot of political attention at the moment being driven by the European Landfill Directive which is related to municipal waste, as an organisation and philosophically as well, we are concerned with the whole of the waste stream. Just from a practical point of view, many of the facilities you need will service both municipal waste and commercial industrial waste as well. We certainly do not restrict ourselves to the municipal waste stream. I think it is very important that when you are looking at the whole of the waste, you look at the whole of the waste stream because municipal-al waste does seem a relatively small proportion of the total waste issue. We certainly approach the whole thing rather than one fraction of it.

**Q195 Mr McGrady:** Many respondents have indicated the concern they have with procurement policy which fosters the demand for recyclable materials. You yourselves have a programme or policy dedicated to that. You have mentioned the initiative on sustainable construction in which the Northern Ireland Central Procurement Directorate was involved. Where has this led? Have there in fact been any significant changes in the advancement of this area?

**Mr Creed:** It is encouraging that if you look back at where we are coming from and get some basis on which to take action, it is good that the waste plan that Northern Ireland has produced highlights the fact that procurement, particularly in the public sector, can actually have an impact. So there is a beginning point for seeing government thinking carefully about how they use their money. We never ask them to spend any more money but where they could supply recycled at parity or of equal value, there is now an opportunity. We have looked at various areas to try and make things happen. We have talked to the central procurement people in Northern Ireland about what is going on. They are starting to look at adopting a policy but at the moment they are still at that point. I would like to see some more movement towards adopting the policy and then actually using some of the tools that we are putting together to make it happen. You have to have a top level framework. That is being installed at the moment I believe.

**Q196 Mr McGrady:** In your response you have used the words “thinking about” and “starting on”. Does that mean that the green procurement activities of the government departments in Northern Ireland in fact as submitted have not been fulfilled to date? Are they behind schedule and, if so, are they seriously behind schedule?

**Mr Creed:** I think you have to recognise that procurement is a very challenging area because in the supply chain side of things, for example you can use a capital grants programme to encourage someone to process some material to get it into the supply chain through a large capital grant. To get people to buy things that are made from recycled materials you have to talk to the individuals that are making the buying decisions about what they are doing. That is a much longer-term process. The first thing to do is to get your policy correct so that you have the right starting point and guidelines. The people in the procurement departments as far as I know are thinking carefully about how they can get started on that because if you get the policy right, you can build down into the actual directives and then on to practice, which will get things correct. I welcome the fact that they are thinking about it carefully. There is obviously a need to get moving quickly, but it is not happening that much faster in any other part of government.

**Q197 Mr McGrady:** Could you give us some indication of how much of a boost that public procurement would be to the market developing?

**Mr Creed:** Yes. At the moment, our belief and understanding is that there is about £1.5 billion a year spent by Northern Ireland’s public sector. A 10% shift in that procurement activity would have a huge impact on buying recycled products.

**Q198 Mr McGrady:** Have you any immediate recommendations to make to expedite and enhance the activities of government departments at the moment?
Mr Creed: The recommendation is that it is important to ensure that they frame their policy in a way that will allow the people who are actually implementing it to find it easy to do it. It is very important that the individuals who are making the procurement decisions are clear about what is being asked of them and are able to make it happen. I often see policies that say wonderful things about sustainable development but they do not actually help you as a person practically trying to make it happen. I would recommend a really simple, clear policy, not one that says “you must do this” but one that says “think about these things” and leads you down to your application. It would be worth considering setting a target or two or challenging people to set their own targets or measures of performance so that they have something to work towards.

Q199 Chairman: Can I be clear on that in terms of how you encourage a public authority, a government, to set that target? What is your criterion? What are you working on? Are you working on costs in terms of achievement? Are you working on their social conscience?

Mr Creed: The way that our procurement approach works is that there are two kinds of opportunities in any sort of selling/buying situation. One is that you are buying something because it is fit for purpose; and suitable for the applications at the right price. The other reason that you might buy something is because it has a differentiating characteristic. When it comes to something that is recycled, it is either going to be differentiated because it is recycled or it is going to be fit for purpose and of a similar price value and will work and be supplied in the right amount. One way in which you can make it differentiated in the public sector is by taking the fact that the public sector has made a commitment to lead the way by setting some policies that ask people to consider recycled products, and in that way the recycled product will come to the fore and be considered because it has that differentiating feature. I still would not expect anybody to buy it unless it was either at price parity or very close or else in some cases, for example using paper as insulation material, it might have exceedingly better performance characteristics for a given application, in which case you might be willing to pay a premium because you are getting more of what you are asking for. We operate on that basis in the public sector.

Working for sustainable procurement is all about looking at resource productivity right down to saying, “You should at least consider this”. The policy should set clear guidance that says, “Think about these things”. It does not have to say that you must buy them because we cannot override the basic issues of price, quality and fitness for purpose, but often it is just as necessary to get people to bring those factors into their consideration as well.

Q200 Mark Tami: Staying on the procurement issue, and we are looking at private procurement now, what is WRAP’s role in promoting that? Do you see a role for WRAP in that?

Mr Creed: We do most definitely and in that area it is much harder to create a differentiation because there are many organisations that have what they might call corporate social responsibility issues. They are interested in doing that, but in the private sector ultimately price and particularly quality and fitness for purpose come into the mix. They will pay extra, as I have just illustrated in the insulation application. If they are getting what they want, they will pay more, but the majority of the time it is about finding products that already exist that are at price parity and suitable for the applications. The way we have gone about that is to look at particular market sectors and identify where there are big opportunities, particularly in tonnages, to deliver recycled products. Then we have gone and looked into those specific areas to identify which products are currently available that have recycled content. We have done a great deal of research into what the current recycled content of building structures is, which is between 12 and 15%, and we have investigated what can be achieved, which is closer to 20%. There are opportunities there. We would never ask anyone to spend any more money than they are currently spending on something. All we are asking them to do is to consider other products. We do not want just to be an organisation that writes guidance and creates best practice and says “here is a list of things you might want to consider”. We are working on a programme at the moment. If any of you are aware of organisations that might be suitable to be involved, we would be glad to hear about that. We are looking for trail blazers. These are organisations that are currently doing something, particularly in the construction sector or in facilities management, that are interested in working with us to see if some of the guidance and the Quick Wins list that we have created would be suitable for their use, and, by working with organisations that are trying to apply it, understand more about the challenges that it brings. Then we will produce more information and share those case studies with others to try and encourage them to try the same thing.

Q201 Mark Tami: Is procurement given the importance you think it deserves or are we rather slow on the uptake, as it were, on this?

Mr Creed: The first question I would ask as to whether it is being given the importance it deserves is “by whom?”

Q202 Mark Tami: Are we tackling this issue and looking at resource productivity right down to looking at it or are we just tending to address this as a secondary point?

Mr Ward: It is the case that getting an awareness of what is available and the benefits of buying something is absolutely crucial, in our view, to getting it starting to work properly. At the end of the day, if people are not buying the products, there is no way they are going to be able to recycle them. An awful lot of recycled material is simply embodied in things and people are completely unaware that something is made of recycled material. If you buy a stainless steel kettle, roughly 30% of it will have been recycled from somewhere. You do not need to make
Northern Ireland Affairs Committee: Evidence

8 September 2004   Mr Phillip Ward and Mr Steve Creed

a song and dance about it. There are major opportunities for public sector procurers to do more to stimulate the market, increase market demand and kick start this process. The UK as a whole, all the governments, has been trying to get this going but the research we do indicates that even central government departments that for years now have been committed are not actually achieving this. There are real blockages in the way in which public authorities are getting to grips with procurement issues. I have to say that the EU has just published a report which makes it clear that the UK Government is no different from every government in the EU. Again, they are pointing to the fact that the processes which have been delegated, on the whole to a very low level of organisation and the control which is needed to insist on different procurement, does not really exist in the same way. Therefore, it is the process of getting people aware and making it easier which is really important. The average person going out to buy something does not have time to inquire into the environmental potential. They need to be able to consult something where someone has done that work for them and to know that if they go to this catalogue, they are buying something which meets the requirements and that is the end of the matter. That is the sort of work we are doing. We are trying to make easy for people simply to say, “That is what I want. That is where I can get it from. Thank you. The decision is made”. There is a big opportunity which we are not taking yet. That is why we are spending so much time and effort on it.

Q203 Chairman: That is a critically fundamental issue, is it not, about visibility? Surely, more work needs to be done very quickly on the catalogue issue and making sure that people do not have to go through that search process and thus reduce their research costs? That surely should be work that WRAP is undertaking to make it very visible?

Mr Creed: We could supply you with some examples of the work that we are doing. We are happy to send some along if you want to look at it. I can organise that. We are aware that this is not an easy task and so you have to work with the people that are trusted by the procurers currently. We need to work with the intermediaries as well, and so we are looking at how we can get buying collectives associated with local authority activities and things like that to put more recycled products in there guides or alternatively highlight where there are recycled products. It is about labelling as well. That is another challenging area. We recognise that is an important part of the work and we are doing it.

Chairman: That brings us on nicely to a number of questions that we wanted to ask on standards.

Q204 Mr Bailey: I confess that, until we did this project, it had escaped me that there did not appear to be an acceptable scientific definition of “composting”. I understand that this has caused some problems to local authorities. The English Best Value standards do define this relative to a standard for soil improvers. Could you say what role there is for the PAS100 standard, which you mention in your submission, in satisfying the needs of local authorities in terms of defining what is, or what is not, compost?

Mr Ward: Our simple position is that we have put a lot of effort into PAS100 to try to define something which meets a particular requirement. The problem about compost is that it is an old word, it has had many meanings, and it has also been reinterpreted to suit other people’s words. If you pressed us, we would say that we mean by “compost” something that is introduced in a way specified in the PAS100, something which will perform the functions which are described there. We have already mentioned that this can be given force and impact. The action taken by SEPA in Scotland is exactly the sort of positive action which makes it clear that if you get something up to this standard, it is not waste any more but it is a product; it has a purpose, a function and a market value. We are concerned that there are people who will want to pass off soil conditioners—and I use that word generically—as compost. We think it is very important for market confidence that consumers know that when something is described as compost it should meet the PAS100 standard and know that it is what it is. We do not want people undermining the market by selling inferior products with the wrong labels on them. We put our flag on PAS100 basically.

Q205 Mr Bailey: And not on sub-standard compost? Just to follow on, from the fact that you are working on appropriate British standards to enable more use of and greater confidence in recycled materials, could there be assumed to be recognition of this and the benefits flowing from it in Northern Ireland as a result of your work?

Mr Creed: There is a composting organisation in Northern Ireland that has already certified to PAS100 and is enjoying the benefits of that in that they are able to sell their product into garden centres in other growing mediums so that people can have full assurance that the product is of high quality. It has definitely had an impact in Northern Ireland.

Q206 Chairman: What is the picture outside of compost?

Mr Creed: Outside of compost, the next closest thing is something announced this week, a manufacturing activity for recycling glass that is using the Kristaline process. We have PAS102 that defines various grades of glass for recycling endmarkets, and they may well start to use that for some of the applications. While we were not directly involved in what was going on with that investment, many end markets are using it in golf course sand and considering using it in water filtration and for grit-blasting applications. Those are all defined standards in the glass standard, so they would probably be producing it to that standard in order to meet the market requirements. That is covered by much of the work that we have been doing. It is indirectly a big benefit but perhaps not in a direct sense.
Mr Creed: Yes. We are very interested. Where our Northern Ireland, everything that WRAP does is recycling o
delegates so far on three courses and a lot of work with Invest Northern Ireland as much as

two-thirds of those. We have had 38 is the DOE. I am very keen and we would like to
Ireland, for example, and other types of support, says they want it. Our liaison o

V

Are you taking WRAP to the parish level as well as
about on a sub-regional basis and localised or even
out for new initiatives? I am particularly thinking

Q208 Mr Pound: I am impressed by that. What
about other organisations? Does your liaison officer
have a roving brief and does he or she keep an eye
out for new initiatives? I am particularly thinking
about on a sub-regional basis and localised or even
parochial initiatives, of which there are some.

Mr Creed: The liaison officer’s role is partly about
representing all of WRAP’s activities in Northern
Ireland so that the people of Northern Ireland can
gain the best benefit out of what WRAP is doing and
at the same time identify the opportunities for
WRAP to integrate. He is always on the lookout for
new organisations emerging and activities in which
we might become involved. He regularly meets with
all kinds of local initiatives. He makes presentations
about what WRAP is doing. He tries to keep
generally involved. You should be aware that liaison
officers also have a part role in the actual delivery of
our business support service. That means he is out
talking with businessmen in the reprocessing sector
on the ground about the problems that they are
facing. Often that services other organisations and
activities that are going on which might be related.
He is busy out the all the time with an ear to the
ground.

Q209 Mr Pound: Is it a two-way street, Mr Creed?
Are you taking WRAP to the parish level as well as
taking the parish level to WRAP?

Mr Creed: Yes. We are very interested. Where our
programmes do offer capital grants in Northern
Ireland, for example, and other types of support,
then one of the key roles for the liaison officer is to
ensure that people are aware that those
opportunities exist and he will take them down to
that level. Every year we have a stakeholders’
meeting in Northern Ireland. That is coming up on
15 October. The liaison officer is out there ensuring
that we get representation from all the different
bodies right down to the parish level and that they
come along and talk to us about how they feel
WRAP is delivering these things that we should be
doing or not doing. Perhaps they want to tell us how
well we are doing, although that is less likely in the
matters.

Q210 Mr Pound: This is a slightly technical question.
Obviously you are situated now within the DOE in
Northern Ireland. The Welsh model is slightly
different as it is linked to the Welsh Development
Agency. Do you have a view as to whether the
Development Agency matrix is more appropriate or
that of the DOE, or is this historic?

Mr Creed: I think it is historic because the sponsor
is the DOE. I am very keen and we would like to
work with Invest Northern Ireland as much as
possible because their activities are complementary
to ours. They are interested in inward investment,
job creation, business capacity building, that sort of
thing. We are interested in trying to make that
happen in the recycling sector. We can complement
each other with different levels of support in terms of
our funding and other activities. I am very keen to
see as much work with them as possible. Where the
actual liaison officer is located is really a matter of
how we can ensure that we get the best co-operation
through all three parties and he may be some of the
time in both places.

Q211 Mr Pound: If you were starting with an
immaculately recycled blank piece of paper,
hopefully from the all-Ireland paper mill, and you
were designing a structure for the future—and I am
asking personally or professionally—would it be
with the Development Agency or with the DOE or
both? I am talking about the physical location.

Mr Creed: I would suggest both. I take the example
of Scotland where the situation is reversed. Our
liaison officer in Scotland actually sits with the
Waste Strategy people in the Scottish Executive but
he has strong ties with Scottish Enterprise and he
visits them at times. Both options work quite well. It
is just a matter of ensuring that there is an awareness
of the total requirements of what happens.

Q212 Mr Luke: My question is concerned with the
prognosis in your report of a healthier future for
recycling in the province. You have your liaison
officer. What other mechanisms have you in place to
energise these kinds of activities to take you from
where you are today to a really all-round or all
singing and dancing policy in this regard?

Mr Ward: We should stress that although our liaison
officer is, as it were; our person on the ground in
Northern Ireland, everything that WRAP does is
made available to anybody in Northern Ireland who
says they want it. Our liaison officer is not the only
method of delivering those services. We do have
other ways and other WRAP staff now visit the
province in order to assist.

Mr Creed: I can give a few examples. In terms of
other activities, we have also worked with 20
businesses that have made inquiries of us from
Northern Ireland to date. We have provided over £30,000 of direct support to three businesses that are working on developing funding ability. We have had one application to our eQuip scheme for the purchase of assets through that guarantee I described to you earlier. I have already told you about training 38 delegates through our recycling managers’ programme. We have already provided 22 delegates a course on compost and quality training, as it happens, in Northern Ireland and there is another one to come. One business, as I have already said, has achieved PAS100. That means that a lot of other people besides the liaison officer are in Northern Ireland on a regular basis. Part of the liaison officer’s role when he is talking particularly to businesses is to identify whether there is a technical support requirement. Often the technical specialists from glass, plastic and paper go along with him to visit people. It is not just the liaison officer who is there regularly; a number of people from WRAP come into Northern Ireland. I myself visit at least every quarter and meet with our sponsor and discuss what has been happening. There is quite a lot of activity going on there.

Q213 Mr Luke: You have made the point, and we talked about the project and money, and obviously funding has been set aside to assist you in that at £1 million. That is not a great deal of money when you look at the immense task facing you. Do you think there is more scope for the European Union, given that you talk about the European market and the relationships you have with Northern Ireland? You also have relationships with the Republic and with Scotland. I wondered if you think there is a bigger role for the European Union in this as to what we can gain from this to make sure that there is a much more European approach to it.

Mr Creed: I go back to something I said earlier. One of the benefits that comes from much of the Objective one and two funding that is already available from Europe is that it has different objectives in trying to make the reason for the funding happen: it is about capacity building and business creation. It is just as important a part of the recycling as actually extracting from the waste stream. I think it is quite positive as long as they keep funding in that way that it is complementary because it means that we can all work together and there is less risk of us being accused of duplicate effort. One of the big challenges that we are always being asked to explain, and I am sure you will respect this, is that we would not want to see ourselves spending money on something on which another government-funded agency is also spending money. If Europe starts spending money on the same target areas, we would have even more challenges in deciding who was spending the money on what. If they are spending the money on helping businesses to develop and we are spending money on helping businesses to get into recycling and develop, then these are very complementary activities. If they keep putting in more money in that way, that is great. It also adds a lot of discipline to the sector early on to have a combination of grants for what they are actually doing and challenges about being commercially sound. Those funds often give that as an initial starting point and it adds a lot of value as well.

Mr Ward: It does reinforce the benefits of closer working with Invest Northern Ireland if we are to have the ability to link across those two trains of thought. There are possibilities there for further development.

Chairman: Gentlemen, we are grateful to you for your submissions. We were also encouraged by the encouraging end to your submission when you said that the sectors were well placed to create, exploit and participate in the Northern Ireland market. Thank you for your evidence this afternoon and thank you for the evidence you have provided us so far. We will take into account your comments this afternoon when writing our final report.
Wednesday 13 October 2004

Members present:

Mr Tony Clarke, in the Chair

Mr Adrian Bailey  Mr Stephen Pound
Mr Roy Beggs    The Reverend Martin Smyth
Mr Stephen Hepburn  Mark Tami
Mr Iain Luke

Memorandum submitted by Waste Management Advisory Board for Northern Ireland

The Waste Management Strategy for Northern Ireland was published in March 2000. It fulfilled the commitments of the Department of Environment under the European Waste Framework Directive. The NIWMS was the result of a three-year consultation process involving all the key stakeholder groups. As a direct result of the spirit of partnership developed during the consultation process the Waste Management Advisory Board for Northern Ireland was established to provide a cross-sectoral forum to assist with the promotion and implementation of the Strategy.

The Boards overall responsibilities were to:

— Guide the involvement of key stakeholders in achieving the aims and objectives of the Strategy;
— Oversee a Market Development Programme;
— Prepare a Strategy Review Report.

A Board comprising 15 members drawn from all key stakeholder groups and appointed by the Minister for the Environment was created in May 2001 chaired by Mrs Deborah Boyd. A secretariat was established in August 2001 to support the work of the Board.

Specialist working Groups were established and included:

— Business Forum for Waste Minimisation;
— Reduction, Recycling & Recovery Group;
— PR, Education, Awareness & Training.

The terms of reference for the Board are to be found in Annex C of the NIWM Strategy Document.

Context of NIWMS

The EC Waste Framework Directive on Waste requires all member states to prepare waste management strategies to ensure the development of an integrated network of regional facilities, and progress towards sustainability.

Similarly, the EC Hazardous Waste Directive requires hazardous waste be included within waste management strategies and plans.

The Waste and Contaminated Land (Northern Ireland) Order 1997 implements these EC Directives. The Order required District Councils to prepare Waste Management Plans to establish a network of facilities.

Objectives of NI Affairs Sub Committee on Waste

— To conduct an inquiry into the implementation of the Northern Ireland Waste Strategy.
— To examine progress in meeting targets as set out in the EC Waste Framework Directive.

Questions:

1. action to reduce the amount of household waste sent to landfill;
2. progress on recycling in Northern Ireland and the potential development of the recycling industry here;
3. the current and future availability of landfill capacity in Northern Ireland;
4. illegal dumping of waste;
5. proposals for alternatives to landfill such as incineration; and
6. the potential to learn from experience elsewhere.

The Board have debated this submission and the attached six-page document represents the Boards interim views pending the publication of our NI Waste Strategy Review Report in May 2004.
ISSUE 1: ACTION TO REDUCE THE AMOUNT OF HOUSEHOLD WASTE SENT TO LANDFILL

The Local Authorities participated in voluntary partnerships and established three regional groups.

- Arc21 — 11 local Authorities Eastern Regional Group
- SWaMP — 8 local Authorities Southern Regional Group
- NW — 7 local Authorities North West Regional Group

Each regional group produced a Waste Management Plan (WMPs) and these were submitted to the DOE (the Department) in June 2002. The councils clearly identified an approach for the Municipal waste stream through the WMPs but did not include Commercial and Industrial, Construction and Demolition, Hazardous and Agricultural waste streams.

The primary strategy target for household waste is to recover 25% by 2005

Secondary targets include:

- Stem the increase in household waste arisings returning to 1998 levels by 2005, each district council to set out in a Waste management Plan provision for recycling or composting 15% of household waste arisings by 2005.
- Reduce the quantity of Biodegradable Municipal Waste to 85% of 1998 levels by 2005.

The Board recognises the dedicated work by all of our district councils in completing their Regional Waste Management Plans and the implementation plans to deliver the Northern Ireland Waste Management Strategy targets outlined above.

All the regional plans propose to deliver the primary target of 25% household recovery by 2005 through recycling and composting. None of the plans identify other recovery options or investigate the use of alternative treatment and processes to deliver this target.

Our discussions with Local Authorities indicate an expectation to achieve the targets through composting, recycling and segregated household collections of dry recyclables by 2005. One of the main delivery mechanisms will be Civic Amenity sites which make the biggest projected contribution to recovery in the regional Waste Management Plans.

However, in reality, the strategy completely fails to put in place mechanisms to do this. The overriding benefits to be gained from actions to target waste growth rates and waste reduction have been examined by the Northern Ireland Resource Flow Analysis and Ecological Footprint funded by the Institution of Civil Engineers and Biffaward, the project began in September 2002 and has now been completed. Ecological footprint results from the study illustrate that the current focus within the Northern Ireland Waste Management Strategy on recycling will achieve little in terms of sustainability, unless the issue of growth in waste arisings and waste reduction is addressed.

- Much more emphasis must be placed waste prevention as opposed to dealing with the waste produced.
- Waste production by all sectors must be addressed; to date concentration has been on municipal and this imbalance must be addressed.
- Implementation mechanisms within government must allow and encourage a strategic overview of all waste and resource issues if there is to be effective implementation of all aspects of the Strategy.
- A coherent programme should be developed across all levels of government and all policy areas which addresses the need for significant behavioural and attitudinal change with regard to resource use throughout society.

ISSUE 2: PROGRESS ON RECYCLING IN NORTHERN IRELAND AND THE POTENTIAL DEVELOPMENT OF THE RECYCLING INDUSTRY HERE

The failure of the strategy to meet its objectives is a huge missed opportunity in terms of economic development and wealth creation in Northern Ireland. A wide range of research has demonstrated the job creation benefits associated with sustainable waste management technologies. While local authorities have formed partnerships and three sub-regional Waste Management Plans have been formulated and implementation has started performance in other areas has not been in line with the commitments given within the Strategy.

The current planning process relating to waste management militates against infrastructure development and investor confidence. A comprehensive network of waste facilities has not yet been achieved and there are not enough large-scale licensed facilities

The issue of Commercial and Industrial wastes has been largely ignored in the development of the Regional Plans, and there has been little consultation with these sectors.
The mechanism employed by the current Council Waste Management grant scheme does not lend itself to long-term infrastructure development. There is major concern over the time taken to process planning applications for Waste Management Facilities, and over the need for integration of waste management and land-use planning.

The current regional waste management plans take no account of the role of the private sector in providing waste solutions. This needs to be addressed as a matter of urgency.

We need to develop a five-year rolling plan for the deployment of capital monies for major infrastructure projects. Funding to develop the infrastructure needs to be committed by government commensurate with the value of the infrastructure to be developed.

All WRAP services available in England, Scotland and Wales need to be made available in Northern Ireland.

The operation and mechanics of the Waste Management Industry Fund need to be reviewed to make it more effective, especially to make more monies available and to stimulate greater take-up by the private sector.

The Board would wish to see 100% of the revenue generated in Northern Ireland by the Landfill Tax Credit Scheme (or its successors) should be ring fenced to support the development of sustainable waste management practices.

The failure to deliver on the vision, objectives and targets set out in the Northern Ireland Waste Management Strategy represent a missed opportunity which has cost Northern Ireland in terms of:

- The establishment of a Centre of Excellence;
- The economic development and job creation opportunities associated with sustainable waste and resource management;
- The opportunity to “embed” and develop a knowledge-base of cutting edge analytical and modelling methodologies which are being developed and delivered in all other areas of the UK;
- The opportunity to attract inward investment from multi national companies which demand high environmental quality standards.

DETI and other economic development bodies (Invest NI) must be persuaded of the importance of recognising the inter-dependence of modern infrastructure for sustainable waste management and economic development. Northern Ireland has been slow to acknowledge the importance of the waste management infrastructure in attracting inward investment or the jobs potential in this sector of environmental industries.

Cross cutting strategies require significant direction and co-ordination from the centre of Government. Other means of supporting and incentivising cross-Departmental action should be considered, including the provision of cross-Departmental funding sources for appropriate initiatives. Funding for PPP and PFI for major facilities is a key issue to be addressed.

**ISSUE 3: THE CURRENT AND FUTURE AVAILABILITY OF LANDFILL CAPACITY IN NORTHERN IRELAND**

The Landfill Directive has required the reclassification of Northern Ireland existing landfill sites into three categories defined by the waste type accepted. This exercise commenced with the transfer of power to EHS in January 2004. The current landfills will either reach the required operational and environmental protection requirements or be closed. The process of Site Conditioning Plans and licence transfer is well underway with EHS now fully responsible.

It is inevitable that landfill closure and infrastructure investment in those who meet the standard will lead to increased cost for access to dispose of waste. It is essential that recycling and recovery infrastructure development is fast tracked to offer alternatives, which can replace lost landfill capacity.

Concerns were expressed at the objective of a 40% reduction target for Landfill sites particularly in the absence of guidance and co-operation between Councils. There were also questions about the rationale for including this target. There was support for a well informed and consistent approach to standards and for the Quality Assurance in terms of landfill, particularly from those in the waste industry who emphasised that landfill will remain a part of an integrated solution.

**ISSUE 4: ILLEGAL DUMPING OF WASTE**

There is no doubt the illegal dumping of waste from outside Northern Ireland has become a major problem. Recent investigations and media reports suggest a wide scale flouting of Trans Frontier Shipment regulations related to cross border waste disposal. The recent Irish Times features indicate a need for collective and rapid response if this is not to be another funding generator for “smugglers and paramilitary gangs”.

The Board would like to see closer co-operation between DOE EHS and DOELG and the EPA in the Republic of Ireland in a joint operation to control these illegal disposal routes.
A cross border forum involving all key stakeholders should be established to discuss areas of mutual concern as recommended by CBI/IBEC Cross Border report on Waste Management published recently.

Concerns were also expressed regarding the failure within Northern Ireland to address:
— Fly tipping (both public and business) lack of enforcement;
— Lack of enforcement of Duty of Care regulations;
— Lack of a deterrent policy with clean up costs normally having to be paid for by local authorities;
— Fines for convictions less than the cost of legal disposal.

Some Commercial and Industrial wastes are not being properly handled by registered waste management companies leading to the illegal deposition of waste. Urgent mechanisms need to be put in place to enable enforcement of existing Duty of Care legislation throughout Northern Ireland.

**ISSUE 5: PROPOSALS FOR ALTERNATIVES TO LANDFILL SUCH AS INCINERATION**

Local Government recommended that the position with regard to Waste to Energy needs to be specifically defined and direction given by central government.

Waste to Energy may have a role in the future if properly balanced against recycling and reduction programmes. The Advisory Group Report originally recommended that incineration should be viewed as less desirable than recycling, reuse and reduction. It should also be flexible enough to allow application of new technologies. The Group further recommended that, in terms of the new PPS for Waste Management, there should be a presumption in favour of CBP, with pre-sorting and adequate disposal of ash residues. It also recommended the development of small incremental units with bolt on facilities, rather than larger all consuming facilities which may impinge on recycling targets.

In investigating alternative treatment technologies it is recognised that the application of BPEO Best Practical Environmental Option should be used in a Northern Ireland wide approach. In developing guidance for BPEO, the department should seek to fully engage stakeholders and use a common approach or methodology under the guidance of an Expert Panel. This should assist in determining an integrated and adequate network of facilities giving more “direction” in terms of what types of facilities should be in the Waste Management Plans.

The government needs to establish a fund for the research and development of demonstration projects into alternative technologies that could provide solutions to the waste disposal problem.

The Department was to co-ordinate funding for development and demonstration (D&D) projects, to produce a D&D Waste Management Plan for Northern Ireland and to co-ordinate D&D efforts with other UK and ROI Environmental Protection Agencies. At present, the Board understands no such co-ordination has taken place and no D&D Waste Management Plan has been produced for Northern Ireland.

The Board recommends the establishment of a NI Development and Demonstration Plan and a delivery programme, ideally in tandem with other Agencies and engaging with the Waste management sector through Invest NI.

Government need to consider establishing a fund, probably involving DETI through INI, for the research and development of demonstration projects into alternative technologies that could provide solutions to the waste disposal problem. This fund would need to be similar to the New Technologies Programme worth £32 million and launched in the UK by the Technologies Advisory Committee, to stimulate R + D into new technologies for biological municipal waste and support demonstrator projects that establish technical and commercial viability for emerging and near market technologies. The NTP applications will be passed on to DEFRA with a recommendation for support.

The current overall method of funding via the DOE is delivered too late and allocated on an annual basis which makes it impossible for either Councils or industry to secure funding for major infrastructure developments. Should DETI not clearly recognise the Waste Management and waste treatment sector as one of the high growth sectors in the future and Invest NI amend its policy to reflect this?

Northern Ireland should be pro-active in addressing waste issues and become a leader in researching, developing and implementing new technologies and ideas, which address the use of all resources.

**ISSUE 6: THE POTENTIAL TO LEARN FROM EXPERIENCE ELSEWHERE**

It is always beneficial to look at Best Practice on a global basis. For example the field of environmental technologies is advancing rapidly and a number of demonstrations projects could result in alternative to the landfill-v-incinerator (or waste to energy plant) arguments being expanded to include a wide range of alternatives.

It is evident that work being completed regionally, nationally and internationally will revolutionise the waste treatment options available.
Future investment in our waste management infrastructure or the application of technology transfer agreements could offer Northern Ireland an opportunity to create regional solutions which could then be marketed globally by Northern Ireland Companies.

We are firmly of the view that the Waste Management Strategy would be much more successful if it is mainstreamed into the Programme for Government and integrated as a cross-cutting issue across all 11 Departments of the devolved administration.

This will require direction and ownership from the top and throughout Central Government, and empowerment of individual Departments who bear influence on any of the aspects of the Strategy, particularly those relating to Sustainable Development, Green Procurement, Market Development, Funding, Planning and Partnerships.

It is evident that as there is a lack of joined up thinking, both within Central Government and with Local Government in respect to applying a coherent and robust approach to delivery of the Strategy.

Accordingly we feel that a model such as the GB Central Local Partnership may be the appropriate mechanism for fostering a joined up approach to the Strategy. Incorporation of such an approach would encourage the Department to ensure there is a cohesive inter-agency approach to the Strategy, particularly engaging the four relevant DOE divisions ie Planning, EHS, EPD and Local Government Division.

Northern Ireland should engage with the development of EU policy.

23 April 2004

Witnesses: Professor Deborah Boyd, Chairperson, and Mr Trevor Knipe, Member, Waste Management Advisory Board for Northern Ireland, examined.

Q214 Chairman: Trevor and Debbie, we were just talking before you came in of the last time we met Debbie, we were talking all things Harley-Davidson, if I remember?

Professor Boyd: We were indeed, Chairman.

Q215 Chairman: I do not think Trevor was at that dinner, were you?

Mr Knipe: No.

Q216 Chairman: Welcome to the Committee. I am sure you are well briefed in terms of our inquiry and the issues that we have been raising with other witnesses. I hope you will find there are no questions we put your way that you will not be able to respond to. Probably you will pre-empt a lot of our investigation. Can I begin by talking about the Advisory Board itself so that we can get an idea as to its remit. The terms of reference are very broad. How have you been able to respond to that broadbrush terms of reference document and do you think you are able to do justice to your terms of reference?

Professor Boyd: Certainly in May 2001, to be precise, the Waste Management Advisory Board were appointed. The terms of reference were already detailed within the Strategy, but we did have to take those terms of reference and try to make them into practical working arrangements. We are a Board of 15 key stakeholders drawn from different backgrounds. The power of, the independence and the advisory nature and role of the Board I believe was in giving the key stakeholders an opportunity to present the Department with the views of how the Waste Management Strategy was being implemented from May 2001 to date. Our terms of reference were to guide the active uptake of the Strategy and we engaged through the key stakeholder groups to do that. We established a Business Forum for Waste Minimisation, which my colleague Trevor Knipe chaired. We established a markets development group, known as the 3Rs Group, which was chaired by Dr Robin Curry, and we expanded to include a group which looked at public awareness, education and training requirements within waste management, which was chaired by David Eastwood. We went into what were supposed to be bi-monthly sessions but actually turned out to be monthly meetings because of the workload that was necessary; we were playing catch-up. I believe we have delivered on our terms of reference to date and that the Waste Management Strategy Report, which we produced in June of this year, was the third part of our terms of reference, which we were asked to do and which we completed.

Q217 Chairman: Would it be fair to say that you are happier with your terms of reference now that you have reviewed them and sharpened them up into more measurable objectives, than you were when the original terms were laid down? Would that be a fair comment?

Professor Boyd: That would be a fair comment. I think you were right to make was that it became very difficult to monitor progress when you had not got any necessarily measurable objectives and in the absence of a thorough implementation plan. Do you want to talk us through some of those difficulties and
how you see a way round those difficulties? It is a very tough task we set you and yet we have done it without necessarily giving you a mechanism to measure success against. Talk us through the difficulties?

Professor Boyd: The Implementation Action Plan was referred to on page 66 of the Northern Ireland Waste Strategy. That was the extent of the Implementation Action Plan received by the Waste Management Board until very late in 2003 when we received a draft of an implementation plan from the Department. Without an implementation plan, I am in business myself and if you cannot measure you cannot manage. As far as the Board were concerned, one of the key recommendations we made was that in order to deliver the Strategy not only do you need implementation plans for the regional waste plans drawn up by the district council but clearly there needs to be an implementation plan by the Department for the delivery of the Strategy. In our terms we describe those as smart implementation plans, and by smart I mean specific, measurable, achievable, realistic targets which can be validated externally as well as internally. Then we refer later in the Report to an independent review of those achievements and we refer to a smarter plan, basically that is the previous matters with evaluation and review attached, and that can be either internal or external. It is our belief that an Implementation Action Plan from the Department would have made our job much easier in recognising the successes that the Department achieved and also in recognising the areas where less success has been achieved.

Q219 Chairman: Why do you think that the Implementation Plan was so slow in coming forward, was so noticeable by its absence?

Professor Boyd: There was a heavy reliance placed, I believe, on the 26 Regional Councils, evolving into three Regional Partnerships, and the plans which they were producing. In effect, local government and the councillors and the officers of local government were producing three regional plans for Northern Ireland and I think possibly the implication was that when those plans were produced perhaps an implementation plan would roll out of it. I am still of the belief that under my Board there needs to be a separate departmental implementation plan to deliver the Strategy and there need to be implementation plans for the three regional groups obviously which feed into, underline itself with that Strategy.

Q220 Chairman: One of the other areas of criticism that we picked up on was that levied against the lack of linkage between Government strategies and policies. Would you like to comment a little bit more in order to cover a handover period, during which a new phase of the Strategy will be publicly consulted on your criticisms of that lack of linkage?

Professor Boyd: To be honest, as far as smart is thinking as well.

Mr Knipe: Yes. I think certainly a new strategy needs to have the targets and there needs to be linkages, not only from the Waste Management Strategy to others but the other people who have a role in policy development need to recognise the Waste Management Strategy and bring that into their thinking as well.

Q222 Reverend Smyth: I think we all recognise from other responses that the Government has been criticised for not being ahead of the game. Recently they did appoint a person in the Department. Would that have been at the time that they moved from smart to smarter, or would it have been after, or what has happened?

Professor Boyd: To be honest, as far as smart is concerned, we still await the arrival of the Implementation Plan with the specific measurable, achievable, realistic targets contained therein.

Q223 Chairman: You say you still await the arrival. Could you say when you have been told its arrival is due?

Professor Boyd: The life of this Board has been extended from June of last year to June of next year in order to cover a handover period, during which a new phase of the Strategy will be publicly consulted upon. My understanding is, from information provided, that a revised version, a version two of the Strategy, will be made available to the Waste Management Board by January and the public consultation will take place from March to June. Therefore, by the time I am relieved as Chair of this Board there should be a full public consultation of a
Strategy which will contain a smart implementation plan, or at least smart targets and the implementation plan which follows thereafter.

Q224 Chairman: Certainly it will be helpful to us, in terms of the printing of our report, I should imagine, if you are saying January?
Professor Boyd: January is my understanding at this point.
Chairman: My apologies for interrupting you, Martin.

Q225 Reverend Smyth: As we understand it, there are two procurement-related issues which have to be faced. One is that of procuring facilities and the other is that of the green procurement. Can you tell us what the Department or the Government might have done differently to improve these matters?
Mr Knipe: I think it is clear that there needs to be leadership to deliver the Waste Management Strategy and particularly to achieve the targets for recycling, and that can only be achieved and needs to be led at Government level. It is not something that can come solely from the Department of the Environment, other departments have a role to play, both within their own departments in specifying recycled materials or materials from other sources but also in providing a lead to encourage others to think in that way. The main function, I suppose, for us, is the Procurement Directorate, in that they have the main role in public procurement for Northern Ireland for the Civil Service. If they had a specific target within the Strategy, an objective within the Strategy, then that sort of leadership would come through and others would recognise that, if it had to stimulate markets, if they were specifying those sorts of materials. Because of their purchasing power it needs that sort of stimulation to encourage people in Northern Ireland to recycle more and think about using recycled products.

Q226 Reverend Smyth: You say “Government”, would that be automatically a ministerial responsibility? Are you saying that the different ministers have not been allocated to those departments which should be co-ordinating, in other words that even ministerial responsibility is divided?
Mr Knipe: Yes. I think that is a weakness of the Strategy, that most people see the Strategy as being a Department of the Environment Strategy and it is down to the Department of the Environment to make it happen. There seems to have been no co-ordination across departments and one of our main recommendations is that there is a high-level, permanent secretary level committee formed to help deliver the Strategy across all departments and get buy-in from all departments particularly into the new Strategy.

Q227 Reverend Smyth: When you say the permanent secretary level, would it not be even better at the procurement level in each of those departments? I am just trying to figure out which is the best method of doing it.
Mr Knipe: We discussed this ourselves at some length and we thought permanent secretary level would be more effective in getting it to feed down through departments. It is not simply procurement within the departments either, it needs a change in mindset within departments, and that can be driven from permanent secretary level.

Q228 Reverend Smyth: Thank you, that is very helpful. Can I go on to regulations and guidance, because it has been suggested that there are three areas where you have been working on your own, to some extent. Progress has been made, as I understand it, in terms of the wider application of the “polluter pays” principle, one can understand that and we believe that is satisfactory. On the other hand, the use of economic instruments has been largely ignored. Is not this somewhat contradictory?
Mr Knipe: Certainly we feel it is. If I go back quite a number of years, for example, to when the Landfill Tax was introduced, it was introduced at a fairly low level and it was increased by £1 per year. It was not an incentive to people to reduce waste, it was just a cost, particularly from an industry point of view, which was absorbed, as far as municipal waste was concerned and the councils were concerned, into their costs and really did not drive any reduction in waste production. The change from 1 April next, when the Landfill Tax goes up by £3 per tonne, will start to have more of an effect in driving the need to reduce the amount of waste that people are generating. Certainly we welcome that, but we would see other opportunities as well. There might be a case for the development of landfill credits in Northern Ireland as an incentive to people to recycle. Other options could be Enhanced Capital Allowances which would act as a carrot, if you like, particularly within industry, to reduce the amount of waste if they were getting some payback on that. There are things which can be done. As far as the stick is concerned, I suppose the other one is that it would be helpful if the penalties imposed on people who are operating illegally were sensible penalties, significant penalties, which were not reduced virtually to zero on appeal almost continuously.

Q229 Reverend Smyth: Returning the lorries with their full loads. A significant change for that offence is going to be imposed?
Mr Knipe: That is a fairly hot issue just at the moment.
Chairman: You pre-empt our next question wonderfully, because we want to turn to the problem of illegal dumping.

Q230 Mr Bailey: In your original submission to the Committee, the Board recognised that illegal dumping of waste from outside Northern Ireland had become a major problem. First of all, what is your role in the context of illegal dumping?
Professor Boyd: The Waste Management Advisory Board is about, I believe, protecting or assisting with the protection of the environment in Northern Ireland and anywhere where waste, whether it originates in Northern Ireland or outside of
Northern Ireland, is illegally dumped. It actually impacts on Northern Ireland itself, and that is where I believe we have the right to make a comment and advise people that we believe it is something which is a detriment to Northern Ireland and a detriment to the Strategy which we are trying to implement. In that Strategy they are trying to assess capacity for Northern Ireland waste and that capacity is being undermined by the illegal transport of waste and space being taken up by it. That then will impact upon the delivery of the Strategy and I believe therefore will fall under our terms of reference.

Q231 Mr Bailey: Do you monitor, insofar as you can, obviously, the level of the illegal dumping as opposed to appropriate and legal disposal?

Professor Boyd: The Waste Management Advisory Board has no role for monitoring illegal dumping. However, as we are drawn from the key stakeholder sectors involved in this chain, I myself come from an industry background and my day-to-day business is about knowing what goes on in the environment, I can tell you that we do keep our eye to exactly what is going on. It is very important that we tackle illegal dumping, but there are a number of ways. It takes a substantial amount of resources to put fully-equipped enforcement teams on the road, such as those Reverend Smyth has just referred to, but what is much more important is that when you stop loads or when loads are identified as illegal the powers are there to make it hurt for the illegal trader. However, I must add, in light of the fact that the issue relating to recent stops has been mentioned, when those investigations are complete I think it is very important for this Committee to look at and assess whether or not the stopping of legitimate loads, destined under trans-frontier shipment for legitimate recycling centres, constitutes illegal waste. That question then raises the issue, of course, of cross-border trade and where there could be economic benefit from doing that kind of trade on a cross-border basis. Please understand that from the Board’s perspective we are totally opposed to the illegal waste trade. However, we recognise that there are benefits to having a neighbour next-door who has less infrastructure than we have and there are economic opportunities for Northern Ireland. Using the mass of that tonnage which is available on an all-Ireland basis is very similar, I believe, to the way we have used fridges in Northern Ireland where we have had an all-Ireland contract. Whilst the processing does not take place on our island, currently it comes to the UK for processing, there is no reason why the black economy, being fuelled by the illegal waste trade, could not be stopped in its tracks by the provision of infrastructure, supported around the border, whose tonnage could come legally under trans-frontier shipment from the other side of the border. This would provide income, jobs and technological advancement for Northern Ireland, for the service of Northern Ireland waste, but benefiting from offering our colleagues across the border a route for recycling and recovery.

Q232 Mr Bailey: If I may say so, you said that with some passion.

Professor Boyd: I do have a lot of passion about this industry, I have to tell you, and I am renowned for it in my own home town and country.

Q233 Mr Bailey: Would it be fair to summarise it by saying that providing the trade was enforced properly actually it would be of considerable economic benefit to Northern Ireland, and does that go across the whole range of waste materials, from inert to active materials, and you mentioned fridges?

Professor Boyd: In my experience I am talking about municipal solid waste, commercial and industrial waste, construction and demolition waste, end-of-life vehicles and waste electrical and electronic goods at this point in time.

Q234 Mr Bailey: If we could get an effective monitoring system and enforcement system it could be of considerable benefit there. To a certain extent you have anticipated my next question, but what more needs to be done? Is there anything specific that you could recommend from your perspective which would enable us to do that?

Professor Boyd: One of the things that absolutely will kill the illegal waste trade is legitimate infrastructure where this material could go. Some of the prices, some of the economic arguments which are quoted currently by media relay economic figures which make people think there are millions being put in back-pockets at the moment. If you took it to a legitimate facility where people have had to invest multi-millions of pounds in mechanical and treatment facilities, the actual jobs created, the economic income probably would equate to what is being generated on the black market at the moment, but it would totally legitimise it. It would not cost them any more to go legitimate than it does at the minute to go through the illegal trade, so therefore Northern Ireland could have the opportunity of developing a waste management infrastructure to satisfy Northern Ireland’s own requirements. I am talking about private sector as well as public-private partnerships, all kinds of partnerships to deliver the whole range of integrated treatment systems that need to be there.

Q235 Mr Bailey: I am sorry to press you on this. I think we are probably convinced of the economic argument. What we are actually talking about is what steps can be taken to prevent the illegal dumping and reinforce the process of legal disposal. What would you recommend from your perspective?

Professor Boyd: My belief is that enforcement teams operating from eight to five during the working day will have great difficulty enforcing the illegal waste trade because they tend to move between 6.30 pm and 6.30 in the morning. Certainly from the perspective of the enforcement teams, there is a lot of worry in relation to, which we have already heard about, gangland-related illegal waste teams and also very heavy paramilitary connections in some areas. That worries me significantly in respect of the safety of some of the enforcement teams and they do
operate with PSNI and in fact with Garda Síochána support where necessary. The one thing that appears to me is that we do have a joint approach. We have just had the Republic of Ireland Government putting £9 million into enforcement of illegal waste on the south side of the border. Perhaps the Department could do with some reinforcement of resources for their enforcement teams on the northern side. However, I come back to the point, the easy targets are the legitimate waste trade coming north, it is not so easy to deal with the illegitimate or illegal.

Q236 Chairman: This Committee over the years has looked at fuel smuggling, we have looked at issues related to aggregate crossing the border, now we are looking at illegal dumping. We always seem to put pressure on Customs and Excise to do more in terms of enforcement but surely the collective amount of cross-border crime which is going on should lead to a taskforce looking at all these issues rather than simply concentrating on one? As you said, the paramilitary involvement is well known.

Professor Boyd: The Committee might be unaware but on the days of the illegal stops, which were referred to earlier on 20 and 21 September, on 23 September a joint North-South Taskforce, headed by Hugh Ord of the PSNI and the Garda Síochána Commissioner, held a press conference in Belfast and released statements around which they were looking at something like eight key areas of concern. A number of them you have mentioned already and illegal waste was one of them, so that moves forward.

Q237 Mr Bailey: Are you encouraged by the Department’s initial response to your call for a cross-border working group?

Mr Knipe: Yes, we want to see action in this area so any response which will address the issue is very welcome. I think the concern is as much in the North as it is in the South. No-one wants to see illegal trade so any progress in eliminating that trade is going to be welcome.

Q238 Mr Bailey: It does seem a bit like having a, shall we say, talking-shop to deal with a problem which requires more immediate action?

Mr Knipe: With some of the things that happened recently, we are seeing some action taking place in relation to this. Yes, we want to see action on the ground but we want to see co-ordinated action as well.

Professor Boyd: It is very important for the Department to recognise the contribution that the legitimate waste management industry could make to that debate and also local government, because recently local government, the councils, have lost power in relation to licensing facilities. It is important, I believe, that we recognise the contribution that everyone can make to wiping out this illegal waste trade. There is no single answer but in a co-ordinated approach, using the local knowledge of the local authorities, using the waste management industry, a legitimate industry, which wants to close down the illegal routes as much as anyone does, and utilising the Department’s own personnel and extended personnel which they now have, there is the possibility that we may well reach that happy day at some point in the future.

Q239 Mr Bailey: You have advocated having a separate Environment Protection Agency. Do you not think the body would suffer from the same sorts of staffing problems as the WMCL Unit?

Professor Boyd: The whole industry is suffering from those staffing problems because the waste industry is changing quite dramatically as are the requirements for those governing the industry, be it from an enforcement or a licensing perspective. Certainly I have been in the waste management sector for over 20 years and it never was the hottest topic around school. You do not see very many people sticking up their hands and saying “I can’t wait to become an enforcement officer in a landfill site.” I have to say that we see now quite a number of environmental engineers and very qualified people coming out of university. We are seeing also a waste industry which is actively promoting a much more professional approach to waste management. My belief is that we will only build it up when we have an industry fit for purpose and released statements around which they were referring to earlier on 20 and 21 September, on 23 September a joint North-South Taskforce, headed by Hugh Ord of the PSNI and the Garda Síochána Commissioner, held a press conference in Belfast and released statements around which they were looking at something like eight key areas of concern. A number of them you have mentioned already and illegal waste was one of them, so that moves forward.

Q240 Mr Bailey: “Where there’s muck there’s brass,” you believe?

Professor Boyd: I am a former scrap-woman and, let me tell you, you never made a truer statement.

“Where there’s muck there’s brass” and where there is brass there is always money.

Q241 Mark Tami: The Review Report recommends the removal of Crown immunity from government departments for environmental pollution and protection. What effect would that have on the management of waste in Northern Ireland?

Professor Boyd: One of the problems with the “polluter pays” principle is that there are a lot of people who believe the “polluter pays” principle applies to only certain sections of the community and that Government is immune. It is very important, if you want everyone to play a role within the delivery of the Waste Strategy, that we get buy-in from all sectors. If industry is having to pay when it pollutes, the message that the Board were getting through the key stakeholder representatives that we have was why should Government make NGOs, industry and councils and everyone else pay and have some form of Crown immunity which meant they were high and dry and free of any responsibility for environmental pollution? After all, they govern Northern Ireland, the protection of it should be at the top of their list.

Q242 Mark Tami: I think that is a fair answer to that point. Turning to waste management plans, you recommend that a single waste management plan
and indeed an independent body to deliver a Waste Management Strategy should be set up. What is wrong with the waste management plans as they stand? I know that is a pretty wide subject.

Mr Knipe: First of all, I think we would commend the councils for coming together into three groups and producing the three plans, although we recognise weaknesses in them, primarily that the focus of the existing plans is on municipal solid waste and they do not take into consideration the other waste streams. It is understandable, I suppose, because the councils have a statutory responsibility for municipal waste, but they need to recognise that within their areas there are other people generating other waste streams. I think as well the three plans which are in place at the minute cover different timeframes, they have different objectives, they are looking at different options as well for dealing with waste within the three plan areas. We are also working forward towards the reorganisation of local government in Northern Ireland, which I suppose is going to upset further the status of the plans. I think virtually everyone else in the industry would welcome a single plan. Certainly I think the EHS would welcome that, the councils would welcome it as well. It would give them a single plan where they could look to the development of the infrastructure over a more stable timeframe, through a single procurement process as well, where the major infrastructural development could be done as a single tender against a single plan and there would be a greater level of co-ordination. Crucial to a new plan is integrating the other waste streams into that as well and making sure that recognises an infrastructural development which would be recommended under the plan which would include infrastructure for dealing with commercial industrial waste and the other waste streams.

Q243 Mark Tami: Would that particular thing make it more accountable to the public, and how would you achieve that?

Professor Boyd: One of the things I think we were looking at when we were talking about a single plan was that it is clear that the three regional plans delivered what the councils needed to deliver, which was their regional response to the Waste Strategy. As a Board we are looking at how best to deliver the Strategy and, as a businesswoman working under one plan, with one set of targets, born out of a single strategy, it makes a lot of practical working sense for me and for the Board. This was why we thought now was the time when we called for both a review of incineration plant here, I am talking about a waste treatment or a recycling or recovery centre, you need the material to treat it. Ireland has a rural community, it is widespread once you move out of the east corridor, so an all-island strategy could go forward. Because of the review of public administration and the clear indication that there is going to be a restructuring within Northern Ireland over the next five years, we thought that it was appropriate. I have to say, I was a member of the Waste Management Advisory Group which made 104 recommendations to the Minister in 1999 through which the Strategy document was born; 98 out of the 104 were included in the Strategy. One of the ones which were not included was the establishment of an independent Environment Agency. We are actually revisiting something that we believe should have been there.

Q244 Mark Tami: What is your reaction to that, that they have knocked it out altogether, or turned it down out of hand?

Professor Boyd: My understanding is that on occasions governments decide and departments decide where and when and what they are prepared to listen to. I was very proud to be part of the group which had 98 out of 104 recommendations included in the Strategy and I believe I will be very proud of the work we have done on the Waste Management Board when I retire next June from this position. I do expect to see a substantial number of the 83 recommendations, which I believe are all commonsense, included in the next phase of the Strategy.

Q245 Mark Tami: A very good answer, I think, to that particular point. I think probably you have covered all the main areas I wanted to tackle but perhaps one last point. You speak of looking at an all-island approach to management but obviously there are different elements of the regional plans. How would you try to draw the best bits out of those? I know you have touched on that to some extent.

Professor Boyd: In relation to an all-island approach, an all-Ireland approach, the first thing that we would need to do is ensure that the Northern Ireland Waste Strategy and the Republic of Ireland Waste Strategy, which currently does not exist in one document, are compatible and speaking in similar languages. The rolling-out of the Implementation Action Plan from those Strategies would then drive the regional plans. We cannot deal with the island as one, but over the past now 14 years I have been involved with the Irish Business Employers Confederation and the Confederation of British Industry, sitting on an all-island Joint Business Council, during which time we have established links in telecoms, energy and waste management is now a key area of concern for them. In fact we did refer the Committee to a report which was produced by that body and relates directly to all-island opportunities. It is about mass, treating waste is about volume. If you have to invest £10 million in a waste treatment plant you need to have the material to put in, and I am not talking in relation to an incineration plant here, I am talking about a waste treatment or a recycling or recovery centre, you need the material to treat it. Ireland has a rural community, it is widespread once you move out of the east corridor, so an all-island strategy could offer the best economic opportunity for both parts of the island. Also, in terms of Northern Ireland, it is my belief, if we want to remain competitive for foreign direct investment, we need to provide a good waste management infrastructure to deal with it. If doing all-island business pays for it to be in Northern Ireland then why should we not take advantage of that?
Chairman: Can I push you for just a short answer in terms of accountability. If we are going to have an all-island body, or even a Northern Ireland body, not regional, there are always going to be questions about accountability and local democratic deficit in terms of where plants are built and who should take the decisions and whether or not they are accountable. It is probably unfair in a very short answer but could you tell us how you would ensure that accountability?

Professor Boyd: One of the things I find, coming from the private sector, is that demand will drive and normally the private sector can react much more quickly than the local government sector in terms of provision of facilities. However, the majority of waste in the north of Ireland is the statutory obligation of our councils. In the Republic of Ireland 90% of the waste is handled by private sector organisations. We are talking about two completely different environments which should work together but not as one. Northern Ireland should have its own regime but which is compatible with the Republic of Ireland, but I am not talking a united Ireland of waste.

Mr Knipe: There is work ongoing through the North-South Ministerial Council on market development and that might be a mechanism. Certainly it has worked successfully to date by agreement between both jurisdictions. A tender has recently been issued to look at the feasibility of constructing a paper-mill for all Ireland, to absorb all of the recycled paper in Ireland.

Mr Pound: We move on seamlessly as on a conveyor-belt of recycled materials, because I was going to ask you a question about the infrastructural deficit, which actually I think you have touched upon. Do you think that PPS11 has made any major change in the problems you have identified in that area?

Mr Knipe: PPS11 was put in place during the life of the Board and has been in place for a year or two now and certainly has helped with the development of projects and the planning process that goes into those. There is still a problem with planning, getting approval for projects to go ahead, and those problems I suppose are driving away some investors or discouraging them from making investment in infrastructural development. The other thing that is coming through the system now is the BPEO (Best Practicable Environmental Option), which the Committee is looking at now and is looking to develop that in parallel with PPS11. I think that review and their report certainly will identify where the main opportunities lie or what the best options will be for developing the infrastructure to provide the waste management facilities that we require. Our difficulty is, I suppose, it is not really a delay but the fact is that report will not be issued, I think, until the summer of next year.

Mr Pound: On BPEO, is it an assessment that is being undertaken at the moment?

Mr Knipe: They are looking at I suppose the protocols and the options.

Mr Pound: So consultation?

Mr Knipe: Yes, there is consultation with a number of stakeholders going on at the minute.

Mr Pound: You are feeding into that?

Mr Knipe: Yes.

Mr Pound: Can I ask you the key question then which comes up over and over again. What is the drag on infrastructure? Is it the planning process or is it local objection or is it technology?

Professor Boyd: The planning process is not an easy process to go through. When you consider that a landfill site which exists currently within Northern Ireland is looking to expand and currently is being tied within the waste planning process for in excess of eight and a half years, it may give you some indication. There is a private sector company involved in the extension of a landfill site in Northern Ireland and the planning process currently has run to 8.5 years, and in fact possibly just over it.

We were made aware of it through industry representation to the Board. Not all planning runs to that length and I have to say, in practical terms, the planners are doing their best. One of the things that we have recommended is perhaps a time limit on the statutory consultees involved in the planning process to allow them to make any representations necessary in order to protect the environment and to raise objections, but certainly not to give them an extension of time which really does not live in the real world. If they do not respond for six months then a planning application delays that long; if two or three of them do not respond you get the knock-on effect. I believe that improvements in the planning process would be aligned with ensuring that statutory consultees are made to respond within a reasonable timeframe. I think that would assist.

Mr Pound: There are certain answers which we hear on this Committee which in fact should be almost underlined in the air actually to reinforce them. You talked about an extension to an existing landfill site which has taken—and really I want to repeat this for the record—eight and a half years and still has not come to fruition?

Professor Boyd: That is my understanding and that is the evidence which was given to us. I can tell you that came to us through an industry representative and a large, UK-based waste management company. That evidence can be brought before the Committee.

Mr Pound: In GB you have a statutory duty under planning legislation to determine a planning application in a very finite timescale. Once you fail to determine that planning application within that timescale, which is eight to 12 weeks, the applicant then can appeal to the Secretary of State to have the matter determined. If the matter is determined then the only way in which that process can be extended is by appeal to the Planning Inspectorate, which in GB is at Bristol, and that process takes an additional three to four months. Even allowing for the sclerotic movement of British local government, with the best
will in the world I could not see us dragging it out for eight and a half years. The statutory time limitation process within what used to be the Local Government Planning and Land Act but now is almost certainly the new Planning Act, does not apply?

**Professor Boyd:** My understanding is that it does apply. The actual circumstances of that case certainly could be brought to this Committee by the company involved or through my Board. I would be happy to disclose the information. My understanding is that it does apply, but in Northern Ireland, because we were waiting on regional plans being developed by local authorities and those regional plans were supposed to give us an idea of infrastructure, there were delays which were assigned to the non-production of council Regional Waste Plans and, in effect, that was the excuse levied in not responding to the planning application. My belief is that Northern Ireland is suffering because we are failing to put in place, either through councils, private sector or partnerships, infrastructure on the ground.

**Q254 Mr Pound:** I have no doubt that matter has been noted. You were talking about large-scale infrastructural developments in terms of landfill. Would this apply also in terms of major recycling, incineration, some of the other facilities, and are you envisaging large-scale facilities in your area or perhaps a sort of devolved series of smaller local facilities? Do you have an overall view? Having just given us that snapshot of the planning process in Northern Ireland, I think whether you have or not may be almost irrelevant when you come up against that degree of lack of decision-making.

**Professor Boyd:** It is not the Board’s role to determine where or how infrastructure should be placed. However, commonsense would tell you investing in markets development is not very useful if you do not have the facilities in which to access the materials from landfill through a recycling and recovery centre to market. The infrastructure is the key, it is the link and there is, from people who have a much broader perspective and understanding than I have as Chair of this Board, somewhere around three billion needed over the next 20 years to deliver what we say we will deliver in the Northern Ireland Waste Strategy. In fact, over the next five years if we are to meet targets the estimated expenditure is around £500 million. That is no insignificant amount of money in any man’s terms. A £500 million investment in Northern Ireland, if we were able to take that to Invest Northern Ireland en bloc I think we would be welcomed with open arms and the development would move forward. What I think we need is action now on behalf of the Economic Development Agency, the Department of the Environment, to move this into an action-orientated phase. We cannot sit around thinking about it, we have to act on it.

**Q255 Mr Pound:** In actual fact there have been extraordinary successes. In 2000–03 the percentage of household waste recycled in Northern Ireland has gone up I think from about 6% to about 14% and you deserve credit for that. Are you saying that level of increase cannot continue with the present infrastructure? I think it is very important that the Committee is clear on this.

**Professor Boyd:** With the current level of infrastructure in place in Northern Ireland, no, it cannot continue to rise at this rate because the reliance is on composting at the moment, home composting, collections from the home taken to a composting centre. We need to have in-vessel composting, we need treatment centres, we need recycling centres, we need recovery centres and we need industry manufacturing with those materials.

**Q256 Mr Hepburn:** Still on the infrastructural deficit, you have stated that the Government’s own Council Waste Management Grant Scheme is not as effective as the DoE would infer in tackling the infrastructural deficit. What sort of grant scheme would you like to see in place and can you give an idea of what sort of capital expenditure we would be talking about, and what role do you think local authorities should play in the funding of these schemes?

**Mr Knipe:** On the cost part of it, as Professor Boyd said, figures vary but we are looking at something like £3 billion over the next 20 years, perhaps £500 million over the next five years needs to be invested. The Council Grant Scheme currently is £10 million per year divided across 26 councils. A difficulty with it is that it is awarded on an annual basis and the councils do not really know until some way into each financial year exactly how much they are going to get, in fact the announcements for this year were made only within the past month. I believe. There is no opportunity for councils to predict how much funding they are going to have and then they are pushed into making decisions on spend on that grant before the end of the financial year, so it presents an enormous difficulty for them. How it might be addressed to get up to the level of spend that is required is a big question, to get up to £500 million over five years, £100 million a year, a ten-fold increase. I do not know how we are going to achieve that. As well as increasing the spend that is available the profile of the spend needs to change as well so that we can operate on some sort of a reasonable. I think we suggest, say, five-year rolling plan for investment, so that they are not rushed into making decisions about purchasing equipment, which can be scheduled on a proper basis over a reasonable period of time.

**Professor Boyd:** At this point in time the Council Waste Management Grant Scheme obviously is aimed directly at local government. At the moment there are no avenues for the private sector in Northern Ireland to go forward with a multi-million-pound scheme and find an avenue through which they could receive some assistance, whether that be in the form of grant, equity or any other incentive, to become engaged in this industry. That is something which I think needs to be considered because, in my opinion, to seek £500 million from local government, or in fact our regional
government, or from Westminster, without involving the private sector and generating the monies that it could generate and invest in this sector would be madness.

Q257 Mr Hepburn: Just going on to infrastructural development, how do you think the Government should prioritise infrastructural development?

Mr Knipe: I think there needs to be a bit more integrated thinking on what infrastructure is required. Certainly a single plan would help that. BPEO will help that as well in determining what is required but there needs to be a bit more innovation in how we achieve that. It is not simply a matter for Government, it needs to include private investment, the various options that are available for that, but also it needs to look at all of the waste streams. Currently, the infrastructural development which is going on is almost exclusively to municipal waste, so the other waste streams have to be brought into that. Again, it is something which needs to involve other stakeholders, other groups, other departments, it is not just a role for the councils and Department of the Environment. The Department of Enterprise, Trade and Investment have a role to play in ensuring that. Perhaps they have not stated it explicitly but they need to see the development of a proper waste management infrastructure that will certainly help indigenous companies to deal with their waste streams and meet their targets for recycling but also help to attract direct investment into Northern Ireland, so the infrastructure has to be there. There is a role for the Department, for the Department of Enterprise, Trade and Investment, and there is a lead that can be given from Procurement Service in specifying, as I said earlier, recycled materials, perhaps taking a bit of a risk with those or perhaps going out on a limb a wee bit to encourage the developments of the markets and that will attract the investment from business. Business investment I think is going to be key to this.

Professor Boyd: One of the arguments in the island of Ireland is that it is landfill versus incinerator. The Board debated at some length the landfill versus incinerator argument and it is our belief that, having examined practices around the world as well as within the European Union, once you start looking at solution provision you can find lots of treatment, lots of recycling and lots of recovery options which include going to renewable energy generation but not from raw waste. Those options are the ones which were indicated to us should be explored before any consideration is made of incineration or incineration incorporating waste to energy.

Q258 Mr Hepburn: In the reports that we have received it says that you are interested in changing the focus from municipal waste to other wastes, but I read also that much of the longer-term infrastructure is likely to rely basically on municipal contracts. Does not that suggest that infrastructural development needs to maintain that focus on municipal waste?

Professor Boyd: What we were attempting to do was highlight that the priority and focus to date has been purely on municipal solid waste which is required to divert 25% to recycling within the next couple of years. The commercial and industrial waste streams have to divert 85%, but there has been absolutely no focus on that waste stream or target within those specific plans. There are some private sector companies which are out there, like most good waste management companies, looking for the opportunity. However, in a focused way the plans as we move from the three regional plans, whether we remain with three or go to one, there needs to be a recognition of both the amounts of commercial and industrial wastes, construction and demolition wastes and agricultural wastes. Again, I refer back to the Waste Management Report in 1999 which stated clearly that an Agricultural Waste Strategy should be aligned with the Northern Ireland Waste Strategy in order that we are dealing with all the wastes. My understanding is that we are talking about 19 million tonnes of agricultural waste in Northern Ireland, so if you are going to play tonnages it just depends how they are argued. Certainly, in terms of meeting targets for the European Union, commercial and industrial wastes and the others which come under the Producer Responsibility legislation need to be included, recognised and dealt with, which they are not in the current waste management plans.

Mr Knipe: Just for the record, can I correct something which Professor Boyd said. The target for commercial and industrial waste is to reduce it to 85% of 1998 levels.

Professor Boyd: My apologies for that error, Chairman.

Q259 Reverend Smyth: On data collection, we recognise it is difficult trying to get the accurate facts and one realises that building companies quite often unload their debris and all their sacks. There are other issues apart from what is done in bonfire collections and one wonders where all that waste comes from. Having said that, you note that there has been some progress in the area of municipal waste but not much elsewhere. You do make some recommendations concerning how this data might be collected. Would you like to elaborate a little bit for the guidance of the Committee on what your recommendations might be and comment on how they would work?

Mr Knipe: Certainly we welcome the work that has been done during the period of the Board on the Data Flow Project which is collecting accurate data now on council waste collections, essentially domestic waste, which is being handled by the councils. Also it is giving us the information, the figures you quote, on recycling rates which are coming from that data, which is certainly to be welcomed. We mentioned earlier that the target for reduction of the commercial and industrial waste to 85% of 1998 levels has been stated in the Strategy. The data on 1998 arisings of commercial and industrial waste, the estimates vary by about 50% either way so their data is very unreliable. If we use
the high-level arising against current production of commercial and industrial waste, we could argue that we have already achieved our target.

Q260 Reverend Smyth: Government departments like to show what good they are doing?  
Mr Knipe: Yes. The fact of the matter is that we do need accurate data on all of the other waste streams and there are a number of options for collection of that data. On some of the commercial and industrial waste streams that data has been collected by survey, by going out to some of the major producers asking how much they produce, but that is not particularly reliable. There is data available under Producer Responsibility which covers packaging waste, but some of those returns were made on a national basis so it is difficult to identify what is Northern Ireland and what is going through the mainland, as far as that data is concerned. This then applies to landfill tax returns which can be made on a national basis rather than a specifically Northern Ireland basis. If those were specifically Northern Ireland then we could get some perhaps more accurate data from that. Any of those sources of data even if they were more accurate would still need some analysis of the waste stream to say how much plastic and how much wood and how much concrete, etc, was in a skip-load of waste coming from a demolition site. The lack of that data makes it difficult to demonstrate progress towards any of the targets that we have to achieve. There is a lack of any sort of management information system that would aim to pull that data together. An extension of the Data Flow Project could help if it included all of the other waste streams, but I think we recognise that, again, not only do we need the industrial and commercial waste we need the agricultural waste to bring all of the waste streams into that. It is vitally important that we have that data and that investors, business, councils and the various departments have that data to help them with capacity planning. They need to know how much waste they are dealing with to be able to put any infrastructure in place to deal with that, and it would be very helpful for them in any predictive modelling they were using to identify what future capacity would be required. We see it as absolutely crucial that accurate data collection is given priority.

Q261 Reverend Smyth: Where are you collecting waste paper what are you doing with it, because I have heard different reports that this has been dumped rather than recycled?  
Mr Knipe: These reports come forward from time to time. There had been a waste paper mill; there is one left in Northern Ireland. There is one in the South, there had been two in Northern Ireland but one of those has closed, so some waste paper is going there. Because some of these waste streams now are a commodity, they are traded in world markets as commodities and we have the mildly ridiculous situation of waste paper and waste plastics going off to China to be recycled. While that might be beneficial, there is some commercial advantage in doing that at the minute, it is not really addressing the problem on a local basis. Ultimately the market in China will disappear, because they are building paper-mills as if they were going out of fashion and they will be producing their own waste paper, so where is that going to go? Yes, I think people would agree, in some cases, waste has been collected and simply disposed of, but certainly it is not something that we want to see. We want to see both the collection infrastructure and the processing infrastructure in place to be able to utilise it all.

Professor Boyd: Can I add just one comment in relation to that and I think it is something that would be very useful for everyone to understand. Recycling is not free. Recycling costs, but it costs less than disposal and less than disposal and landfill tax. The sooner we realise the opportunities which are held within that, whether we market it in the UK and the extended Shotton paper-mill, which WRAP supported here on the mainland, and a quite substantial amount of tonnage comes out of Ireland to Shotton for recycling, or whether we put it in a container and send it to China, at least we are creating the economic benefit and we are actually keeping it out of landfill, and I think that is to be applauded.

Chairman: That is a very clear message there, with which I am sure most of us would agree wholeheartedly, that sometimes it is difficult to get those messages across, which brings us on nicely to Mr Luke’s question on marketing the Strategy.

Q262 Mr Luke: We have looked at the Strategy in great depth, and obviously part of the Strategy is marketing and getting over the message. How much do you feel that, despite the benefits of this type of marketing, the lack of real incentives designed to alter behaviour means that in the end you might not deliver the Strategy? I know that the Professor in her own, distinctive, fluent style when she referred to a united island of waste ruled out this kind of approach. Could Northern Ireland not learn from incentives used in the Republic, and we have taken evidence from officers in a local authority based in the Republic, such as householder charging and the levy on plastic bags?  
Professor Boyd: Certainly in relation to the levy on plastic bags, one of the things we were told before it was introduced in the Republic was that it would cripple the plastics industry. What did we find? We found a plastics industry which responded very quickly because they were going to die if they did not start producing biodegradable plastic bags. My answer is, the human being is very resilient and whatever methods are used to encourage them to move down a recycling route are to be applauded and brought in. I would welcome a plastic bags levy in Northern Ireland because it is the bane of any landfill sight when you drive past. It is the one thing the public always sees, the plastic bags blown up against the fence around a landfill site. In relation to the introduction of household charging, I think the Waste Board would not give any opinion and nor have we debated that issue because it was not raised with us and our structure of charging in Northern Ireland. Just having been advised that our regional
rate is going up by 9%, you may find that the households around Northern Ireland may well have a wee bit of an objection to any more levies being put on. We do have to encourage but I think the encouragement has to come through education and awareness and through an understanding of where the money from people’s rates is being spent. In Northern Ireland people are quite canny and if they think they are going to get good value for money they will be quite happy to use a civic amenity site. However, I must point out at this stage that our council representatives on the Waste Board have been raising an issue which flies in the face of exactly what you are saying. In Northern Ireland our licensing authority deems it necessary to charge a local authority for the provision of a civic amenity or a “bring” site, so every piece of infrastructure in relation to community “bring” sites or civic amenity sites will have to pay a licensing fee to the Department in order that they can have those facilities for the public. We have just launched a £2.5 million cross-border campaign to encourage people to use the exact facilities that we are discouraging councils, through charging, from putting in place. We have got to have some joined-up thinking here. I understand from information provided to the Board that these levies do not apply in England and Wales and my question would be why in Northern Ireland?

Q263 Chairman: One to which we shall endeavour to find an answer, I can assure you.

Professor Boyd: Thank you, Chairman. My council colleagues will be very pleased about that.

Q264 Mr Luke: I think it is patchy in Scotland. Some councils actually do levy for access to their sites but others do not.

Professor Boyd: If we are trying to encourage a change of mindset, it appears to me the more provision we have that the community can use on a voluntary basis the better.

Q265 Mr Luke: I think you highlight very well the difficulty in implementing the Strategy when you have got parts of the actual (pool itself?) playing against the other. We have talked about previously, as part of the Strategy, this Waste Management Industry Fund and I know you have called for changes to the Waste Management Industry Fund but effectively these have been ruled out by the Department. I know there have been problems with the size of the fund, indeed there has been talk of the fund being cut. The Department have argued that alternative mechanisms are required to stimulate market development. Are you aware of these alternatives which are under consideration?

Professor Boyd: Can I start by explaining from the Board’s perspective exactly what the Waste Management Industry Fund originally was anticipated as being. When the Board called for the establishment of this Fund there were absolutely no opportunities for the private sector or for partnerships with the councils to source any form of funding in support of infrastructure provision. As a Board we felt that this £1 million, part of the regional amount from the Department, so much went to councils and £1 million went to an Industry Fund which was managed jointly by EHS and Invest Northern Ireland, the Economic Development Agency, initially it was seen as something that would be a catalyst to the provision of small regional facilities. The £1 million was only ever envisaged as being a short-term stopgap, in terms of being a catalyst, and that a fund of larger proportions and of very clear criteria would be established in order to deliver the size of infrastructure and the type of expenditure necessary. First of all, it was seen always as only an interim fund. Secondly, when it became public and it was put out, besides infrastructure provision there was the clear markets development side to the criteria. On one occasion, and Trevor will also speak to this, he sat on the committee in relation to the Waste Management Industry Fund but they saw it as a markets development programme and I come back to my argument, you cannot develop a market if you do not have the infrastructure to access the market. We got a sort of cart before the horse type approach, in that in order to put facilities in place more money was needed. The Fund was too small and therefore had to eliminate a number of the, shall we say, reasonably sized. A fund which receives 63 applications for £30 million, from a £1 million fund, has some serious applications in there but clearly cannot deliver because of the size of it. That was point one. The Board certainly would not like to see the Fund continuing this year unless a fundamental review took place, and I think Trevor will speak in relation to the planning and other issues. There were projects funded but those funds could not be given out within the 12-month timeframe because of the failure of the projects in gaining planning permission and licensing so that they could meet the criteria. Perhaps you would expand on that slightly, Trevor?

Mr Knipe: You have almost said it all for me. I sat on the evaluation panel for the applications coming in. We did have a call for proposals on two occasions, two annual calls, and they were heavily oversubscribed, and we did go through the due process of assessing all of the projects and looking at their value, trying to get a spread of projects across the various waste streams and trying to get a regional spread so there was not a concentration in the east of the Province, which could have been a difficulty. The main problem was, although we were able to identify projects which could be supported, there were a few issues which gave us difficulty. One of them, which was discussed at some length but we could not see a way round it, was that where people wanted to use second-hand plant within the proposals our mechanisms did not allow that, that they had to go for new plant because there might have been an issue of double-funding where plant had been supported earlier on. The main issue and the main difficulty in getting some of these projects up and running was delay in getting planning permission, people did not anticipate the problem they would have in getting planning approval for the projects, and there were some issues around getting licensing for the projects as well. They had to go
through the planning process then go to their licensing authority and get licence approval, and a lot of people found it very difficult to achieve that within the required timeframe. We have been able to be fairly flexible in allowing some extension to those, but the fact of the matter is that when people find that a layer is being sewn on they have withdrawn from the scheme, withdrawn their applications.

**Q266 Mr Luke:** Just to summarise, I know that the Professor has made the point from a private sector viewpoint that the powers that be actually are not doing enough to ensure that the Strategy is being delivered. What more would you like to see done?

**Professor Boyd:** A realistic approach to the funding of projects would be beneficial because that way you would get the private sector engaging positively with the Strategy. At the moment you are getting the private sector staying back and industry, in some cases, avoiding contact in relation to waste management in case they bring more of a problem down on their head than any solution. You need to have a better funding mechanism, it needs to be over a longer period of time and one thing that we would welcome is the New Technologies Fund, which has been launched here in the UK. My understanding, although I understand it has not been tested yet, is that Northern Ireland can access that and I understand there are a number of proposals that should be coming forward to test that very theory in the near future. To have £32 million in a New Technologies Fund, that kind of answer in Northern Ireland really would light my fire.

**Q267 Mr Luke:** I am sure you will be after that money. The last question I have to put is to do with the policy support issue. When the Waste Strategy was developed there was a suggestion that policy support would be in line with what was referred to as the waste management hierarchy. We have got a copy of that in the papers we have received. In your view, to what extent has policy support really acted to focus activity on the hierarchy and specifically on the top of the waste hierarchy?

**Mr Knipe:** We welcome I suppose the innovative approach that the Strategy demonstrates in inverting the commonly-held, pyramid view of waste management, reduce, reuse, recycle, that it gives priority to reduction and to reuse, etc., recycling. Within that, the approach I suppose has been innovative but the policy support I think has been lacking in making sure that approach has been delivered. We have seen an acceleration in the introduction of environmental legislation to bring Northern Ireland almost back up to speed with the rest of the UK, as far as legislation is concerned. Probably to go back to our earlier comments on the various other strategies that are in place and the policies of the other departments that can influence how these things happen, there is work happening with business, within councils, things that are happening almost despite the Waste Management Strategy in supporting the hierarchy as it is constructed within the Strategy. I think it needs considerably more lead, if you like, to make sure that it does happen.

**Q268 Mr Luke:** Another issue is that the 3Rs Group was not asked to look at reuse. Do you not think obviously that is a failure in implementation of policy support?

**Mr Knipe:** I suppose the short answer probably is that we would see reuse as being a subset of recovery, that you recover waste, you reuse as much of it as you can and the remainder that is recovered you look at other options for it. Certainly we see it within that. Certainly it was used as a strapline in the awareness campaign to reduce, reuse and recycle. We do not see any conflict there and I think reuse is at the heart of and should be well up the hierarchy.

**Professor Boyd:** We used the actual priorities as listed in the Northern Ireland Waste Strategy as our headings within the Board. We decided that consistency with the Strategy, so the choice within the Strategy of the three Rs as they are described there, reduction, recycling and recovery, are Strategy straplines and ones we adopted, not ones we created.

**Q269 Mr Luke:** Mr Pound is much more adept at finding out the differences and nuances in the language, he is gifted with his background,... of proposals that obviously, reuse and recovery, there is a sort of should be coming forward to test that very theory in the near future. To have £32 million in a New Technologies Fund, that kind of answer in Northern Ireland really would light my fire.

**Q270 Mr Pound:** I think Mr Luke is referring to recycling jokes, speeches and comments. Can I say, we Parliamentarians frequently recycle comments made by our colleagues but that is the limit of my expertise.

**Professor Boyd:** Certainly I would say, as a Board, all the public awareness campaigns that have been used to educate the householder, as you rightly say, in Northern Ireland, the public awareness TV campaign has all been about reduce, reuse and recycle. The current £2.5 million cross-border campaign which is underway in Northern Ireland uses exactly the same straplines, except that in the South it is the race against waste and in the North it is wake up to waste. That is something which is demonstrated within the entire public awareness campaign. However, as a group, we recognise that reuse is something we aim to achieve. The form on waste minimisation encourages reuse before recycling, recovery and, finally, disposal, so we use the hierarchy physically on a day-to-day basis both within work that we do and out there with industry. We are constantly reinforcing that message.

**Chairman:** You have been very generous to us with giving your time and we are on the final stretch. We have just three, very short questions that we wanted to have the opportunity of putting past you for answer. Adrian Bailey, you had a question you wanted to raise.
Q271 Mr Bailey: Just to continue your previous conversation, when it comes to the jokes of Mr Stephen Pound I do see the virtues of incineration. Can I say that your report has a very critical tone, yet in its response the DoE suggests that very few of your recommendations constitute anything new. Do you see that as a reflection of your inertia or their complacency?

Professor Boyd: Would you like a one-word answer or the longer version? One of the things that I believe, and having been a member and provided of my time for the original steering group some five years ago, where I mentioned earlier we made 104 recommendations, the fact that I am sitting here five years later saying a number of things over again I think speaks for itself. I believe that just because you have to repeat a recommendation it does not reduce the necessity for action on that very point.

Q272 Chairman: The Select Committee system exists and works in such a way that no matter what the question is the answer is always that it is the Government’s fault. Certainly some of our witnesses have said that to us, they have criticised the Government, that the Government must act, the Government must implement the change, but surely the real issue here is not just about what the Government can do. Would it not be fair to say there is a more general lack of concrete action from a wider group of people, in terms of industry, public action, public perception, in terms of local government, and would we be a bit unfair if we simply fell into that line of blaming the Government just for the sake of doing so?

Professor Boyd: Most certainly, you would. Everyone has a responsibility to try to make the Northern Ireland Waste Strategy vision a reality, but Government needs to lead by example, and, in leading by example, industry, the non-governmental organisations in the voluntary sector, the social economy, academia and all of those other key stakeholder groups will fall into line. It was and is this Board’s belief that the representation which we had created a strong, independent form of advice, which we felt should have been beneficial to the Department in moving forward from what someone described earlier as inertia to an active, participative introduction of a Strategy. The fact we repeated what we needed to repeat indicates our view in relation to how that action actually materialised. One of the things we believe is that the last couple of years, in relation to our own local government, regional government and an Assembly in Northern Ireland, for instance, I would have felt much better taking my report to the Environment Committee of our own Assembly and working with our MLAs who know the NIMBY principle (not in my backyard). They know my backyard. They are the people who have the local knowledge. If we get our Assembly back up and running in the near future, with the help of God, we will be able to deliver a Strategy to Northern Ireland for waste that will show the way, and I believe that. I would not have taken this position. I have much too much to do in my private sector life, if I could not have made a difference. A local Assembly would make a difference.

Chairman: Let me assure you that this Committee would like wholeheartedly to be in the position where we do not have to have this inquiry, where the Assembly is back up and running and is able to conduct this business itself closer to the problem, more local on the ground, as you have said. Your sentiments are shared by all of us. On behalf of the Committee can I thank you both for the time you have given, for the generosity in terms of the answers and the material which you have provided for us. I am sure it is going to be of use to us and I am sure we will meet again in the very near future. Thank you.
Northern Ireland Affairs Committee: Evidence

Tuesday 26 October 2004

Members present:

Mr Tony Clarke, in the Chair
Mr Stephen Hepburn  Mr Eddie McGrady
Mr Iain Luke

Memorandum submitted by Department of the Environment

SUMMARY

The Northern Ireland Affairs Committee’s Inquiry into Waste Management has the overriding objective of examining progress on meeting the targets as set out in the EC Waste Framework Directive.

This memorandum presents evidence prepared by the Environment and Heritage Service (EHS), the government agency responsible for developing and implementing the Waste Management Strategy.

This summary is provided for the convenience of the Sub-Committee to answer their questions directly. It has been organised according to the main issues identified in the terms of reference. The remainder of the memorandum provides greater detail on these issues and the targets referred to.


(a) The Strategy sets out a phased implementation of a comprehensive list of targets and key actions, including a programmed review and update to commence in 2003.

(b) This formal review was initiated on schedule in March 2003 with a public consultation exercise. The responses were analysed to identify principal barriers, constraints to implementation and opportunities for Strategy development.

(c) The analytical reports were provided to the Waste Management Advisory Board, as a starting point for their independent review. The Board was established under the Strategy to act as a conduit to a wide range of stakeholders for the purpose of monitoring progress and making recommendations for the future.

(d) As with the Board’s precursor body, the Waste Management Strategy Advisory Group, the Department will be informed by the stakeholders’ recommendations and is committed to consulting again on the framework for a revised Strategy by the end of 2004.

(e) Significant progress has been made on all of the six policy strands identified in the Strategy. Indeed, in some areas such as waste awareness, waste management plans and operational guidelines for consistent data recording, Northern Ireland now leads the rest of the UK.

(f) A key priority identified for “Phase 1” of Strategy implementation was forming partnerships among District Councils. Three sub-regional waste planning Groups (Eastern Region [arc 21], Southern Waste Management Partnership [SWaMP] and North West Regional Waste Management Group [NWRWMG]) were formed by May 2000, and their three Waste Management Plans adopted by January 2003.

(g) Another priority identified in the Strategy was minimising the time lag between implementation of regulations in Northern Ireland and those in Great Britain and the rest of the EU. Significant progress has been made, with the backlog of waste and other environmental legislation having been eliminated, and the capacity is now in place to ensure that future EU Directives are transposed in a timely way.

(h) In some areas highlighted by the Strategy, such as greening government, progress has not been as strong. However, the Department has agreed a procurement guidance note in conjunction with Defra and other NI Civil Service Departments. In addition, the Department is completing a comprehensive Green Audit and proposes to establish an Inter-Departmental Board to encourage the government use of recycled materials.

2. Progress in meeting the targets set out in the EC Waste Framework Directive

(a) Refer to Table 1.

(b) Article 7 of the Waste Framework Directive requires Member States to draw up waste management plans. The combination of the Waste Management Strategy and the three sub-regional Waste Management Plans has made Northern Ireland fully compliant with the Directive.
(c) Progress with implementation of the three Waste Management Plans is being reported against key performance indicators developed by EHS in conjunction with Councils. The review of the 2002 Annual Performance Reports and subsequent quarterly data returns indicate that Northern Ireland will meet the 2005 targets.

3. What action is being taken to reduce waste going to landfill sites as set out in the EC Directive?

(a) Delivery mechanisms to meet the 2005 targets (through recycling and composting) are set out in the three Waste Management Plans, and each Group’s progress is being monitored by EHS.

(b) The imminent introduction of the NI Landfill Allowances Scheme, under the UK-wide Waste and Emissions Trading Act 2003, will set statutory targets for reductions in the volume of biodegradable municipal waste (BMW) going to landfill. This will ensure that the UK as a whole complies with the EU targets in the Landfill Directive for the significant step reductions in the landfilling of BMW by 2010, 2013 and 2020.

Table 1

<table>
<thead>
<tr>
<th>Directive Article</th>
<th>Requirement</th>
<th>WCLO Article</th>
<th>Provisions and Powers, and Actions Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 and 2</td>
<td>Waste definition</td>
<td>Article 2</td>
<td>Defines controlled waste as household, industrial and commercial or any such waste.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 23</td>
<td>Instructs the District Councils to prepare Waste Management Plans.</td>
</tr>
<tr>
<td>4</td>
<td>Ensure recovery or disposal without harm to human health/environment. Take measures to prohibit dumping</td>
<td>Article 19(3)(a)</td>
<td>Policies to meet this included in the WMS.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 3</td>
<td>Provisions on unauthorised or harmful deposit, treatment or disposal, etc, of waste.</td>
</tr>
<tr>
<td>5</td>
<td>Establish a network of waste disposal facilities</td>
<td>Article 19(3)(a)</td>
<td>Provides for the establishment of such a network. The WMS is based on a range of guiding principles designed to implement the statutory objectives outlined. Continuing actions focus on the implementation of the 3 sub-regional Waste Management Plans.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 23(3)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schedule 3</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Establish or designate competent authority or authorities to have responsibility</td>
<td>Article 19(1)</td>
<td>The Order established two levels of competent authority, the Department and the District Councils who share responsibility—strategy and regulation is the remit of the Department, planning plus waste collection and disposal is held by the District Councils.</td>
</tr>
<tr>
<td>7</td>
<td>Competent authority or authorities to draw up one or more waste management plans</td>
<td>Article 19(1)</td>
<td>The WMS provided the policy framework. District Councils prepared three sub-regional Waste Management. Plans by combining resources to ensure targets are achievable. These plans were adopted in January 2003, and revisions are scheduled for 2005.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 23(1)(b)</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Responsibility on waste “holder”</td>
<td>Article 5</td>
<td>Imposes Duty of Care, etc, as respects waste. Implemented by the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 SR 2002 No. 271</td>
</tr>
<tr>
<td>9, 10 and 11</td>
<td>Permitting of waste facilities</td>
<td>Article 6</td>
<td>Implemented by the Waste Management Licensing Regulations (Northern Ireland) 2003 SR 2003 No. 493</td>
</tr>
<tr>
<td>12</td>
<td>Registration of waste collectors and transporters</td>
<td>Article 38</td>
<td>It is an offence to transport controlled waste without registering with the Department. Makes provision for the registration of persons with the Department as carriers of controlled waste. Implemented by the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 SR 1999 No. 362</td>
</tr>
<tr>
<td>Directive Article</td>
<td>Requirement</td>
<td>WCLO Article</td>
<td>Provisions and Powers, and Actions Taken</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
<td>--------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>14</td>
<td>Record keeping</td>
<td>Article 6</td>
<td>Waste management licences to include requirement to keep records. Implemented as per Directive Article 13 above.</td>
</tr>
<tr>
<td>15</td>
<td>Polluter pays principle</td>
<td>Article 27</td>
<td>Provides the Department with powers to require waste to be accepted, treated, disposed of, or delivered. Provides powers to District Councils to require removal of waste unlawfully deposited.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Article 28</td>
<td></td>
</tr>
</tbody>
</table>

(c) Financial support has been made available to District Councils, businesses and communities both directly (for example, via the Landfill Tax Credit Scheme) and through the UK Waste and Resources Action Programme (WRAP) to encourage alternative treatment technologies and establish markets for recovered materials.

(d) The Wake up to Waste campaign has raised awareness of the problem and underpinned both the Department’s and District Councils’ activities on waste management and recycling, significantly increasing participation rates.

(e) The introduction of the Producer Responsibility Obligations (Packaging Regulations 1999) has been the catalyst for a wide range of business sectors to look at the waste they produce in order to minimise it, and recycle or recover as much as possible. New regulations that came into effect in April 2004 widen this responsibility and require improved performance monitoring.

(f) The Waste Electrical and Electronic Equipment (WEEE) Directive will be transposed in Northern Ireland later this year. These regulations will introduce producer responsibility for all producers and retailers of EEE and set challenging recycling and recovery targets.

4. Progress on Recycling

(a) The three Waste Management Plans set out the delivery programme to achieve 25% household waste recycling by 2005.

(b) Through the roll-out of kerbside collections and bring sites, and a high-profile public awareness and information programme Wake up to Waste, the household recycling rate had doubled from 4.9% in 1998–99 to 9.8% by 2002.

(c) 2002 Annual Performance Reports from the three Groups indicate that they remain on course to meet the overall target household waste recovery rate of 25% by 2005, though not every individual Council may comply. Most District Councils in arc21 and SWaMP expect to exceed the target while the North West Group’s overall prediction is that it will reach 23.5%.

(d) The Department is continuing to work with all the Groups through its Data Monitoring and Reporting Task Force (DMRTF) to ensure compliance.

(e) A comprehensive methodology for reporting data electronically on a quarterly basis, has been developed for Northern Ireland. This is assisting implementation by providing consistent and comparable information. Northern Ireland has played a key role in the development and subsequent field trials of WasteDataFlow, the UK municipal waste database.

5. Potential development of the Recycling Industry in Northern Ireland

(a) Membership of the UK-wide Waste and Resources Action Programme (WRAP) provides a cost-effective basis for developing a comprehensive programme and taking advantage of UK expertise and budgets.

(b) Co-operation between Departments and participation in the North/South Market Development Group (NSMDG) has helped the development of new markets. Examples of joint initiatives include the Waste Management Industry Fund (WMIF), Envirowise, BIO-WISE, a Retail Partnership and an all-island strategic report on Recycling Markets.

(c) The WMIF is a £1 million joint initiative between EHS and Invest NI, designed to assist new businesses to implement market development projects. Projects currently supported by the fund include plastic manufacture, glass recycling, waste timber recycling, composting and cardboard recycling facilities.

(d) Over the past three years, Invest NI has helped over 50 businesses identify waste minimisation opportunities through collaborative demonstration projects. In addition many more have been provided with individual help and support directly or through Envirowise and ARENA Network activities.
(e) The NI Waste Exchange Bureau (NIWEB) encourages the exchange and recycling of waste. NIWEB helps producers and potential users of chemical and industrial waste to find users or suppliers of specific wastes. Such has been the success of NIWEB that demand for some waste streams exceeds supply.

6. Current and future availability of landfill sites

(a) Landfill capacity is continuing to diminish as older sites reach completion or close due to the costs of meeting new Landfill Directive requirements, and new sites await planning decisions.

(b) Capacity management for municipal waste (as identified in the Waste Management Strategy) aims to restrict overall landfill capacity and facilitate the meeting of landfill diversion targets by enabling a smooth transition from a high dependency on landfill disposal to high performance on recovery, recycling and reuse.

(c) The Department published two Essential Interim Capacity Reports, in 2000 and 2003, to ensure sufficient landfill capacity is maintained until the infrastructure identified in the Waste Management Plans is in place.

(d) The Waste Management Plans provide the detailed mechanism for future planning. The scale of capacity required and potential location of future sites is based on the application of Best Practicable Environmental Option (BPEO) as required by the Waste Management Strategy.

(e) The new Landfill Directive requires existing sites to meet increased environmental standards which is leading to accelerated closures. The Department will continue to modify its Essential Capacity Assessments and returns under the new Landfill Allowance Scheme will improve the quality of information.

7. Illegal dumping

(a) Northern Ireland’s position within the UK is unique. The open land border with another Member State poses particular challenges in controlling illegal waste management activities which threaten both the environment and legitimate local business.

(b) With 360 kms of border and 273 recognised crossing points, enforcement bodies along the Northern Ireland/Republic of Ireland border face serious logistical problems, compounded by the fact the areas are within the jurisdictions of 10 different local authorities.

(c) The situation is exacerbated by the relative remoteness of some parts of the border coupled with enforcement issues arising from the nature and involvement of organised crime operating in the area.

(d) The Department is taking a firm approach and is co-operating with a range of agencies both North and South. There are over 100 prosecutions pending.

(e) Both organised and casual illegal dumping present a serious challenge and have equally serious resource implications, which the Department is addressing.

8. Proposals for alternatives to landfill, for instance incineration

(a) The Waste Management Strategy identifies the need for energy from waste (EfW) as part of the overall solution.

(b) North West and SWaMP Plans focused on the 2005 time horizon, while arc21 looked forward to 2020, but concluded that decisions on energy from waste options to meet landfill diversion targets for 2013 and 2020 were not needed until their first plan revision, scheduled to start in 2005.

(c) Current work by the three Groups indicates that, when measures for recycling, composting and anaerobic digestion have been maximised, there is still likely to be a need for additional treatment, for example by incineration. In addition, landfill will still be required for residues of processes even if the use of alternative treatment technologies is maximised.

(d) The Department considers that established and proven technologies are likely to provide the main treatment capacity for Northern Ireland in the short/medium term (to at least 2013). Innovative technologies may, however, have a long-term role post-2013.

(e) The benefit of the economies of scale mean that the provision of independent facilities by the three sub-regional Groups cannot be assumed to represent best value for Northern Ireland as a whole. The Department has therefore initiated a NI-wide Best Practicable Environmental Option (BPEO) exercise, to provide a framework for the subsequent revision of the Waste Management Plans and their development of firm proposals up to 2020.
9. Potential for learning from elsewhere

(a) Since the Strategy was published, the Department has been proactive in increasing its knowledge base, participating in UK and island-wide research initiatives and commissioning work specifically to benchmark Northern Ireland against other EU countries.

(b) In undertaking its review of the Waste Management Plans in 2002, the Department commissioned a report on European benchmarking. This identified a number of common mechanisms for establishing a successful network of facilities within other Member States.

(c) Continuous learning has included both members and officials participating in study tours, visiting new technology facilities, conferences and seminars across Europe and elsewhere.

(d) As part of the current review of the Strategy, compliance with current and future EU requirements has been examined to ensure that these are fully taken into account, and that EHS is aware, as far as is possible, of likely future requirements, in particular the developing EU Thematic Strategies.

1. INTRODUCTION

1.1 Aims of this document

This memorandum of evidence has been prepared by the Environment and Heritage Service (EHS) on behalf of the Department of the Environment (DoE) hereinafter referred to as “the Department”. The EHS is the government agency primarily responsible for development and implementation of the Waste Management Strategy for Northern Ireland [Ref A1].

As described in the announcement of the Sub-Committee Inquiry, the memorandum focuses on progress with meeting the targets as set out in the EC Waste Framework Directive and its Daughter Directives. The detailed structure of the document, and its relation to the request for evidence, is set out in Section 1.4 below.

1.2 Legislative requirements

The legislative requirements for Waste Management in Northern Ireland are based on the EU Directives. Annex Two provides a summary of the directive requirements, covering the Waste Framework Directive, the Landfill Directive and other Daughter Directives.

Annex Three provides a rolling programme of Northern Ireland regulations and consultations to ensure compliance with the Waste Framework Directive and its Daughter Directives.

1.3 Roles and responsibilities for waste management in NI

1.3.1 Environment and Heritage Service

EHS is responsible for providing authoritative advice on Government’s principal environmental policies and strategies in Northern Ireland. EHS is also the Department’s executive Agency for implementing many of these measures.

In the field of wastes management, EHS has led the development and implementation of the Waste Management Strategy which is the central policy platform for change and compliance with EC Directive targets.

EHS also administers and enforces the new waste controls and is responsible for the development of associated marketing, and information networks through, for example, the Waste and Resources Action Programme (WRAP) and NetRegs, which is a web-based scheme to help small businesses understand their environmental obligations.

1.3.2 Environmental Policy Division

The Department’s Environmental Policy Group (EPG) is responsible for formulating policy and legislation on all aspects of Northern Ireland’s environment and for promoting sustainable development.

During implementation, EPG’s priority has been to transpose the suite of waste management legislation required by EU Directives.

In carrying out its functions, EPG works closely with EHS and engages actively with a wide range of interested parties and stakeholder groups throughout the private and public sector.
1.3.3 Planning Service

The Department’s Planning Service is responsible for developing, and implementing, Government planning policies and development plans in Northern Ireland, and is the development planning agency responsible for determining planning applications.

Planning Service has been closely involved with the three Waste Management Groups during the development of the waste management plans. Planning Service published Planning Policy Statement 11, Planning and Waste Management (December 2002) [Ref A2] which sets out the planning policies for the development of waste management facilities.

1.3.4 Procurement Service

The Procurement Service works with Northern Ireland public bodies to achieve best value for money in their procurement activities having due regard to the integration of economic, social and environmental policies. It provides a range of services in respect of procurement matters and construction industry disciplines.

Procurement Service recently approved a paper entitled *Integrating Environmental Considerations into Public Procurement*. The paper provides practical advice and gives guidance to contracting authorities on promoting sustainable development through government procurement policy and practice.

Additionally, the paper contains a series of “quick wins”, targets for purchasing of specific “green” products in government purchasing. These targets are to be rapidly met, and will provide an immediate, measurable contribution to the sustainability of government procurement.

1.3.5 Department of Agriculture and Rural Development

The Department of Agriculture and Rural Development (DARD) has responsibility for the application of EU agricultural policy. Other responsibilities include the development of the agricultural, forestry and fishing industries.

The level of proposed inclusion of certain types of agricultural waste as “controlled waste” may, depending on final agreed definitions, increase the amount of waste from circa 4 million tonnes to over 20 million tonnes subject to regulatory control. As such, DARD will have a pivotal role to play in the waste management arena.

1.3.6 Invest Northern Ireland

Invest NI has a strong relationship with the waste management sector in Northern Ireland, providing support and practical business advice to new and established businesses in the sector.

Invest NI plays an important role in supporting local industry in developing a stable infrastructure for commercial and industrial waste collection, treatment, recycling and disposal.

1.3.7 District Councils

District Councils have a central, statutory role in the management of all controlled wastes, the collection of municipal waste and ensuring that suitable arrangements are made for its recovery, recycling and re-use and disposal. In addition, they retain their powers to deal with fly-tipped wastes and are the current competent authority for the control of transfrontier shipments of wastes.

1.4 Structure of the document

The terms of reference for the Inquiry and its relation to the structure of this memorandum of evidence is summarised in Table 1.1:

— The Summary of this Memorandum responds directly to the items in the inquiry’s listed terms of reference, using the numbering as in Table 1.1.
— Section 1 has provided this introduction.
— Section 2 provides an overview, focusing on the process of strategy development and implementation, and summarising progress to date.
— Section 3 focuses on progress towards meeting short-term targets, in particular the recovery/recycling targets for 2005.
— Section 4 assesses longer term targets, in particular bringing in new facilities to meet the landfill diversion targets for 2010, 2013 and 2020.
— Section 5 focuses on landfill availability in Northern Ireland.
— Section 6 addresses illegal dumping of waste.
Section 7 picks up the theme of the potential to learn from experience elsewhere.

Section 8 details a number of other implementation issues not specifically highlighted by the Committee’s terms of reference.

Section 9 provides a recap of progress to date, and of the substantive challenges which still need to be addressed.

Table 1.1

<table>
<thead>
<tr>
<th>No</th>
<th>Location in Terms of Reference</th>
<th>Inquiry Issue</th>
<th>Section in this Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Overall topic</td>
<td>Development and Implementation of the Waste Management Strategy for Northern Ireland</td>
<td>Section 2</td>
</tr>
<tr>
<td>2.</td>
<td>Overriding objective</td>
<td>Progress in meeting the targets as set out in the EC Waste Framework Directive (WFD)</td>
<td>Sections 3, 4 in particular</td>
</tr>
<tr>
<td>3.</td>
<td>Issue bullet 1</td>
<td>Action to reduce the amount of household waste sent to landfill in line with the requirements of the EC WFD</td>
<td>Sections 3, 4, 5</td>
</tr>
<tr>
<td>4.</td>
<td>Issue bullet 2 (a)</td>
<td>Progress on recycling in Northern Ireland</td>
<td>Sections 3.1, 2.2.2</td>
</tr>
<tr>
<td>5.</td>
<td>Issue bullet 2 (b)</td>
<td>Potential development of the recycling industry in Northern Ireland</td>
<td>Section 3.3</td>
</tr>
<tr>
<td>6.</td>
<td>Issue bullet 3</td>
<td>The current and future availability of landfill capacity in Northern Ireland</td>
<td>Section 5</td>
</tr>
<tr>
<td>7.</td>
<td>Issue bullet 4</td>
<td>Illegal dumping of waste</td>
<td>Section 6</td>
</tr>
<tr>
<td>8.</td>
<td>Issue bullet 5</td>
<td>Proposals for alternatives to landfill for instance incineration</td>
<td>Section 4</td>
</tr>
<tr>
<td>9.</td>
<td>Issue bullet 6</td>
<td>The potential to learn from elsewhere</td>
<td>Section 7</td>
</tr>
<tr>
<td>10.</td>
<td>Catch-all</td>
<td>Other associated issues which arise in the course of the inquiry</td>
<td>Section 8</td>
</tr>
</tbody>
</table>

1.5 Key reference documents

Annex One contains the full list of references which are referred to in this document. The key reference documents which are referred to frequently during this submission have been categorised and are listed in Table 1.2.

Table 1.2

KEY REFERENCES

[A] Official Government Reports and Guidance*

A2 Planning Policy Statement (PPS) 11, Planning and Waste Management (on EHS web-site)
A4 Municipal Waste Data Monitoring and Reporting—Interim Guidelines (March 2003) (on EHS web site)
A5 Biodegradable Waste Strategy (BWS) for Northern Ireland (Draft May 2003) (on EHS web site)

* In addition, there are many waste management regulations and associated consultation documents and regulatory impact assessments (see Annex Three)


2. DEVELOPMENT AND IMPLEMENTATION OF THE NORTHERN IRELAND WASTE MANAGEMENT STRATEGY

This section focuses on the process involved in the development and implementation of the Northern Ireland Waste Management Strategy, hereinafter referred to as “the Strategy” and highlights the significant level of stakeholder engagement that has occurred at each step.

2.1 Strategy development up to year 2000

The initial development of the Strategy commenced in January 1997. Over the period January to June 1997, an intensive process of stakeholder participation was used to build the Strategy from “bottom up”, culminating in a major Strategy development forum held at Galgorm Manor in June 1997. A formal draft was issued for public consultation in June 1998.

An independent Waste Management Strategy Advisory Group was formed in April 1999 to consider the stakeholder responses and to set out their recommendations for change and development to the draft Strategy. The Advisory Group Report [Ref D1] made 104 recommendations, of which 98 were incorporated in the final Strategy, which was launched in March 2000 [Ref Al].

Moving from where we were with waste management in Northern Ireland in 1997, to where we need to be in 2005 and in 2020, involves at least two major “step changes” in behaviour and practices, which require the active participation of everyone in Northern Ireland. The engagement of all stakeholder groups has been a major aim from the outset. The Advisory Group included the following comment in the opening statement to its Report [Ref D1]:

“A genuine spirit of partnership has developed amongst those of us involved in waste management, thanks largely to the exemplary consultation process carried out in preparing and finalising the Draft Strategy”.

The Waste Management Strategy focused on setting out targets and actions for each of six policy strands as follows (Annex Four):

— Reduction, recycling and recovery;
— Strategy leadership;
— Planning and infrastructure;
— Regulations and guidance;
— Improving our understanding; and
— Marketing the strategy.
The Strategy included an Implementation Action Plan. Two particular phases of strategy implementation were identified, namely:

— Phase 1 (2000–03), in which the primary challenge was getting the Strategy underway and preparing the foundation for achieving targets and objectives. Three key themes were identified, namely greening government, creating partnerships and mobilising other stakeholders.

— Phase 2 (2004–07), where the major challenges identified in the original Strategy were anticipated to be infrastructure development, public participation and meeting targets and obligations.

Progress during Phase 1, and current activities in Phase 2, are discussed in the sections which follow.

2.2 Phase 1 of Strategy Implementation (2000–03)

A summary timeline for both Phases 1 and 2 of Strategy Implementation and Revision is shown in Figure 2.1.

2.2.1 Creating Partnerships and Developing Waste Management Plans

The Strategy was the first element of a binary approach for Waste Framework Directive compliance within Northern Ireland. The second and equally crucial element, was the preparation and adoption of detailed Waste Management Plans (WMPs) by District Councils. The Plans were required to identify waste management provision at the local level and specifically to demonstrate planning for an integrated network of facilities across NI.

The development of the WMPs consequently formed the main focus of the first phase of Strategy implementation, as this would provide the foundations for meeting targets and developing the activities and actions required to sustain progress.

Creating Partnerships

The Strategy recognised the need for economies of scale and joint working of the 26 District Councils within larger sub-regional groups, and recommended that Councils should form collaborative waste management planning groups.

Three such groups were formed during 2000, and joint Waste Management Plans were prepared, as follows (Figure 2.2):

— arc21 covers 11 District Councils in the Eastern Region [Ref B1];

— North West Regional Waste Management Group (NWRWMG or “NW”) covers seven District Councils [Ref B2]; and

— Southern Waste Management Partnership (SWaMP) covers eight District Councils [Ref B3].
Launch Strategy March 2000

- Establish WMAB June 2001
- Draft WMPs June 2001
- Waste Arisings Aug 2001
  Company Reporting Aug 2001
- BPEO Guidance Oct 2001

Launch WUTW, website & Education pilot Feb 2002

- Market Development Programme & WMIF June 2002
- Final Draft WMPs June 2002
  Dept determination Oct 2002
- 7 Waste Surveys 2002
- Duty of Care guidance 2002
- PPS11 Dec 2002

Interim data reporting guidelines Mar 2003

- Review of WMS 2003
- Performance review WMPs 2003
- Review LTCS 2003
- Implementation forums for hazardous waste, packaging waste, data reporting & education 2003

SCP's Feb 2004

- Green Audit April 2004
- WMAB Review April 2004
- Hazardous Waste 2004
- Waste surveys 2004
- NI-wide BPEO Oct 2004
- Reporting guidelines 2004
- Draft updated WMS end 2004

BWS & Agricultural waste 2005

- Revised WMS 2005
- Revised WMPs 2006

Landfill Tax Review 2002

Duty of Care Oct 2002

2000

2001

2002

- 7 Waste Surveys 2002
- Duty of Care guidance 2002
- PPS11 Dec 2002

- WET Act Nov 2003
- Waste Management Licensing December 2003
  ELVs Dec 2003
- EU Waste Statistics Regs 2003

2003

2004

2005

2006

- WEEE Aug 2004
- Landfill Regulations Jan 2004
- Producer Responsibility (Packaging Waste) April 2004
- Landfill Allowances 2004
- Waste Acceptance Criteria Jun 2004

- Hazardous Waste 2004
- Waste surveys 2004
- NI-wide BPEO Oct 2004
- Reporting guidelines 2004
- Draft updated WMS end 2004

- Revised WMS 2005
- Revised WMPs 2006

- SCP's Feb 2004
- Green Audit April 2004
- WMAB Review April 2004
- Hazardous Waste 2004
- Waste surveys 2004
- NI-wide BPEO Oct 2004
- Reporting guidelines 2004
- Draft updated WMS end 2004

- Landfill Tax Review 2002
- Duty of Care Oct 2002

- Review of WMS 2003
- Performance review WMPs 2003
- Review LTCS 2003
- Implementation forums for hazardous waste, packaging waste, data reporting & education 2003

- Landfill Tax Review 2002
- Duty of Care Oct 2002

- 7 Waste Surveys 2002
- Duty of Care guidance 2002
- PPS11 Dec 2002

- WET Act Nov 2003
- Waste Management Licensing December 2003
  ELVs Dec 2003
- EU Waste Statistics Regs 2003

- SCP's Feb 2004
- Green Audit April 2004
- WMAB Review April 2004
- Hazardous Waste 2004
- Waste surveys 2004
- NI-wide BPEO Oct 2004
- Reporting guidelines 2004
- Draft updated WMS end 2004

- Revised WMS 2005
- Revised WMPs 2006
Developing Waste Management Plans

EHS engaged proactively with the Councils in the waste planning process by:

(i) Providing advice and guidance on partnerships;
(ii) Initiating a Strategic Inter-Group Forum to exchange information and progress across the Groups (later to become NILGA, the Northern Ireland Strategic Governmental Waste Association); and
(iii) Reviewing drafts of the WMPs at various stages in order to ensure compliance with both the Waste and Contaminated Land (NI) Order 1997 (WCLO) and the Waste Framework Directive (WDF) (see Annex Five).

The Department also issued a formal Direction to the Groups to submit Plans by 30 June 2002 and agreed to complete the Departmental review (under Article 23 of the WCLO) by 31 October 2002. Both dates were met. As a result, waste management planning arrangements in NI fully meet the requirements of the WFD [Ref D8].

Annex Five presents a chronology of significant milestones in the development and review of the Waste Management Plans.

The WMPs were adopted formally by all Councils by February 2003 and provided the context for the development of more detailed implementation action planning for delivery of infrastructure and targets.

Summary of the Waste Management Plans

In developing the three Plans covering the whole of Northern Ireland, each Group reflected local policy issues and constraints in accordance with a democratic and consultative process. Each Group focused on self-sufficiency for its own area and deferred decisions on contentious issues, such as incineration capacity and site-specific landfill location, both to allow a full assessment of the potential for recycling before taking difficult decisions on capital intensive infrastructure and to ensure acceptance by individual Councils.

The arc21 Plan was detailed and comprehensive, covering the period from 2003–20, and recognised a specific need for future thermal treatment capacity (incineration with energy recovery or newer alternatives such as gasification/pyrolysis if proven). However, detailed decisions on the precise timing, nature and investment in this capacity, were deferred until the first review, due 2005.

The North West and SWaMP Plans both focus on the period to 2005, concentrating on recycling and public participation to establish a new baseline against which future decisions on major technology requirements can be planned. Whilst the practicality of this approach is logical and was accepted by the Department, it was fully recognised that the short term planning horizon posed a significant risk to meeting medium and long-term targets.
The Department therefore issued a Direction to the constituent Councils formally requiring a Plan to 2020 to be put in place by 2005. This delivery date is being reviewed in the context of the Phase 2 Strategy implementation and convergence of Strategy and Plans, as described below.

Integration of the Waste Management Plans

As part of its review of the submitted Plans, EHS commissioned an integration report [Ref C1], to provide assurance that the three Plans together would provide an integrated network of waste management facilities for Northern Ireland. This concluded, *inter alia*, that:

- The WMPs focus on achieving the 2005 targets, particularly the 25% recycling/composting target, in the WMS and the Landfill Directive.
- Meeting this would be a challenge, given both the high assumed participation and capture rates for separate collection, and the ‘just in time’ nature of the implementation programmes.
- The WMPs are generally weak on the other targets in the WMS, and generally in their coverage of non-municipal waste streams.
- The WMPs recommend a spread of waste management facilities to meet the 2005 targets, which appear to give a good geographical spread across Northern Ireland (Annex Six).
- Further work is required at the first review of the Plans to improve consistency on a number of criteria, including the best practicable environment option (BPEO) process used to recommend the mix of facilities proposed to meet the targets, the quality of the data used and the assumptions made.

Parallel work was carried out on the health implications of waste management facilities [Ref C2] and European benchmarking [Ref C3] and these informed the approval process. An economic review of the implementation programmes for the Plans was undertaken to ensure that the overall proposals represented value for money [Ref C4]. From these reviews, a list of issues to be taken forward in detailed implementation planning was identified [Ref C10].

2.2.2 Other Initiatives during Phase 1 of Strategy Implementation

General

Phase 1 of the Strategy implementation also identified a range of commitments for initiating and developing actions across all six policy strands. In many of these areas the Department has made significant progress, including:

- A major public awareness and information programme (PAIP) Wake up to Waste, launched February 2002—see details below.
- Development of reporting guidelines, and continued data collection—see details below.
- Implementation of Regulations to implement the Waste Framework Directive, the Landfill Directive and other Daughter Directives, together with the associated consultation, regulatory impact assessment and guidance documents (see Annex Two and Annex Three).
- A Market Development Programme (see Section 3.3 below and Annex 8).
- Establishment of the independent Waste Management Advisory Board (WMAB) —April 2001.
- Development and issuing of a BPEO Decision Maker’s Guide—September 2001 [Ref A3].
- Development and issuing of Planning Policy Statement 11 on Planning and Waste Management (PPS11)—published December 2002 [Ref A2].

Wake up to Waste Campaign

Northern Ireland’s Wake up to Waste campaign was launched in February 2002 with the objective of raising the profile of waste management and engaging all stakeholders. The campaign was co-ordinated and managed by EHS, working in close co-operation with the sub-regional Groups and District Councils, as a major focus was to promote public participation in recycling, as well as waste minimisation (www.wakeuptowaste.org) [Ref D2].

The campaign was delivered in three phases, summarised in Table 2.1. Evaluation of Phases 1 and 2 indicates that the campaign has been very effective in raising awareness of waste issues, encouraging a huge response to the consultation on the Waste Management Plans and increasing participation in recycling schemes [Refs C11 and C12]. Phase 3 will be completed in May 2004, with evaluation to follow.
Table 2.1

THE WAKE UP TO WASTE CAMPAIGN


Key messages:
— Raise awareness of the waste issue (general public and businesses).
— Encourage public involvement in the consultation process in Waste Management Plans.

Activities:
— Brand development and major launch event.
— Hard hitting TV advert and radio adverts with informative messages.
— Attention grabbing outdoor advertising on billboards and bus backs.
— Regional, local and business press presence.

Evaluation:
— It was highly successful helping to achieve a response from 10% of households to the consultation exercise.
— Up to 30% increase in materials collected for recycling.
— Fourteen million opportunities to see the Wake up to Waste message.

Phase II: “Reduce, Re-use, Recycle”—Timing: October 2002 to June 2003

Key messages:
— Building on raised awareness.
— “Daily Do-ables”: Simply everyday actions (starting point for more sustained behavioural change).
— Highlighting activities that all stakeholders can do to manage waste and resources effectively.
— Duty of Care.

Activities (see Ref C13):
— TV campaign focused on Reduce, Re-use and Recycle messages.
— Race competition as an interactive mechanism to involve schools, families, businesses and communities.
— Retail Partnership (communicating with consumers and key business targets).
— Duty of Care advert targeted at businesses to raise awareness of new regulations.

Evaluation:
— 95.5% of the population saw the TV advert at least once.
— Tracking research indicated 71% of people considered how they could manage their waste better after seeing the advert.
— The recycling rate for NI as a whole rose to nearly 10% over this period.
— A reported increase of up to 100% in materials collected for recycling.

Phase III: “Reduce, Re-use, Recycle”—Timing: December 2003 to April 2004

Key Messages:
— Emphasis on waste minimisation (Reduce and Reuse).
— Targeted seasonal messages—Christmas/New Year and Spring.
— Christmas recycling; reuse at home and through charity shops; composting; avoid disposable items.
— Highlighting link between daily consumption and waste generation.

Activities:
— Four humorous TV adverts involving seasonable messages ie Christmas and New Year, Spring Cleaning, when waste generation is at a peak.
— Supported by radio and press advertising with complementary messages.
— Distribution of Marketing Kits to assist District Councils in local marketing initiatives.
— PR initiatives to engage neighbourhood retailers in resource management and as a vehicle communicate with consumers.

Evaluation:
— Phase III is ongoing and will be complete in May, with evaluation to follow.
Waste Education Programme

EHS commissioned a pilot waste education programme in January 2002, “Wake up to Waste for Schools”, to promote the objectives of the Waste Management Strategy for Northern Ireland to schools. This innovative and cross-curricular programme, incorporating the themes and requirements of the curriculum for Key Stage 1, 2 and 3, was delivered to two schools in every District Council area (52 schools).

Key findings of the pilot included [Ref C14]:
— obvious gap in/demand for provision of waste education in schools;
— experiential/practical learning approach preferred; and
— links to the curriculum essential for uptake—potential to include many subjects.

In response, EHS has developed a long-term programme incorporating the provision of educational materials and practical participation in recycling:
— comprehensive submission to CCEA (Council for Curriculum, Examination and Assessment) Curriculum Review to ensure inclusion of appropriate links for waste and sustainable development education;
— co-ordinating and funding roll-out of recycling facilities in schools throughout Northern Ireland (experiential learning) (May 2004 onwards);
— development of Kids Against Waste website (www.kidsagainstwaste.org) [Ref D3];
— publication of Waste Supplement for Schools (February 2004) [Ref D4];
— preparation of fact sheets on waste issues (available Summer 2004); and

NetRegs

To address the issue of information and education for business and to support the introduction and enforcement of the various waste regulations, EHS has taken the lead in establishing the NetRegs initiative for Northern Ireland.

NetRegs is a UK-wide initiative, involving EHS, the Environment Agency and SEPA, providing easily accessible sector-specific and management guidelines (www.netregs.gov.uk) [Ref D5] to help small businesses understand their environmental obligations.

The NetRegs team has developed 52 sector or industry type guidelines for Northern Ireland which address specific waste issues for each sector. These will be launched on 13 May 2004. Issue specific Management Guidelines are also available for the following areas:
— Duty of Care.
— Special Waste.
— Transfrontier Shipment of Waste.
— Waste Management Licensing.
— Waste Carriers, Brokers and Dealers.
— Landfill.
— Land Contamination.
— Packaging.
— Waste Minimisation.
— Animal By-Products.

Reporting Guidelines

It has been recognised by all parties that the data on which the current WMPs have been based are weak and unreliable, and a major effort has been undertaken to improve the breadth and accuracy of the data that will underpin the 2005 reviews. A joint Monitoring and Reporting Taskforce (comprising representatives of EHS and the Groups) has been meeting since December 2002.

The Data Monitoring and Reporting taskforce (DMRTF) was charged with developing, applying and standardising a municipal waste data recording methodology. The DMRTF led the development of interim guidelines on Municipal Waste Data Monitoring and Reporting which were issued in March 2003 [Ref A4], and used as the basis for the first Annual Performance Reviews of the WMPs [Refs B6–B8].
A methodology has also been developed for electronic online municipal waste data reporting (WasteDataFlow) on a quarterly basis, to provide timely information on progress and facilitating benchmarking between local authorities (this is a UK wide initiative) [Ref D6]. This data will be used to monitor performance of the Waste Management Plans and the Northern Ireland Landfill Allowance Scheme.

EHS has also continued its data collection on waste management, as summarised in Table 2.2. A summary report of waste arisings (1999–2000) was published in August 2001 [Ref A6].

<table>
<thead>
<tr>
<th>Survey</th>
<th>Consultant</th>
<th>Ref</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilot Municipal Waste Arisings Survey (Phase I): 2000</td>
<td>Enviros</td>
<td>C15</td>
</tr>
<tr>
<td>N12000 Waste Characterisation Survey, 2000</td>
<td>N12000/KMM</td>
<td>C16</td>
</tr>
<tr>
<td>Municipal Waste Arisings Survey (Phase II) 2001</td>
<td>KMM</td>
<td>C17</td>
</tr>
<tr>
<td>Industrial and Commercial Waste Arisings Survey for NI, 2001</td>
<td>KMM</td>
<td>C18</td>
</tr>
<tr>
<td>Municipal Waste Arisings Survey (Phase III) 2002</td>
<td>MEL/Envirocentre</td>
<td>C19</td>
</tr>
<tr>
<td>End of Life Vehicles Survey 2002</td>
<td>Viridis</td>
<td>C20</td>
</tr>
<tr>
<td>Used Tyres Survey 2002</td>
<td>Viridis</td>
<td>C21</td>
</tr>
<tr>
<td>Waste Contractor Survey 2002</td>
<td>Enviros</td>
<td>C22</td>
</tr>
<tr>
<td>Waste Electrical and Electronic Equipment Survey: 2002</td>
<td>Enviros</td>
<td>C23</td>
</tr>
<tr>
<td>Industrial and Commercial Waste production in NI, 2002</td>
<td>MEL/Envirocentre</td>
<td>C25</td>
</tr>
</tbody>
</table>

2.2.3 Review of Phase 1

The Strategy recognises that monitoring and review will be ongoing to ensure implementation of the vision and to put in place the necessary infrastructure. One specific milestone set in the Strategy was a comprehensive review of progress, commencing in 2003. Various actions have so far been taken:

— The Department initiated a comprehensive public consultation exercise in March 2003, to engage as many viewpoints as possible on what has happened so far and what requires closer attention in the future.

— The Department reviewed the responses and compiled a report [Ref C5].

— The Department also compiled a factual report on progress against each target and action identified in the Strategy and identified priorities, barriers and opportunities for Phase 2 implementation [Ref C7].

— Both of these reports were provided to the Waste Management Advisory Board, which was established under the Strategy for a term of three years, and whose final task was specified as undertaking a review of progress to date and making recommendations for the future.

Further work on revision of the Strategy by the Department has been awaiting the WMAB Interim Review Report (March 2004).

2.3 Phase 2 of Strategy Implementation (2004–07)

In preparing for and moving into Phase 2, the Department’s focus has been on two main areas. First, a detailed review and update of the Strategy (see also Section 2.2.3 above); and second, on re-invigorating and supporting on-going Strategy implementation.

Strategy Review

The Strategy review was initiated on schedule in March 2003 and a structured programme has been prepared for the delivery of an enhanced framework for the implementation and development of Waste Management Plans to meet EU and UK obligations for the period 2006–20 [see Annex Seven].
The timetable is significant as 2005–06 is a key milestone for measuring performance of District Councils in meeting targets for the diversion and recovery of household, commercial and industrial wastes. It also marks the point at which WMPs must merge to meet Landfill Directive targets, and when decisions need to be taken on significant capital expenditure investments in new facilities (see Section 4 below).

Key strategic development

Over the next three years key strategic developments impacting on the Waste Management Strategy will include:

— Preparation of a Biodegradable Waste Strategy—this technical document was published as a draft for consultation in May 2003 [Ref A5], but its completion is currently on hold pending development of the Landfill Allowances Scheme and also to allow it to be integrated with the main revised Strategy. A report on the consultation responses is available [Ref C26].

— Producer Responsibility Regulations—the revised Packaging Waste Regulations came into force in April 2004, and both these and new regulations on end-of-life vehicles, waste electrical and electronic equipment and batteries, set challenging recycling and recovery targets (see Section 8.2 below).

— Progress in implementing EU Waste Statistics Reporting Regulations—A Eurostat Waste Statistics Sub-Group is currently discussing the implementation of the Waste Statistics Regulations. Eurostat is preparing an implementation manual/handbook (key components to be available by November 2004) to guide Member States in providing data relating to 2004 by mid 2006. Discussions are continuing with EHS, Defra, the Welsh Assembly and the Environment Agency on a joint UK approach to developing a waste data strategy.

— Development of an Agricultural Waste Strategy—the timing of this is linked to the legislation re-defining certain types of agricultural waste as controlled waste and thus subject to the requirements of the WCLO. The degree and scope of these changes and the strategic response will depend on the nature and quantity of certain types of agricultural waste falling under a “controlled” waste regime as required by the Directive.

A Northern Ireland-wide Framework for Facility Planning

A clear message from the consultation in 2003 was a desire (from District Councils and the sub-regional Groups in particular) that the revised Strategy should provide clear guidance and direction, particularly in terms of longer-term facility provision for municipal solid waste (MSW). The Department has responded by initiating a NI-wide BPEO exercise, to provide a benchmark for BPEO for NI as a whole and to ensure that future major investments in waste facilities can be justified as best value.

This NI-wide BPEO will cover MSW, commercial and industrial wastes and construction and demolition wastes (thus addressing a major weakness in the current plans, which focus only on MSW). It will inform the separate BPEO exercises performed by each of the Groups in their 2005–06 review of the WMPs (the extant Direction, issued by the Department on 20 November 2002 is being amended to allow the NW and Southern Groups to follow this route). Further details are provided in Section 4 below.

On-going Implementation of the Waste Management Plans

The three sub-regional Groups are all focusing on implementation, particularly in terms of recycling and composting to meet the 2005 targets. In arc21, progress is also being made on the joint procurement of facilities to meet both the 2005 and 2010 targets.

A monitoring system has been set up through Annual Performance Reports (APRs), to ensure that the 3 Groups are on track to meet the targets, and to allow remedial action to be taken if not [Refs B6-B8]. A review of the APRs, to assess progress for NI as a whole, has also been compiled [Ref 64].

Further details on the substantial progress being made towards both short- and long-term targets is included in Sections 3 and 4 below.

Government Leadership

A major priority identified in the Waste Management Strategy for Phase 1 implementation was “greening government”. In all of the consultation and feedback exercises carried out over the last year, government leadership (or rather the perceived lack of it) has been highlighted by all sectors. It is recognised that this
will require positive actions by government departments, agencies and District Councils. The unusually high proportion of the economy accounted for by the public sector in Northern Ireland provides a unique opportunity for government to “lead by example”.

The Department is completing a comprehensive Green Audit and establishing a senior level steering group within the Department to oversee Strategy implementation, with the remit of mobilising other government stakeholders at the senior level. Government procurement policies are acknowledged as a major area where further progress is required.

2.4 Development Planning

In the consultation responses on the Strategy review, one of the common threads is the long delays in obtaining planning permission for new waste management infrastructure. This is understandable, as there has only been one major planning-permission issued for waste management since development of the Strategy began. With the Landfill Directive targets looming and potentially controversial new infrastructure choices required to meet these targets being proposed, the determination of planning permissions within a reasonable period of time will be essential.

The Department has been in consultation, both internally and externally, for some time, to find a workable system, which will meet the requirements of both the development planning and waste planning systems. The publication of the Planning Policy Statement (PPS11) on Planning and Waste Management in December 2002 [Ref A2] was a major step forward.

During the process of development plan preparation, District Council waste management groups may wish to discuss with the Department the likely extent of future waste management facilities for the particular plan area. As a result, particular sites for the development of waste management facilities may be identified together with the need for appropriate waste management facilities associated with new development.

Development plans also consider the potential impact of existing or approved waste management facilities when zoning adjoining lands for other forms of development and the need to separate incompatible land uses.

PPS 11 places an onus on the applicant to demonstrate both need and BPEO. The latter has caused a difficulty, as the BPEO Decision Maker’s Guide [Ref A3] addresses the establishment of broad BPEO for WMPs, rather than site-specific BPEO for individual planning applications. Further guidance is currently being developed in discussion with the Technical Advisory Group (TAG: comprising the Chief Technical Officers of the 26 District Councils).

3. Actions to Achieve Short-term Targets (Progress on Recycling)

This Section addresses actions taken and progress towards the short-term strategy targets. The three WMPs all aim to meet the 2005 Landfill Directive target of 25% diversion from landfill by meeting one of the WMS targets, ie 25% recovery (achieved through recycling and composting) by 2005. Actions to develop markets for recycled materials and the recycling industry in Northern Ireland are also addressed.

3.1 Progress on Recycling

A major focus of the WMPs and their early implementation has been to meet the 2005 recycling targets. Significant progress has been achieved through the roll-out of kerbside collections and bring sites, supported by the high profile public awareness and information programme Wake up to Waste (Section 2.2.2).

The Annual Performance review reports [Refs B6-8], and the EHS analysis [Ref B4], document progress from 1999–2002 (full results for 2003 are not yet available). Household recycling rates had increased from 4.9% in 1999 to 9.8% by 2002.

As shown in Figure 3.1, which compares the actual 2002 and predicted 2005 figures for all 26 District Councils [Ref B4], the Groups state that they remain on track to meet the 2005 target (in fact, the predicted NI total figure is 28.6%). The commitment by Councils to roll-out their challenging programmes and to progressively improve their performance will be required to achieve the 25% Strategy target. The Department will continue to support councils in building on the public enthusiasm and participation as demonstrated by the current statistics.
In order to meet the 2005 recycling targets, the WMPs include a number of new facilities as shown in Table 3.1. The 2002 Annual Performance Reports indicate that progress is being made in facility development, but delays have been reported. For example, the arc21 Implementation Action Plan (June 2003) [Ref 135] revised the target contract award date for their facilities from the original October 2003 to March 2004—this date was seen in the EHS review [Ref 64] as very critical, if the facilities are to be operational on time to allow the 2005 target to be met.

**Table 3.1**

<table>
<thead>
<tr>
<th>Facility</th>
<th>NW</th>
<th>swamp</th>
<th>arc21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic Amenity Sites</td>
<td>22 + 6 extensions</td>
<td>15 + 3 extensions</td>
<td>Not specified</td>
</tr>
<tr>
<td>Material Recycling Facility</td>
<td>1–2</td>
<td>1–2</td>
<td>1–2</td>
</tr>
<tr>
<td>In-vessel</td>
<td>1</td>
<td>1</td>
<td>1–2</td>
</tr>
<tr>
<td>Windrow Composting Facility</td>
<td>2–3</td>
<td>2–3</td>
<td>2–3</td>
</tr>
</tbody>
</table>

Source: [Ref C1]

Meeting the 2005 recycling targets will require significant investment costs. The three Groups’ 2003 Implementation Action Plans identified total capital investment of £42 million over the next 3 years, as set out in Table 3.2.

**Table 3.2**

<table>
<thead>
<tr>
<th>Capital Expenditure</th>
<th>2003–04</th>
<th>2004–05</th>
<th>2005–06</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>arc21</td>
<td>7.9</td>
<td>10.8</td>
<td>7.6</td>
<td>26.3</td>
</tr>
<tr>
<td>NWRWMG</td>
<td>3.6</td>
<td>3.2</td>
<td>1.6</td>
<td>8.4</td>
</tr>
<tr>
<td>SWaMP</td>
<td>2.9</td>
<td>2.9</td>
<td>1.9</td>
<td>7.7</td>
</tr>
<tr>
<td>Total</td>
<td>14.4</td>
<td>16.9</td>
<td>11.1</td>
<td>42.4</td>
</tr>
</tbody>
</table>

Source: [Ref B9]
3.2 Progress on Other Short-term Targets

Waste Growth

The W MS target for reducing household waste arisings was to return to 1998 levels by 2005. Figure 3.2 shows that this is proving to be challenging, in line with experience in the rest of the UK and Europe.

**Figure 3.2**

**WASTE ARISINGS PER HOUSEHOLD IN 2002, VERSUS 2005 TARGETS**

Source: [Ref B4]

Reduction in Biodegradable Municipal Waste to Landfill

Figure 3.3 shows the quantities of BMW landfilled versus the Strategy target of 85% of 1995 levels by 2005. The review of the 2002 APRs gives a NI-wide prediction of 90% rather than 85% by 2005. However, as noted above the District Councils remain committed to improving performance to enable the primary recovery targets to be met at 2005 and the Department will continue with its support.

**Figure 3.3**

**BMW LANDFILLED IN 2002 (ACTUAL) AND 2005 (PREDICTED), VERSUS TARGETS**

Source: [Ref B4]
3.3 Market Development

This section of the report provides a summary of the Northern Ireland Market Development Programme (MDP). Further information on the MDP’s background, objectives, initiatives and development may be found in Annex Eight.

The major obstacle to increasing levels of recycling and resource recovery in NI is the lack of local markets containing recycled material. The focus of the MDP, as stated in the WMS, is to stimulate local demand for recycled materials by promoting uptake of products, developing specifications and exercising the purchasing power of Government, District Councils and major businesses in Northern Ireland. The MDP aims to integrate with similar initiatives being carried out in the UK and Ireland, and build on the work and recommendations of previous research initiatives.

The recycling industry needs to adapt from a supply-led, grant-focused base towards demand-led, competitive product development if sustainable markets are to be established.

The following initiatives have been established under the MDP, with the aim of stimulating local demand for recycled materials:

- **Education and Information:** Several initiatives have been undertaken to raise awareness of sustainable waste management, for example, the Wake Up to Waste campaign that addresses both consumer and business issues. A Retail Partnership between EHS and key retailers was also launched in 2002 to support the campaign and communicate the need to reduce waste, particularly through a reduction in consumption of disposable plastic bags.

- **Research & Development:** Research supporting the MDP has included surveys of arisings of priority waste streams, contribution to a study on recycling markets, sponsorship of a market development conference, as well as contribution to a number of UK wide initiatives through the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER), the Environment Agency and WRAP.

- **Waste and Resources Action Programme (WRAP):** WRAP is an important mechanism for delivering projects and targets under the MDP. The Department joined WRAP as a sponsoring Department in 2002 and has committed funding until 2005. The programme focuses on the creation of stable and efficient markets for recycled materials and products. Membership of WRAP affords Northern Ireland access to a £34 million market development programme with developed products and processes that are fully applicable to Northern Ireland.

- **EHS review and agree WRAP’s Business Plan and a Northern Ireland Liaison Officer was appointed in March 2003 to implement a local work programme and to both develop and promote their activities. Performance is monitored through quarterly reports and reviews.**

- **Waste Management Industry Fund (WMIF):** This is a £1 million joint initiative between EHS and Invest NI to encourage the practical development of sustainable markets for reused, recycled or recovered materials by offering grants to capital projects. The criteria include robust business plans, demonstration of match funding by entrepreneurs and emphasis on loan initiatives to ensure minimisation of risk and value for money. Projects supported to date by the £1 million WMIF include plastic manufacture, glass recycling, waste timber recycling, composting and cardboard recycling facilities.

- **Support to Industry for Waste Minimisation:** Invest NI represents Northern Ireland on the Steering Committees of the Envirowise and BIO-WISE programmes to minimise industrial waste, and supports NI champions to ensure effective uptake of both programmes. Over the past three years, Invest NI has helped over 50 businesses identify waste minimisation opportunities through collaborative demonstration projects. In addition many more have been provided with individual help and support directly or through Envirowise and ARENA Network activities.

- **The NI Waste Exchange Bureau (NIWEB):** Invest NI supports NIWEB, which encourages the exchange and recycling of waste. NIWEB helps producers and potential users of chemical and industrial waste to find users or suppliers of specific wastes. Such has been the success of NIWEB that demand for some waste streams exceeds supply.

- **All-island co-operation:** A joint North-South Market Development Group has been operating since 2002 (Refs D10 and D11).

- **Procurement:** In recognition that the public sector accounts for a substantial proportion of NI procurement and that the Government made a leadership commitment, a model policy framework for Greening Government has been developed. [Ref D12].

- **Roles of Other Sectors:** The Department has recognised the need for a partnership approach between government, business and communities and has identified specific roles for industry and District Councils in delivering strategic objectives and targets. These are clearly set out as “key actions” within each component of the Waste Management Strategy. The WMAB’s terms of reference (see Annex C, WMS [Ref A1] specifically set the Board the task of guiding the involvement of stakeholders in achieving the aims and objectives of the WMS.
4. Actions to Achieve Long-term Targets

Although short-term targets have been focusing the minds and actions of the District Councils and the sub-regional waste planning Groups in Northern Ireland, it is the longer-term targets (particularly those to meet the Landfill Directive) that may yet prove to be the hardest to achieve. This section discusses in more detail the longer-term targets facing waste management in Northern Ireland, and addresses the specific NIAC query regarding proposals for alternatives to landfill such as incineration.

4.1 Provisions of the 3 Waste Management Plans

The NW and SWaMP plans focused on the 2005 time horizon, so make little comment on the longer term.

The arc21 plan looked forward to 2020, and the BPEO preferred solution for 2020 included one thermal treatment facility with capacity of about 350,000 tonnes per annum. However, they also concluded that decisions to meet targets for 2013 and 2020 were not needed until the first Plan revision.

For the period up to 2010, arc21 included an anaerobic digestion plant to be operational by 2008–09, which requires procurement processes to be underway in 2004. It has been agreed with arc21 that this facility will form part of the baseline of existing facilities and facilities under development, for the purposes of the current NI-wide BPEO exercise (see Section 2 and further discussion below).

4.2 The 2005 WMP Revision and Ni-wide BPEO

The Department issued a statutory direction to the NW and SWaMP District Councils in November 2002, requiring their first revised Plans, with firm proposals to 2020, to be submitted by June 2005. The first revision of the arc21 Plan was originally scheduled to begin in 2005. For some time, the Department has been concerned that this mismatch in the timing of the first Plan revisions would not allow for the necessary coordination of the long term proposals in the 3 Plans.

This is particularly important as it is anticipated that major investment in waste treatment facilities is likely to be required to meet the Landfill Directive targets. If this were to be the case, then it would be necessary to demonstrate that the proposals represent best value for the tax payers of Northern Ireland, and this could only be done if proper consideration has been given to all the options, including the possibility of facilities serving more than one of the Groups.

As already discussed in Section 2, the Department has therefore commissioned a BPEO exercise for Northern Ireland as a whole, including not only municipal solid wastes but also commercial and industrial wastes and construction and demolition wastes (which were excluded from the BPEO exercises previously carried out in the sub-regional Plans). Discussions were initiated with the 3 sub-regional planning Groups in autumn 2003 and a series of introductory workshops for elected members and officials from all the District Councils were held in the week beginning 1 March 2004 (Ref C27).

The intention is that this NI-wide BPEO exercise will be completed by Autumn 2004. The output will be guidance on the range and types of facility that are likely to provide best value for Northern Ireland as a whole. These results will then be used by the Groups to inform their own, more detailed sub-regional BPEO exercises, as part of their Plan revision.

The Department is currently working to amend the existing direction to the NW and SWaMP groups as to the timing of their Plan revisions, and is in discussion with arc21 on the dates of their review. The aim is that all 3 Plans be revised concurrently, in order to ensure that proposals for long-term investment can be co-ordinated for the benefit of Northern Ireland as a whole.

The Department considers that established and proven technologies are likely to provide the main treatment capacity for Northern Ireland in the short/medium term (to at least 2013). Innovative technologies may, however, have a long-term role post-2013. Alternatives to incineration, such as pyrolysis, may therefore be considered.

In addition, the forthcoming Northern Ireland Energy Strategic Framework will set a target of 12% of all electricity consumed to come from indigenous renewable energy sources by 2012 with 15% of that total to be sourced from non-wind technologies, and waste will be an important contributor.

The market for renewable energy will be fully incentivised from 1 April 2005 with the implementation of a Renewables Obligation. The obligation will provide sufficient financial returns for investors to promote energy from waste projects in Northern Ireland, providing that those also can be demonstrated to be the BPEO within the relevant WMP.
4.3 Potential Levels of Investment Required

To indicate the order of magnitude of a typical investment in energy-from-waste (EfW) or similar facilities, and to illustrate the economies of scale, current EU examples for waste to energy incinerators include:

- 150,000 tonne per annum (tpa) £55 million
- 200,000 tpa £70 million
- 500,000 tpa £125 million

With current generation of MSW in Northern Ireland around 1,000,000 tonnes per annum in total, and 350,000 tpa is the size quoted by arc21 for an EfW waste plant to serve only their needs, it is clear that only a small number of such facilities will be required as part of an integrated solid waste management system for Northern Ireland. The investment required to provide such facilities will be much greater than the average of £14 million per annum allocated for capital expenditures from 2003–04 to 2005–06 (see Table 3.2).

4.4 Key Issues to be Addressed

The current NI-wide BPEO exercise is intended to provide a baseline, both to allow effective evaluation of future draft plans submitted by the three sub-regional Groups, and to allow informed discussion between Government, District Councils and the waste management industry. Four key issues will need to be addressed for successful facility development:

1. **Finance.** The level of investment required will clearly be beyond the financial resources of the District Councils, and is likely to be an order of magnitude greater than the current grant support being provided through the Department. The overall estimate for new infrastructure investment alone is of the order of £400 million.

   An obvious option, already in use in GB, is PFI or some other form of public-private partnership (PPP). Whilst the Department is empowered to enter into PPP/PFI contracts with the private sector, there are concerns whether District Councils have the vires to do so.

   Consequently, it might be necessary for powers, similar to those introduced for local authorities in GB under the Local Government (Contracts) Act 1997, to be given to Northern Ireland District Councils. The provision of such powers would require primary legislation.

2. **Institutional Arrangements.** If it were to emerge that only one or two of these large, capital intensive waste management facilities are required to serve the whole of Northern Ireland, that would raise the question of how waste management in Northern Ireland should be organised in the future.

   Should the individual District Councils remain responsible for waste disposal? Should the 3 existing sub-regional Groups be formalised in some way to facilitate procurement on behalf of the constituent District Councils?

   If further co-operation between the three Groups is required, how can this be facilitated and formalised? Should some aspects of the waste disposal function be centralised for Northern Ireland as a whole, eg the responsibility for waste management planning, or “waste business planning”?

   These questions are clearly linked to the current review of public administration in Northern Ireland. However it is unlikely that waste management will drive that review, and the timescale for its completion is likely to be longer than the time remaining for the decisions needed for investment in new waste management facilities to meet Landfill Directive requirements. It will be necessary to consider actions to encourage the development of capital intensive facilities in advance of the review’s recommendations.

   Accordingly, the working assumption up to this point has been that Government should work within the existing institutional framework. However, this has been noted as a major impediment by many stakeholders, notably by arc21 who have been trying to put in place joint procurement arrangements on behalf of their 11 Councils.

3. **Consents.** Planning permission and operational consents are vital before any development can proceed. Some of the current constraints in the development planning system are discussed in Section 2.

4. **Measurement and Monitoring.** Whatever financial and institutional arrangements are put in place, there will remain the question of how best to measure performance and monitor cost effectiveness, in order to ensure best value to the Northern Ireland tax payer.

5. **Landfill Availability**

The intention of this section is to provide an overview of the disposal situation in Northern Ireland, considering current landfill availability and capacity, and addressing directly on of the issues raised by NIAC.
5.1 Background

In 2000, Northern Ireland was highly dependent on co-disposal of waste to land with around 96% of its controlled wastes being directed to landfill facilities. To meet the Landfill Directive diversion targets, controlling the flow of wastes is considered essential. The Strategy applies capacity management to reduce the proliferation of landfill sites and encourage the diversion of waste to alternative facilities for treatment, recycling and recovery.

This policy sought to provide sufficient reserve capacity to enable a competitive market between high quality facilities by striking a balance between the monopoly pricing that excessive restriction could cause and the threat to Directive compliance, in terms of standards and diversion targets, that over capacity may present. However, the potential impact of the new engineering standards in accelerating the closure of older generation sites and difficulties with finalising permitting and planning approvals for existing proposals have required regular evaluation of essential capacity needs.

Overall, a supply of landfill will still be required for residues of processes even if we maximise alternative treatment technologies and the Waste Management Plans provide the detailed mechanism for future planning. As the competent authority, the District Councils and the three Groups can assist the process by identifying clear preferred choices in their Waste Management Plans.

5.2 Interim capacity

Two essential interim capacity (EIC) reports have been produced by EHS, the last early in 2003. The purpose of the first report [Ref C8] was to ensure that sufficient landfill capacity remained for four years in accordance with the Capacity Management Curve introduced by the Strategy whilst WMPs were prepared.

The purpose of the second report [Ref C9] was to identify remaining landfill capacity and establish how much additional capacity was required until the infrastructure identified by WMPs was in place.

The report identified that landfill capacity for municipal waste was rapidly being exhausted. It recommended that consideration be given to four active planning applications for landfill in order to provide interim capacity which could also form the basis of a network of strategic facilities.

Since the publication of the report, planning permission has been granted for one of the sites (Drummee in County Fermanagh). Following the revision of applications to meet additional Directive requirements, Planning Service will be ensuring that these applications are processed as quickly as possible.

Since the publication of the EIC report, the Pollution Prevention and Control Regulations have been introduced which require new landfill sites to apply for a permit in order to operate. Planning permission is a pre-requisite of permit issue although the application process can run simultaneously. To date EHS has not received permit applications for the sites referred to in the EIC report.

The EIC report reflected likely impacts associated with the Landfill Directive by assuming worst case scenario of numbers of sites that might close as a result, whilst ensuring that sufficient additional capacity was provided.

Future landfill requirements will be identified through the BPEO planning exercises carried out for the Strategy and WMPs (see Section 4.2). Landfill use will be monitored through returns made under the new Landfill Allowances Scheme. Together these will inform decisions on the future release of new landfill capacity.

6. ILLEGAL DUMPING ISSUES

This section considers the problem of illegal dumping and fly-tipping across Northern Ireland, and between the Republic of Ireland and Northern Ireland, addressing another of the specific issues raised by NIAC.

6.1 Extent of the problem

The term illegal dumping can be used to describe a number of illegal activities ranging from what is commonly referred to as fly-tipping at an anti-social level, through organised criminal activity fraudulently concealing the mass export of material to another country under the guise of recycling (known as “sham recovery”), to the currently topical issue of ROI waste being exported to illegal landfill sites in Northern Ireland.

In Northern Ireland local fly-tipping is increasing and both sham recovery and the migration of large quantities of waste from ROI for deposit at unlicensed NI sites are currently estimated to be around 400,000 tonnes per annum. The extent of these problems has required a major re-direction of resources to create a dedicated prevention and enforcement team. There are over 100 prosecution cases currently in progress of which around 60% are associated with illegal landfill sites for ROI waste.
However fly-tipping is also widespread across England, Scotland and Wales and Defra is currently consulting on a Fly-Tipping Strategy (consultation ends 14 May) [Ref D13]. They propose, inter-alia, to increase penalties and introduce powers to stop, search and seize vehicles, and to develop new provisions for clearing waste from land.

6.2 **Detail and drivers**

The different legal framework and programmes for implementing new waste management regimes between NI and ROI, even though both are working under the same European Directive framework, make it easy for unscrupulous operators to exploit weaknesses in the system. For example, there is no specific Duty of Care regulation in ROI and the 26 District Councils in NI are currently the designated competent authority for the control of transfrontier shipments.

The geography itself also creates a logistical headache for enforcement bodies North and South. There are 360 kms of border, with 273 recognised crossing points, of which only around 150 are on major roads. The border areas are under the jurisdiction of a total of 10 Local Authorities, each with a slightly different approach to the problem.

Differences in financial incentives, landfill and other taxes, including VAT, between ROI and NI and the involvement of organised criminal gangs add to the difficulties in extinguishing the illegal trade.

Public interest and political concern is high in both jurisdictions because of the potential for significant pollution, harm to human health and damage to legitimate local business. The meeting between Angela Smith MP and Martin Cullen TD at the beginning of April 2004 reflected the seriousness both Ministers attach to the problem. Minister Cullen has dedicated nine million euros in additional funding on an annual basis for the next five years to enhance enforcement.

A shortage of landfill capacity in ROI, coupled with high gate prices has already driven the northern migration of waste. Clearly, ROI's new resources for enforcement and focus on improving their regulatory efficiency will place additional pressures on waste producers and carriers to evade regulation by increasing exports to Northern Ireland and other countries.

There are a number of other additional drivers eg End-of-Life Vehicles, currently generating a 27% increase in abandoned cars in GB, Waste Electrical and Electronic Equipment, and the cessation of co-disposal landfill of hazardous wastes, including asbestos, by July 2004.

6.3 **Current actions**

The Department is using a range of powers to prepare prosecution cases against operators, and landowners who have allowed their land to be used for illegal disposal.

Article 4 of the WCLO relates to offences for disposal of waste without a licence. In addition there are provisions under the Controlled Waste (Duty of Care) Regulations (NI) 2002 and the Registration of Carriers Regulations which also contain relevant offences.

Articles 51, 53 and 54 of the WCLO contain provisions for the identification and remediation of contaminated land. As part of its preparation for transposition of the Environmental Liability Directive, the Department is considering bringing these powers into operation; this would provide additional powers to require remediation of sites contaminated by illegally dumped waste.

The Department has established a dedicated Enforcement Team that is working in close co-operation with District Councils and a range of other enforcement agencies, both North and South of the border.

6.4 **Future policy**

The Department is currently considering the development of a more flexible range of tools to enable fly-tipping to be dealt with more effectively. Inter-alia, these are likely to include:

- A national database.
- New registration and vehicle identification procedures for waste carriers.
- Strengthening of enforcement provisions to add to District Council's current powers to deal with fly-tipping.
- Substantial new resources for additional staff to deal with illegal activities.
- Changes to the Transfrontier Shipment Regulations to centralise control by transfer to the Department.
- A joint summit involving all the key public bodies involved North and South to share information and co-ordinate the prevention and enforcement response to the growing level of organised crime.
- An extension to the Wake up to Waste programme to increase awareness of the damage and long-term community costs caused by illegal dumping.
7. **Potential to Learn from Elsewhere**

7.1 **Introduction**

When the Strategy process started in 1997 Northern Ireland was heavily reliant on landfill disposal. The development of the Strategy has provided a vision for change and a framework for improvements that are tailored to Northern Ireland’s particular needs.

As the importance of waste has been recognised and the knowledge base improved, the enormity of the challenge posed by the step changes required has focused attention on learning from elsewhere to bring about rapid progress to meet our targets.

Since the Strategy was published, the Department has been proactive in increasing its knowledge base, participating in UK and island-wide research initiatives and commissioning work specifically to benchmark Northern Ireland against other EU countries.

7.2 **EU benchmark study**

In undertaking its review of the submitted WMPs in 2002, the Department commissioned a report on European benchmarking which identified a number of common mechanisms for establishing a successful network of facilities within other member states (Ref C3). The report includes:

- a broad brush review of the status of waste management across the EU;
- detailed case studies for Flanders, Denmark, Netherlands and Germany; and
- lessons for Northern Ireland.

7.3 **Northern Ireland participation in UK, Ireland and EU-wide activities**

Since the Strategy was published, the Department and other government departments have been proactive in increasing their knowledge base, for example by participating in UK and island-wide research and development initiatives (Table 7.1).

Table 7.1

**EXAMPLES OF NI PARTICIPATION IN WIDER WASTE MANAGEMENT PROGRAMMES**

- EHS has regular meetings with the Environment Agency (EA) and the Scottish Environment Protection Agency (SEPA) to discuss policy and technical issues, eg the Special Waste Advisory Group.
- EHS Sponsorship of WRAP.
- Invest NI on Steering Committees of the Envirowise and Bio-Wise programmes.
- Active participation in the development, management and pilot phase of WasteDataFlow.
- Project board membership for NetRegs.
- Participation in SNIFFER.
- Membership of the National Recycling and Waste Forum (NRWF), and participating in their project to develop a waste prevention tool and strategy.
- EHS membership of the Interpol Environmental Crime Group, and its Waste and Pollution sub-group.
- EHS membership of the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL).
- Participation in development of new life cycle assessment (LCA) tool (active on EA project board).
- Various all-island initiatives, including the North-South Market Development Programme, Co-operation on Information Exchange and Awareness Raising, and DEHLG (ROI) membership of the NI Hazardous Waste Forum.
- Joint conferences with CIWM, as part of stakeholder awareness raising activities.

7.4 **Information exchange with other countries**

Continuous learning has included both elected members and officials (from government departments and District Councils) participating in study tours, conferences and seminars and visiting new technology facilities, across Europe and elsewhere. Examples are given in 7.2.
Table 7.2
EXAMPLES OF NI PARTICIPATION IN INFORMATION EXCHANGE ACTIVITIES

- NILGA seminar with Netherlands June 2003.
- Study tour to Freiburg (Sustainable Northern Ireland Programme), May 2003.
- Exchange of technical information through the British-Irish Council Environment Sectoral Group (BIC(E)).
- Study tours organised by SWaMP in March/April 2004 to visit new technologies for waste treatment in England and Wales, Germany and The Netherlands.
- Co-ordinated All-Island Recycling Officers Colloquium, Dundalk, November 2003.

7.5 Anticipating future EU requirements

As part of the current review of the Strategy, commenced in 2003, a report was prepared on “A Review of the NIWMS, the three WMPs and the interim BWMS for compliance with current and future EU requirements” (Ref C6).

The purpose was to ensure that current requirements are fully taken into account, and that we are also aware, as far as is possible, of likely future requirements. However, whilst common themes can be identified and implementation mechanisms are being further developed through, for example, the EU Thematic Strategies, Northern Ireland must adapt these to its own circumstances.

8. Other Implementation Issues

The NIAC terms of reference raises a number of specific aspects of implementation of the Northern Ireland Waste Management Strategy. Important, related aspects of implementation, such as the Wake up to Waste Campaign and issues of improved data management, have already been highlighted in this memorandum (Section 2.2.2). However, several additional areas, which have received considerable attention, are included in this section for completeness.

8.1 Hazardous Waste Management

One of the weaknesses identified in the draft WMPs, during the pre-consultation review with EHS, was the lack of specific chapters covering both hazardous waste and packaging waste (separate plans for these waste streams are required under the respective EU directives). As a result, the three sub-regional Groups collaborated together to produce common chapters covering hazardous wastes and packaging wastes for Northern Ireland as a whole.

One of the recommendations made in the WMPs regarding hazardous wastes was that a stakeholder group should be convened to address the up-coming capacity issues, particularly those related to the end of co-disposal landfill in July 2004, and focussing in particular on the need for an all-island solution. EHS facilitated this proposal, by establishing the Northern Ireland Hazardous Waste Forum (HWF) which held its first meeting on 3 June 2003. By coincidence, the Northern Ireland Forum was following several months behind that set up by Defra in England, and has been able to build on the work of the Defra Forum.

The first action plan from the HWF, which will follow the format of that issued by the Defra Forum on 19 December 2003, is currently under preparation and is expected to be produced in Summer 2004.

One particular focus for the HWF is the end of co-disposal of hazardous wastes in municipal waste landfill sites, which will cease under the Landfill Directive as of 16 July 2004. There are currently four licensed co-disposal landfill sites in Northern Ireland, and all of these are expected to close by July (indeed, the largest, operated by Belfast City Council at Dargan Road, closed for co-disposal on 31 March 2004).

This means that, for many more hazardous wastes than at present, there will no longer be a legal disposal route available within Northern Ireland. The HWF is working to secure suitable disposal outlets. In addition, EHS has increased its enforcement efforts, for example focusing on wastes which previously went to Dargan Road, in an attempt to prevent (or at least reduce) the increase in illegal disposal which might otherwise be expected.

Two of the priority waste streams identified by the HWF, for which particular capacity issues are anticipated, are asbestos which is currently co-disposed in landfill and waste oils.

The Department has commissioned an interim BPEO assessment for asbestos waste, to determine the short-term BPEO to address the complete absence of a legal disposal route within Northern Ireland from July 2004. This concludes that establishment of a separate cell for asbestos waste on a non-hazardous waste landfill site within Northern Ireland is BPEO.
The HWF, working together with the Health and Safety Executive (HSENI), convened a stakeholder forum in Cookstown on 10 March 2004, which was aimed at raising awareness of both the new Asbestos Regulations and the forthcoming shortfall in terms of disposal capacity. The Forum discussed the opportunities for developing a separate cell for asbestos waste, and for establishing transfer stations for temporary storage of asbestos, pending its onward transport to a (more distant) suitable disposal site. EHS and HSE will work together to prevent both illegal dumping of asbestos, and any move to use unlicensed or disreputable contractors for asbestos removal.

Waste oils account for 15,000 out of 50,000 tonnes of hazardous waste generated currently in Northern Ireland. All of these wastes are collected (normally free of charge) and processed into recovered fuel oil (RFO), which is sold to roadstone burners (ie used for road asphalt).

This recovery route is under threat as RFO is now regarded as a waste under EU definitions, so to continue using RFO as a fuel, the roadstone burners would require to be permitted under the Waste Incineration Directive by 31 December 2005. As the alternative fuel (heavy fuel oil) would not require such compliance, and the costs involved with the compliance would be large, it is expected that this outlet will cease to be available. The HWF is actively working with the Oil Recovery Association to address this issue.

8.2 Producer Responsibility Directives

Packaging Wastes

The introduction of the Producer Responsibility Obligations (Packaging Waste) (NI) Regulations 1999 (Packaging Regulations) has been the catalyst for a wide range of business sectors to look at the waste they produce, minimise it, and recycle or recover as much as possible. The majority of companies have accepted they have a producer responsibility.

A common chapter on packaging waste was also included in the three WMPs. A stakeholder Packaging Waste Forum was also convened by EHS during 2003.

A review of the Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 1999 was undertaken during 2003 and culminated in the introduction of revised regulations which came into effect in April 2004.

The purpose of the review was to discuss business recovery and recycling target scenarios for 2004–08 and other changes intended to improve the workings of the system. The changes set out in the new regulations are designed to contribute to a more effective and efficient system, and to greater confidence in the ability of the system to deliver the revised Directive targets.

End-of-Life Vehicles (ELV)

The End-of-Life Vehicles Directive has been transposed within the Waste Management Licensing Regulations (NI) 2003. The ELV Regulations came into operation at the end of 2003 and will require manufacturers to take responsibility for ELVs from 2007. The UK government will also have to ensure that an adequate network of Authorised Treatment Facilities (ATFs) exist for the depollution of ELVs.

The Directive has in addition set challenging recycling targets which all members states must meet. The Department has been actively engaged with all key stakeholders from the outset to secure compliance with the Regulations and there has been an encouraging number of dismantlers who have expressed an interest in becoming ATFs.

Waste Electrical and Electronic Equipment (WEEE)

The Waste Electrical and Electronic Equipment Directive will be transposed in Northern Ireland later this year. These Regulations will introduce producer responsibility for all producers and retailers of EEE and set challenging recycling and recovery targets.

The Directive has also introduced reuse as having priority before recycling of WEEE. In this instance all producers of WEEE, including central and local government are included and there will be no de minimis for small producers. These Regulations are likely to have far reaching implications for the WEEE waste stream (most of which will be classified as hazardous), its collection, transportation and reuse/recycling and recovery.

Batteries

The Batteries Directive will also involve producer responsibility and it is likely to be transposed in Northern Ireland within the next year. These Regulations will require the segregation or separate collection of all types of batteries and will again impose recycling targets.
9. SUMMARY AND CHALLENGES FOR THE FUTURE

This final section provides a summary of progress to date, and of the substantive challenges that still need to be addressed in Northern Ireland.

9.1 Overview of Progress

Before work began on the development of the Strategy in 1997, Northern Ireland’s infrastructure and legislative controls were insufficient to satisfy EU requirements. Since that time, very substantial progress has been achieved, thanks to the co-operative efforts of all stakeholders. In particular:

— The Strategy has been in place since March 2000, and the three sub-regional Waste Management Plans were adopted in January 2003. As a result, waste management planning arrangements in Northern Ireland fully meet the requirements of the WFD.

— Significant progress is being made in implementing the first phase of the WMPs. In particular, the latest Annual Progress Reports show that Northern Ireland as a whole is on track to meet the 2005 target of 25% recycling from municipal solid wastes.

— The Wake up to Waste campaign in Northern Ireland has been very successful, and can claim a leadership position in the UK in terms of public awareness and information programmes.

— Significant progress has been made in terms of waste management data and reporting guidelines. Quarterly municipal waste data returns and Annual Progress Reports are now being prepared and collated from each of the sub-regional Groups, and Northern Ireland is playing a full part in the UK-wide WasteDataFlow programme.

— The historical backlog in the transposition of EU waste and other environmental Directives has been eliminated.

9.2 Challenges for the Future

Maintaining the progress also raises significant challenges:

— The Wake up to Waste campaign has successfully raised awareness and expectations, but the cross-sectoral consensus is that this has not so far been matched by the provision of recycling and recovery infrastructure, signalling visible change. While Northern Ireland appears to be on track to meet the 25% recycling target in 2005, much reliance is being placed on bringing facilities on stream over the next year.

— A clear message from the consultation on the Strategy in 2003 was the desire that the Strategy should provide clear guidance and direction to stakeholders, particularly in terms of longer-term facility provision for MSW. The Department has responded by initiating a NI-wide BPEO exercise for a range of waste streams against technologies, capacities and facilities, to inform waste planning decisions at a sub-regional level.

— The WMPs so far are focused primarily on municipal solid waste, with some attention also to packaging and hazardous wastes. The current NI-wide BPEO exercise is one step in extending this focus to commercial and industrial waste and also to construction and demolition waste.

— A related point is that, so far, implementation of the Strategy has failed adequately to mobilise business and industry, who are the generators of these two significant waste streams.

— Certain types of agricultural waste will soon become controlled waste and subject to waste management planning requirements. Given the importance of agriculture to the Northern Ireland economy, developing an appropriate agricultural waste strategy in a participatory and integrated manner remains both a challenge and a priority for the future.

— A major priority identified in the Strategy for Phase I implementation was “greening government”. In all of the consultation and feedback exercises carried out over the last year, government leadership (or rather the perceived lack of it) has been highlighted by all sectors, and it is recognised that this will require positive actions by government departments, agencies and District Councils.

— Many of these issues are being taken up in the current review of the Strategy by the Department. Early work on this review in summer 2003 was fed into the Waste Management Advisory Board. Their recommendations will provide a significant contribution to the alignment and revision of policy measures to ensure we remain fully compliant with the EC Waste Framework Directive and realise the stated strategic vision for Northern Ireland as a European centre of excellence in resource and waste management.
LIST OF REFERENCES

[A] Official Government Reports and Guidance

A2 Planning Policy Statement (PPS) 11, Planning and Waste Management (on EHS website)
A4 Municipal Waste Data Monitoring and Reporting—Interim Guidelines (March 2003) (on EHS website)
A5 Biodegradable Waste Strategy (BWS) for Northern Ireland (Draft May 2003) (on EHS website)
A6 Waste Arisings Survey for Northern Ireland, Summary Report, August 2001 (on EHS website)
A7 Guidelines for Company reporting on Waste, 2001 (on EHS website).


B5 Arc21 Short Term Implementation Plan (June 2003)
B9 Economic Review of Waste Management Plans (December 2002) BDO Stoy Hayward

[C] EHS Reports

C2 Potential Health Effects of Waste Management Options (ERM, March 2003)
C3 European Benchmark Study (ERM, February 2003)
C5 Report on Analysis of Stakeholder Responses (summary report of key strategy implementation issues/areas for significant change and investigation). (ERM, September 2003)
C8 Essential Interim Capacity: First Report, 2001
C10 Issues to be addressed during the implementation and review of the three Waste Management Plans, November 2002.
C12 Wake up to Waste: Phase II Evaluation Report (Sept 2003) (on EHS website)
C13 Wake up to Waste Phase II: Phase II Activities Summary (Sept 2003)
C15 Pilot Municipal Waste Arisings Survey (Phase I ). Enviros, 2000
C17 Municipal Waste Arisings Survey (Phase II). KMM, 2001
C18 Industrial and Commercial Waste Arisings Survey for NI. KMM, 2001
C19 Municipal Waste Arisings Survey (Phase III). MEL/Envirocentre, 2002
C20 End of Life Vehicles Survey, Viridis, 2002 (Exec. Summary. on EHS website)
C21 Used Tyres Survey, Viridis, 2002 (Exec Summary on EHS website)
C22 Waste Contractor Survey. Enviros, 2002 (Exec. Summary on EHS website)
C23 Waste Electrical and Electronic Equipment Survey. Enviros, 2002 (Exec Summary on EHS website)
C25 Industrial and Commercial Waste production in NI. MEL/Envirocentre, 2002
[D] Other Reports
D2 www.wakeuptowaste.org
D3 www.kidsagainstwaste.org
D4 Reduce, Re-use and Recycle: A special publication for Young People. (Belfast Telegraph, February 2004).
D5 www.netregs.gov.uk
D6 www.wastedataflow
D7 ECJ January 2002 on Infraction
D8 The Waste Framework Directive
D10 A Strategy for Recycling Markets in Ireland, Cork Clean Technology Centre, 2002
D12 Integrating Environmental Considerations into public procurement: Guidance Note (Draft) 2004

Annex Two

SUMMARY OF EU DIRECTIVE REQUIREMENTS ON WASTE MANAGEMENT

This annex summarises the EU Directive requirements in three tables:

— Table B: The Landfill Directive (1999/31/EC)


The Framework Directive on Waste, which has been amended by 91/156/EEC and 91/92/EEC, relates to waste disposal and the protection of the environment from harmful effects caused by the collection, transport, treatment, storage, and tipping of waste. The key aspects of the Directive have been outlined below:

— Article 1 and 2 defines waste as any substance, or object, which the holder disposes of or is required to dispose of pursuant to the provisions of national law. Article 2 states that Member States may adopt specific rules for particular categories of waste and sets out wastes excluded by the Directive.
— Article 3 encourages use of the waste hierarchy in waste management. It requires that Member States prevent or reduce waste by the development of clean technology and the technical development and marketing of products that do not contribute to waste or pollution.
— Article 4 requires that Member States take measures to ensure that waste is recovered or disposed of without harm to human health or the environment.
— Article 5 states that a network of waste disposal facilities should be established. These facilities should incorporate the best available technology. It must enable the EC as a whole and each State individually to become self-sufficient in waste disposal. Also the network should be such that waste can be disposed of in the nearest facility to where it is produced.
— Article 6 requires that the relevant authority be made responsible for waste disposal and any planning, organisation, authorisation or supervision that is involved in this.
— Article 7 instructs Member States to draw up waste management plans. This plan should include information on the type and quantity of waste to be disposed of, general technical requirements, suitable disposal sites, and any special arrangements for particular wastes.
— Article 8 instructs that Member States take the necessary measures to ensure that any holder of waste has it handled by a private or public waste collector, or recovers or disposes of it himself in accordance with the Directive.
— Article 9 and 10 requires that certain installations or undertakings must obtain a permit.
— Article 11 establishes exemptions from the permit requirement imposed in Article 9 and 10.
— Article 12 requires that establishments or undertakings which collect or transport waste on a professional basis or which arrange for the disposal or recovery of waste on behalf of others, where not subject to authorisation, shall be registered with the authorities.
— Article 13 states that establishments or undertakings shall be subject to periodic inspections.
— Article 14 requires that establishments or undertakings keep a record of the quantity, nature origin, destination, frequency of collection, mode of transport and treatment method of waste.
— Article 15 deals with the Polluter Pays principle.

**Table B: The Landfill Directive (1999/31/EC)**

The Landfill Directive (1999/31/EC), which was adopted by the European Union in 1999, was brought into force in Northern Ireland by the Landfill Regulations (Northern Ireland) 2003. The Regulations are significantly changing the way NI (and the UK) handle waste.

One of the key elements of the Directive was the requirement for all landfill operators to submit a conditioning plan, which reclassifies the site as inert, hazardous or non-hazardous. Previously, UK landfills had been either inert or could practise co-disposal of hazardous and non-hazardous material. The Directive states that “non-hazardous” sites can accept only non-hazardous waste, and the previous UK practice of hazardous waste with municipal solid wastes is being banned (from 16 July 2004).

The Landfill Directive focuses, inter alia, on reducing the impact of biodegradable municipal wastes (BMW) in landfill sites. The following targets are set out in the directive:

— reduce BMW landfilled to 75% of 1995 level by 2006;
— reduce BMW landfilled to 50% of 1995 level by 2009; and
— reduce BMW landfilled to 35% of 1995 level by 2014.

However, because of its high reliance on landfill, the UK was given the option of derogations to put back these targets to 2010, 2013 and 2020. Despite the use of the derogations, the UK still faces huge challenges in diverting biodegradable municipal waste from landfill.

Measures for meeting the Landfill Directive targets on an UK-wide basis were set out in the primary legislation of the Waste and Emissions Trading (WET) Act (November 2003). This identifies the framework for the preparation of strategies by the devolved administrations and reporting of progress towards targets to ensure that the UK as a whole meets the EU targets. Secondary legislation at the Northern Ireland level through the Landfill Allowances Scheme (current consultation draft 2004) will enable the implementation of the WET provisions in Northern Ireland by allocating specific allowances to the competent authority, which in Northern Ireland is the District Council. The Landfill Allowances Scheme will also introduce local flexibility through banking, borrowing and/or trading of allowances. The base year for the scheme will be 2005.

**Table C: Daughter Directives of the Framework Directive on Waste (75/442/EEC)**

The Waste Framework Directive (75/442/EEC) provides a planning and institutional framework to guide the implementation of the waste sector Directives. There are a number of related Daughter Directives that set out the permitting and operations of waste disposal facilities and also deal with specific types of waste. The key directives (in addition to the Landfill Directive) are outlined below:

— The **Hazardous Waste Directive (91/689/EEC)** introduces a precise and uniform definition of hazardous waste and promotes environmentally sound management of hazardous waste and imposes a number of controls, additional to those laid down in the Waste Framework Directive, in respect of the handling and disposal of hazardous waste.

— The **Waste Incineration (WID) Directive (2000/76/EC)** tightens emissions controls on municipal incineration plants. It applies to new Energy From Waste facilities from 28 December 2002 and to existing facilities from 28 December 2005. The main priorities include significantly reducing emissions of key pollutants (dust, NOx, SO2, HCl and heavy metals), monitoring dioxin discharges into water and minimising the residues from combustion processes.

— The revised **Packaging Waste Directive (94/62/EC)** was agreed early in 2004 and requires Member States to achieve recovery and recycling targets. In addition to material specific recycling targets, it sets the following targets:
  — to recover at least 60% of packaging waste by 31 December 2008; and
  — to recycle between 55% and 80% of packaging waste by 31 December 2008.

— The **Batteries Directive (91/157/EEC)** requires that Member States draw up programmes to manage spent batteries and accumulators. Revision of this Directive is under way and a proposed Directive was published in November 2003 (COM(2003)723), which imposes legally binding collection and recycling targets for all types of spent batteries.

— The **Directive on the Disposal of PCBs and PCTs (96/59/EEC)** aims at the elimination of polychlorinated biphenyls and polychlorinated terphenyls (PCBs) and at the decontamination of equipment containing them.
— *The End of Life Vehicles Directive (2000/53/EC)* introduces controls on the scrapping of ELVs by restricting treatment to authorised treatment facilities, sets rising reuse, recycling and recovery targets to be met by January 2006 (85% of all ELVs reused or recovered, 80% reused or recycled) and 2015 (95% reused or recovered, 85% reused or recycled) and requires manufacturers to design and manufacture their vehicles with recyclability and reuse in mind.

— *The Waste Electrical and Electronic Equipment (WEEE) Directive (2002/96/EC)* came into force in February 2003 and aims to promote producer responsibility to collect and recycle electronic waste. It states that WEEE may no longer be disposed of with other unsorted municipal waste and that distributors will be obliged to take back, free of charge, similar WEEE from private households.

— *The Waste Oil Directive (75/439/EEC)* creates a harmonised system for the collection, treatment, storage and disposal of waste oils, without harming the environment. Member States are required to establish systems for the registration, permitting and supervision of activities involving the processing or disposal of waste oils.

— *The Sewage Sludge Directive (86/278/EEC)* aims to control the use of sewage sludge in agriculture by establishing maximum limit values for concentrations of heavy metals in the soil and in the sludge, and maximum quantities of heavy metals (cadmium, copper, nickel, lead, zinc and mercury) that may be added to the soil.
## Key to Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMW</td>
<td>Biodegradable Municipal Waste</td>
</tr>
<tr>
<td>BWS</td>
<td>Biodegradable Waste Strategy</td>
</tr>
<tr>
<td>KPI</td>
<td>Key Performance Indicator</td>
</tr>
<tr>
<td>LFD</td>
<td>Landfill Directive</td>
</tr>
<tr>
<td>LFR</td>
<td>Landfill Regulations</td>
</tr>
<tr>
<td>SCP</td>
<td>Site Conditioning Plan</td>
</tr>
<tr>
<td>WET</td>
<td>Waste and Emissions Trading Bill</td>
</tr>
<tr>
<td>WMAB</td>
<td>Waste Management Advisory Board</td>
</tr>
<tr>
<td>WMS</td>
<td>Northern Ireland Waste Management Strategy (March 2000)</td>
</tr>
<tr>
<td>WRAP</td>
<td>Waste Resources Action Programme</td>
</tr>
</tbody>
</table>

### Legislation

<table>
<thead>
<tr>
<th>Document</th>
<th>Outline Scope</th>
<th>Current status, approximate timetable and consultation</th>
<th>Awareness/information seminars held/planned</th>
<th>Regulations/document finalised/in place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controlled Waste Regulations &amp; Duty of Care</td>
<td>Defines scope of controlled wastes and exclusions. Duty of care places a duty on anyone who has a responsibility for controlled waste to ensure that it is managed properly and disposed of safely.</td>
<td>In force October 2002</td>
<td>TV advertisement under Wake up to Waste campaign October 2002. Duty of Care Roadshows carried out January/February 2003</td>
<td>October 2002</td>
</tr>
<tr>
<td>WET Act 2003</td>
<td>UK primary legislation to set framework for meeting targets in Articles 5(1) and 5(2) of LFD, including preparation of strategies and reporting of progress towards targets. Base year for reporting to start 2005. Statutory obligations will be at DC level in NI.</td>
<td>In force November 2003 Provisions being built into consultation on Landfill Allowances Regulations by devolved administrations (see below)</td>
<td>Provisions explained at Seminar 18 March 2003. Ongoing update at Waste Management Group level—arc21 7 October, NWRWMG and SWaMP 8 October 2003 Seminar 3 Sept 2003</td>
<td>November 2003</td>
</tr>
<tr>
<td>Document</td>
<td>Outline Scope</td>
<td>Current status, approximate timetable and consultation</td>
<td>Awareness/information seminars held/planned</td>
<td>Regulations/document finalised/in place</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Landfill Regulations (Waste Acceptance Criteria)</td>
<td>NI legislation to implement WAC to landfill sites</td>
<td>Draft regulations and consultation exercise issued December 2003</td>
<td>Ongoing update at Waste Management Group level—arc21 7 October, NWRWMG and SWaMP 8 October 2003 Seminar 3 September 2003</td>
<td>June 2004</td>
</tr>
<tr>
<td>Waste Management Licensing</td>
<td>Regulations to implement Waste and Contaminated Land (NI) Order 1997 with respect to updated and transfer of licensing function to EHS. To include fees and principles of charging scheme arrangements</td>
<td>Draft Regulations for consultation issued June 2003. Closing date 3 October 2003 Consultation on Fees and Charging issued December 2003, closing date 2 February 2004. WML Regulations made 19 December 2003</td>
<td>Regional training seminars with WAMITAB held 10 September (Derry) 11 September (Cookstown) and 12 September (Belfast)</td>
<td>December 2003</td>
</tr>
<tr>
<td>Document</td>
<td>Outline Scope</td>
<td>Current status, approximate timetable and consultation</td>
<td>Awareness/information seminars held/planned</td>
<td>Regulations/document finalised/in place</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>ELVs</td>
<td>Regulations to implement requirements of ELV Directive—to be implemented within WML. Describes licensing and exemption provisions for dismantlers/operators establishing treatment facilities for ELVs.</td>
<td>Consultation issued June 2003 with WML consultation. Return date 10 October 2003 In force December 2003</td>
<td>Awareness seminar EPD in Cookstown in 18 June 2003 Awareness seminar CIWM/DOE in Armagh on 10 September 2003</td>
<td>December 2003</td>
</tr>
<tr>
<td>Policy, Strategy and Plans</td>
<td>Collation of current policies, measures and actions set out in WMS and WMPs with respect to BMW and other biodegradable wastes, to fulfil Art 5(1) and 5(2) of LFD. Includes updated data on 2001 waste arisings where available from recent surveys. Compatible with proposals in WET Bill.</td>
<td>Consultation document issued May 2003 with 12 week consultation closed 31 July 2003 Consultation responses informed development of Landfill Allowances Regulations (see legislation) and to inform WMS review (see below) Summary review of consultation responses issued March 2004. Strategy will be finalised once Landfill Allowances Regulations in place; also interfaces with WMS review.</td>
<td>Process and content outlined at Seminar 18 March 2003. Awareness and update incorporated in Landfill Seminar 3 September 2003.</td>
<td>Spring 2005 (depends on Defra progress/ interface with other UK BWS)</td>
</tr>
</tbody>
</table>
### Annex 3—continued

<table>
<thead>
<tr>
<th>Document</th>
<th>Outline Scope</th>
<th>Current status, approximate timetable and consultation</th>
<th>Awareness/information seminars held/planned</th>
<th>Regulations/document finalised/in place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document</td>
<td>Outline Scope</td>
<td>Current status, approximate timetable and consultation</td>
<td>Awareness/information seminars held/planned</td>
<td>Regulations/document finalised/in place</td>
</tr>
<tr>
<td>----------</td>
<td>---------------</td>
<td>-------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Waste Management Plans (including review)</td>
<td>Detailed plans for collection, treatment, disposal and management of controlled wastes including integrated network of waste management facilities/infrastructure to meet statutory obligations under Waste Framework and daughter Directives, including measures and actions to meet LFD targets and obligations.</td>
<td>WMPs adopted January 2003. Review of NW and SWaMP Plans to meet requirements of legal Direction for long term planning to 2020 to meet LFD diversion targets. Review of arc21 Plan to confirm detail of proposed EfW infrastructure and implementation arrangements at 2005. Proposed Direction to bring together timetables for NW, SWaMP and arc 21 reviews for completion by summer 2006, based on revised and updated WMS (see above). Programme for development of guidance on NI-wide BPEO under Strategy review October 2003</td>
<td>EHS-led Seminars on NI-wide BPEO held 1, 2 and 5 March 2004. Engagement of Groups and Industry in BPEO guidance through “expert panel” April-June 2004. Seminars to agree and launch NI-wide BPEO planned September 2004.</td>
<td>Integration WMS/ WMPs complete Summer 2006.</td>
</tr>
<tr>
<td>Document</td>
<td>Outline Scope</td>
<td>Current status, approximate timetable and consultation</td>
<td>Awareness/information seminars held/planned</td>
<td>Regulations/document finalised/in place</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
<td>------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td><strong>Operation, Implementation and guidance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duty of Care Code of Practice</td>
<td>Practical guidance for waste holders and brokers subject to duty of care.</td>
<td>In parallel with Duty of Care Regulations</td>
<td>Roadshows January/February 2003. Follow up pack of Code of Practice sent to all participants</td>
<td>October 2002</td>
</tr>
<tr>
<td>Document</td>
<td>Outline Scope</td>
<td>Current status, approximate timetable and consultation</td>
<td>Awareness/information seminars held/planned</td>
<td>Regulations/document finalised/in place</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Waste Characterisation Survey</td>
<td>Biodegradable content of municipal solid waste for compliance with LFD diversion targets and performance reporting.</td>
<td>NI2000 Report identifies NI biodegradable content as 71% and forms basis of calculations in WMPs and BWS. Implementation of WET Bill/Landfill Allowances Regulations will require precise measurement to agreed UK formula and periodic update. Survey progress linked to UK agreements and commencement of Landfill Allowances scheme. Survey to be initiated 2004.</td>
<td>EHS to lead in consultation with Defra/EA/SEPA. Liaison with Waste Management Groups/DCs will be essential in undertaking survey. Findings to be promoted proactively to all DCs via website &amp; NILGA. Survey progress reported mid-2004 linked to commencement of Landfill Allowances scheme.</td>
<td>18 months after survey commencement</td>
</tr>
<tr>
<td>Essential Interim Capacity (EIC)</td>
<td>Landfill capacity management for NI to assist planning in accordance with WMS/WMPs and with reference to LFD requirements.</td>
<td>Final report circulated by email to DCs mid-April 2003; hard copy forwarded 29 April 2003.</td>
<td>Ongoing discussions and input by DCs to report Autumn 2002; final draft circulated for further comment January 2003 and ongoing discussions February/March 2003.</td>
<td>April 2003</td>
</tr>
</tbody>
</table>
## Northern Ireland Affairs Committee: Evidence

### Annex 3—continued

<table>
<thead>
<tr>
<th>Document</th>
<th>Outline Scope</th>
<th>Current status, approximate timetable and consultation</th>
<th>Awareness/information seminars held/planned</th>
<th>Regulations/document finalised/in place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landfill &amp; Permitting Guidance</td>
<td>EHS will develop and issue guidance documents to support implementation of Landfill Regulations, Waste Management Licensing and related European requirements (eg waste statistics reporting and waste acceptance criteria)</td>
<td>Ongoing liaison with individual operators. NI reliance on UK Environment Agency material</td>
<td>Presentations as appropriate.</td>
<td></td>
</tr>
</tbody>
</table>
SUMMARY OF THE WASTE MANAGEMENT STRATEGY/SIX POLICY STRANDS

The Waste Management Strategy focused on setting out targets and actions for each of six policy strands as follows:

— Reduction, recycling and recovery;
— Strategy leadership;
— Planning and infrastructure;
— Regulations and guidance;
— Improving our understanding; and
— Marketing the strategy.

The pages which follow contain the summary page of each policy taken from the Waste Management Strategy.

REDUCTION, RECYCLING AND RECOVERY

Steps towards resource management

Policy Statement

Government policy is to encourage the sustainable management of resources in the Northern Ireland economy. This demands a fundamental shift towards more efficient use of resources, improved environmental performance, and an overall reduction in waste. The Waste Management Hierarchy sets out the key steps in promoting resource efficiency and sustainable waste management.

Summary

The Strategy enables a progressive transition towards integrated resource management, by encouraging waste reduction and improved product design. In the short and medium term, this must be complemented by significant improvements in recycling and recovery. The Strategy is underpinned by an overall target to recover 25% of household waste by 2005 and 40% by 2010. These targets incorporate minimum thresholds for recycling and composting of 15% and 25% respectively.

Meeting these targets will result in significant environmental and economic benefits to Northern Ireland. To enable them to be achieved, the Strategy addresses the need to develop supporting infrastructure and markets for recycled materials.

Policy Measures

This Policy includes the following:

— sustainable waste management and Strategy targets;
— market development;
— engaging the private sector;
— engaging the public sector;
— meeting targets for individual waste streams; and
— producer responsibility.

**Strategy Leadership**

*Putting sustainability into practice*

**Policy Statement**

Leadership in improving and developing waste management practices is required from all stakeholders. Nonetheless, Government recognises that it must take the lead in changing its own resource utilisation and waste management practices, and is committed to making significant improvements in the short term as well as the long term.

**Summary**

Government in Northern Ireland performs a wider range of functions than elsewhere in the UK and this presents a unique opportunity to lead by example. Government is committed to putting its own house in order through a range of activities with the aim of stimulating the development of local markets for recycled materials.

However, delivering the Strategy is a shared responsibility. It requires participation of all key stakeholders in Northern Ireland. The Department will set up a non-executive Advisory Board, one of the primary aims of which will be to help encourage uptake of the Strategy and guide stakeholders.

**Policy Measures**

This Policy includes the following:

— leading by example; and
— mobilising other stakeholders.

**Planning & Infrastructure**

*Developing an Integrated Network of Facilities*

**Policy Statement**

The Department is committed to ensuring that an integrated regional network of facilities is available for waste recycling, recovery and disposal in Northern Ireland, and to ensure that these facilities are planned, designed and operated to provide a high level of protection for the environment and public health. Regional co-operation will play a central role in delivering this network of facilities, meeting recycling and recovery targets, and ensuring that waste is managed at an acceptable cost to the community.
Implementation of the Strategy requires the development of an integrated network of regional facilities for recycling, composting, energy from waste and landfill. To be cost effective, economies of scale need to be achieved. The Strategy encourages regional co-operation and partnerships and envisages the preparation of no more than four to five sub-regional Waste Management Plans. These plans need to cover all controlled waste streams.

All Waste Management Plans must demonstrate both BPEO in the selection of facilities, and also how they will meet reduction, recycling and recovery targets. The Department will use a range of criteria in reviewing Waste Management Plans to encourage partnerships, economies of scale and proper attention on reduction, recycling and recovery. A Planning Policy Statement will be prepared setting out the Department’s planning policies for waste management facilities.

**Policy Measures**

This Policy includes the following:
- waste management planning;
- planning policy considerations;
- waste management facilities;
- hazardous waste; and
- clinical waste.

**Regulations & Guidance**

*Bringing about more effective regulations*

**Policy Statement**

The Department is committed to fair and even application of waste management regulations across Northern Ireland to make sure that all appropriate steps are taken to minimise the impact of waste management on the environment and public health, and to ensure that good practice is encouraged and supported.
SUMMARY

Regulations stipulate how waste management practices should be conducted in order to provide a high level of protection for the environment and public health. The Department will act to ensure that standards of control over waste are as high as possible, through a combination of guidance and enforcement.

New regulations will require business and industry to undergo a process of change towards more sustainable resource use and waste management. Our businesses have always been quick to respond to new challenges and are well placed to play a leading role in greening the local economy. A regulatory framework will be put in place to create a level playing field, supporting those businesses and industry which actively work towards more efficient and sustainable use of resources.

POLICY MEASURES

This Policy includes the following:
- guidance;
- enforcement;
- roles and responsibilities; and
- uncontrolled waste.

IMPROVING OUR UNDERSTANDING

Informed Decision Making

Policy Statement

Accurate baseline information is essential for the proper management of wastes. Government is committed to improving the level and accuracy of waste management data and information in Northern Ireland, in order to inform decision-making, both collectively and by individual waste generators. Government is also committed to efforts to achieve targets through a co-ordinated development and demonstration programme.

Summary

Accurate and reliable information on waste arisings, composition and management methods is essential to planning and decision making for improving resource and waste management. A comprehensive study is currently being undertaken which will provide the basis for a management information system using annual data returns from all major waste generators, district councils and industry. This will be used to support the general trend towards auditable environmental accounts.

The Department will investigate and co-ordinate opportunities for funding development and demonstration projects in support of the implementation of the Strategy, and will produce a development and demonstration plan for waste management in Northern Ireland.

Policy Measures

This Policy includes the following:
- waste management data;
- economic and commercial data;
- development and demonstration programme; and
- life cycle assessment.
MARKETING THE STRATEGY

Involving the Community

Policy Statement

To be successful in changing current habits, a wide range of stakeholders have to support and broadcast the Strategy. The Department will raise the profile of waste management in the coming years, and encourage all stakeholders to use resources more efficiently and so improve our environmental performance. District Councils should raise awareness and participation at the local level as part of their efforts to promote uptake of more sustainable waste management practices.

SUMMARY

A key long term aim of the Strategy is to effect a cultural shift towards better resource management. To achieve this aim, everyone must share and take ownership of the Strategy. In particular, the Department recognises and will respond to the important role children will play in changing attitudes and practices both in their present homes, and equally, in households and organisations they will form and manage in the future.

Every individual, householder and business can make a major contribution by informed purchasing decisions and by recycling their waste. Increased awareness and participation in sustainable resource and waste management initiatives will be essential if the aims and targets of the Strategy are to be met. A Resource and Marketing Panel and the Business Leaders Forum for Waste Minimisation will be established under the Advisory Board to play key roles in mobilising the contribution of business.

POLICY MEASURES

This Policy includes the following:
- education;
- guidance and training;
- industry initiatives; and
- access to information.

Annex 5

CHRONOLOGY OF DEVELOPMENT AND REVIEW OF WASTE MANAGEMENT PLANS

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 2000 to March 2001:</td>
<td>Formation of waste planning groups and development of draft Waste Management Plans. Set up Strategic Intergroup Forum to co-ordinate planning process in the provision of a network of facilities across Northern Ireland.</td>
</tr>
<tr>
<td>30 June 2001:</td>
<td>Submission of pre-consultation drafts of Waste Management Plans (WMPs) to the Department.</td>
</tr>
<tr>
<td>14 August 2001:</td>
<td>Department letters to each of three Groups referring to deficiencies in submitted plans and indicating modifications required, following review of pre-consultation draft WMPs.</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>-------------</td>
<td>------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>September 2001:</td>
<td>Series of liaison meetings between the Department and the three Groups.</td>
</tr>
<tr>
<td>January 2002:</td>
<td>Submission of consultation draft WMPs to Department.</td>
</tr>
<tr>
<td>7 February to 7 May 2002:</td>
<td>Public consultation period for the consultation draft WMPs. Department review and ongoing liaison/consultation with the three Groups.</td>
</tr>
<tr>
<td>7 March 2002:</td>
<td>Departmental letters to the three Groups highlighting key compliance issues and identifying need to provide implementation action plans, improve breadth and depth of plans to comply with Article 7 of Waste Framework Directive, and specifically address deficiencies in hazardous and packaging waste sections.</td>
</tr>
<tr>
<td>28 March 2002:</td>
<td>Detailed letter from the Department to the Groups explaining and extending information on compliance issue, pursuant to Department review of consultation WMPs.</td>
</tr>
<tr>
<td>29 April 2002:</td>
<td>Direction issued to the Groups to require submission of draft plans by 28 June 2002.</td>
</tr>
<tr>
<td>April/May 2002:</td>
<td>Ongoing liaison and Department assistance to the Groups in assessing consultation responses and preparing revisions to WMPs.</td>
</tr>
<tr>
<td>28 June 2002:</td>
<td>Draft WMPs submitted to Department for formal approval. These WMPs contained modifications in response to public and Department consultation.</td>
</tr>
<tr>
<td>23 July 2002:</td>
<td>Further Department proposals to modify draft PPS11 in respect of policy for siting of landfill sites and Essential Interim Capacity (EIC).</td>
</tr>
<tr>
<td>29 July 2002:</td>
<td>Correction with respect to incorrect NI Packaging Waste legislation references in infraction tables submitted by UK issued. Agreed an amendment would be submitted to EU via the UK Rep.</td>
</tr>
<tr>
<td>31 July 2002:</td>
<td>Issue of letters to the Groups following preliminary technical review completed by the Department. Final internal audit report for this preliminary technical review.</td>
</tr>
<tr>
<td>October 2002:</td>
<td>Department review complete.</td>
</tr>
<tr>
<td>4 November 2002:</td>
<td>Ministerial launch of WMPs.</td>
</tr>
<tr>
<td>January 2003:</td>
<td>Completion of formal adoption of WMs by all District Councils.</td>
</tr>
</tbody>
</table>
Figure 1.1 Current Waste Management Facilities in Northern Ireland

1. Newtonabbey
2. Carrickfergus
3. Belfast
4. Castlereagh
5. North Down
Notes: Future facilities are in white circles. If the border is dashed, the location represents one of two or more possible locations for the facility. The indicated new sites for landfill in the the arc21 sub-region are those currently pending planning permission.
## REVIEW OF WASTE MANAGEMENT STRATEGY: UPDATE ON PROGRAMME AND ACTIONS: 26 MARCH 2004

<table>
<thead>
<tr>
<th>Key Task Area</th>
<th>Outline Scope</th>
<th>Deliverables</th>
<th>Programme dates</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1 of Strategy implementation</td>
<td>date July 2003 including identification of key issues</td>
<td></td>
<td>Aug 2003 (final)</td>
<td></td>
</tr>
<tr>
<td>Draft Biodegradable Waste Strategy for continuing</td>
<td>issues to ensure future development of Strategy is comprehensive and will meet legislative requirements</td>
<td></td>
<td>Oct 2003 (final)</td>
<td></td>
</tr>
<tr>
<td>compliance with all current and emerging requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 of the WMS</td>
<td>reviews of the WMS with recommendations for next steps</td>
<td>and opportunities for Phase 2</td>
<td>Oct 2003 (final)</td>
<td></td>
</tr>
<tr>
<td>the implementation of the WMPs</td>
<td>implementation action plans, Department’s summary of 2002 municipal waste</td>
<td>Management Plans— review of Annual Performance Reports and Implementation</td>
<td>Mar 2004 (final)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>arisings and first Annual Performance Reports of the Groups as submitted in</td>
<td>Action Plans for 2002</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>accordance with their WMPs and published Interim Reporting and Monitoring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Guidelines, March 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Key Task Area</td>
<td>Outline Scope</td>
<td>Deliverables</td>
<td>Programme dates</td>
<td>Current Status</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>--------------</td>
<td>----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Task 6: Advise on integration of WMPs and provision of facilities that represent BPEO for NI as a whole</td>
<td>Take forward principles of integration/BPEO for NI Detailed programme and outputs for this task has developed following analysis of stakeholder responses, barriers and opportunities, programme for WMP review and ongoing Strategy development work. This task now includes advice on further guidance/direction to Sub-regional Waste Management Groups on NI-wide BPEO to inform review of WMPs, based on desk research and workshops with three Waste Management Groups Output interfaces with Strategy development and programme for consultation and delivery of updated Strategy under Task 7</td>
<td>Reports 7&amp;9: Recommendations for integration of WMS/WMPs*. *Proposed revised deliverables will essentially comprise guidance on NI-wide BPEO for municipal waste stream and associated guidance on application of BPEO to controlled waste streams. During development, a series of working documents will be delivered through “expert panel” stakeholder working group and workshops.</td>
<td>Sep 2004 (final BPEO guidance)</td>
<td>Proposal issued for discussion October 2003. Preliminary workshops held 1–5 March 2004 and output issued w/b 15 March 2004, including background papers, Terms of Reference for expert panel and programme/timeline.</td>
</tr>
<tr>
<td>Task 8: Review stakeholder compliance</td>
<td>Ongoing reporting on performance monitoring and implementation during Strategy development and post publication of revised and updated Strategy</td>
<td>Report 10: Analysis of stakeholder compliance to commitments in agreed action plan</td>
<td>Mar 2006**</td>
<td>(**provisional, depends on consultation)</td>
</tr>
</tbody>
</table>
Annex 8

Summary of the Northern Ireland Market Development Programme: Development and Implementation

1. Background and Key Objectives

The focus of the Market Development Programme (MDP), as stated in the Waste Management Strategy (WMS), is to stimulate local demand for recycled materials by promoting uptake of products, developing specifications and exercising the purchasing power of Government, District Councils and major businesses in Northern Ireland. The MDP will interface with similar initiatives being carried out in the UK and Ireland, and build on the work and recommendations of previous research initiatives.

2. Key Strategic Elements

The MDP comprises a number of over-arching strategic elements to assist delivery of the objectives. These include:

Education and Information—to raise awareness of sustainable waste management and market development issues, disseminate research findings and guidance, and promote best practice.

Research and Development—to identify opportunities and barriers in respect of use of recycled materials; establish baseline information on waste arisings, materials and markets; derive technical specifications and standards for recovered materials and products.

Funding for Business and Sector Initiatives—to encourage new and innovative projects to come forward and capital investment in recycling projects.

Support for the UK Waste and Resources Action Programme (WRAP)—to provide a cost effective route for NI Government, District Councils and businesses to access expertise, funding, advice and assistance focused on the creation of stable and efficient markets for recycled materials and products.

Support to Industry for Waste Minimisation—to promote and support waste minimisation projects, enabling the business benefits of reducing waste production to be realised and to utilise the opportunities that exist for the development of businesses in the recycling sector.

The Northern Ireland Exchange Bureau (NIWEB)—to support the NIWEB, which encourages the exchange and recycling of wastes.

Development of an all-island Market Development Programme—to provide strategic linkages and interfaces with initiatives throughout UK and Ireland.

Procurement—to stimulate demand for recycled products through purchasing policies.

Regulation and Taxes—to underpin activities and act as a driver for businesses to develop more sustainable and environmentally sound practices and meet targets.

3. Development and Progress

Education and Information

To support the MDP, the following initiatives have been established and are ongoing:

— Wake up to Waste campaign. This has been established as part of a strategic and comprehensive public awareness and information programme. To support the MDP, the campaign specifically addresses both consumer and business issues through a variety of media including TV, press and outdoor advertising; awareness and information leaflets and publications; dedicated website; attitude and behaviour surveys; business case studies; and seminars, roadshows and events.

— Dedicated websites include:
  — www.ehsni.gov.uk which contains information on Regulations, Strategy and Policy and forms and public registers such as requirements under the Registration of Carriers, Producer Responsibility and Duty of Care.
  — www.wakeuptowaste.org which includes consumer and business pages; the latest news on waste issues and events; information by business sector and by material and links to sources of advice and information focusing on the business sectors such Envirowise and NetRegs etc.

— Formal links with ENFO and the Environmental Protection Agency in the Republic of Ireland have been established under the North/South Ministerial Council to further complement the programme.

3 See NI Waste Management Strategy (March 2000) page 14 for references and scope of the MDP.
A Retail Partnership between the Environment and Heritage Service (EHS) and key retailers throughout Northern Ireland was launched at Stormont on 4 October 2002 to support the *Wake up to Waste* campaign. The aim is to communicate to customers and staff the need to reduce waste, particularly through a reduction in consumption of disposable plastic bags. The Charter outlines the commitments being undertaken by the participating retailers and underpins the partnership relationship with Government in working towards the targets for reduction and recovery of waste. Retailers agree to report to EHS on the impact of waste reduction initiatives to enable evaluation of the public response to *Wake up to Waste* and the Retail Partnership.

**Research and Development**

A co-ordinated programme of research and development is evolving. To date, research supporting the MDP has focused the following areas:

- Surveys of arisings in priority waste streams including construction and demolition waste; commercial and industrial waste; municipal waste; tyres; WEEE; ELVs and waste contractors;
- Contribution to, and sponsorship of, a number of UK-wide studies through SNIFTER, Environment Agency and WRAP, for example, Life Cycle Analysis and Dataflow projects;
- Contribution to an all-island study on “A Strategy for Recycling Markets in Ireland” carried out by the Cork Clean Technology Centre;
- Proposals for a joint all-island paper mill feasibility study;
- Sponsorship of the Belfast Telegraph Business Awards (Environment category) in 2002 and 2003; and
- Facilitation and sponsorship of a market development conference in Newry in December 2002 (led by a subgroup of the Waste Management Advisory Board for Northern Ireland).

New programmes for 2003–04 introduce WEEE, ELVs and tyres, which are all priority waste streams in the NI Waste Management Strategy implementation due to impending legislation.

**FINANCIAL SUPPORT FOR THE RECYCLING INDUSTRY**

Invest NI has a strong relationship with the Waste Management Sector in Northern Ireland, providing support and practical business advice to new and established businesses in the sector. Invest Northern Ireland carried out its last review of the Waste Management Sector in Northern Ireland in January 2002. The report cited a number of obstacles to growth for companies, which makes it difficult for them to put forward viable business cases or invest in capital equipment; these included:

- cost of compliance with the regulatory framework;
- lack of available finance/investment;
- lack of good quality market intelligence; and
- lack of long term contracts.

In response to these issues, in 2002, Invest NI worked with the EHS to create a *Waste Management Industry Fund*. The purpose of this jointly sponsored fund was to encourage the practical development of sustainable markets for reused, recycled or recovered materials. This is in line with the commitment in the Waste Management Strategy to develop a Market Development Programme (MDP).

The fund was launched with the key objective of promoting the practical development of sustainable markets for recovered materials and provided grant fund of £1 million in 2002–03 to assist businesses. Successful applicants were informed in October 2002 and approximately 50% of the available funding had been taken up by March 2003. The fund was carried forward into 2003–04. A performance review of the fund and eligibility criteria was carried out in 2003 to ensure it continued to meet ongoing business needs and in particular focuses on Strategy objectives and targets with respect to market development.

**WRAP**

The UK wide Waste and Resources Action Programme (WRAP) operates a market development programme in the UK that has a primary mission to create stable and efficient markets for recycled materials and products. The remit given to WRAP was to act to improve the UK’s recycling performance through a programme of recycling market development. The materials streams covered by the programme are paper, glass, plastic, wood, aggregates and organics. For all these materials, WRAP also operates generic programmes addressing procurement and business and finance.

The Department has supported WRAP as an important mechanism for delivering projects and targets under the MDP since 2002 and has committed funding until 2005.

Under the WRAP programme, a Northern Ireland Liaison Officer was appointed in March 2003 to develop and promote WRAP’s activities within Northern Ireland.
Support to Industry for Waste Minimisation

Invest NI represents NI on the Steering Committee of the Envirowise and BIO-WISE programmes to minimise industrial waste, and support NI champions to ensure effective uptake of both programmes. Over the past three years, Invest NI has helped over 50 businesses identify waste minimisation opportunities through collaborative demonstration projects. In addition, many more have been provided with individual help and support directly or through Envirowise and ARENA Network activities.

The Northern Ireland Exchange Bureau (NIWEB)

Invest NI supports the NI Waste Exchange Bureau (NIWEB), which encourages the exchange and recycling of waste. NIWEB helps producers and potential users of chemical and industrial waste to find users or suppliers of specific wastes. Such has been the success of NIWEB that demand for some waste streams exceeds supply.

All-Island Co-operation

A joint North/South Market Development Steering Group (NSMDG) was established in 2002 under a co-operative agreement through the North/South Ministerial Council. Although the Northern Ireland Assembly was suspended in October 2002, work at officer level has continued to provide support to all-island market development initiatives.

The priorities for the NSMDG are based on “A Strategy for Recycling Markets in Ireland” carried out by the Cork Clean Technology Centre CTC Report. Key areas of initial co-operation have been identified as:

- Structural initiatives and financial support.
- Research and development.
- Standards and specifications.
- Education, awareness and training.
- Green procurement.

These are being taken forward to provide a structured programme of activities and initiatives focused on priorities identified in respective waste management strategies and plans for Northern Ireland and the Republic of Ireland.

Procurement

The WMS recognises that the public sector accounts for substantial proportion of Northern Ireland procurement and a commitment to government leadership was made in the Strategy.

A model policy framework for greening government has been developed and the first steps towards implementation will be progressed through an audit contract which was let by the Department in 2003.

Regulation and Economic Instruments

A number of regulatory and economic instruments are in place or progressing during 2003 which will impact on the delivery of targets and market development. These include:

- Producer Responsibility.
- Duty of Care.
- Landfill Directive.
- Landfill Tax.
- Aggregates Tax.
- Discussions on possible future plastic bag levy.

4. Roles of Other Sectors

The NIWMS and WMPs identify the following roles for other sectors in delivering strategic objectives and targets in respect of market development. The Department further recognises that partnership approaches between government, business and community sectors can assist in the implementation of these roles and achievement of targets.

Industry and Business

- Create more resource efficient products and services.
- Promote consumer demand.
— Preferential purchase of recycled and recovered materials.
— Meet recycling and recovery targets.
— Provide investment for integrated network of facilities.
— Create and respond to opportunities.
— Consultancy, research and development services.

District Councils
— Waste Management Plans—planning of adequate facilities for all waste streams.
— Direct role in management of household waste.
— Establishment of effective local waste reduction, recycling and recovery schemes to meet targets.
— Develop and implement green purchasing.

DOE
May 2003 (updated and extended April 2004)

Supplementary memorandum submitted by the Department of the Environment’s Planning Service and the Department of Agriculture and Rural Development

NIAC WASTE MANAGEMENT INQUIRY: ADDITIONAL INFORMATION

Following the detailed submission from the Department of the Environment in April 2004, the Northern Ireland Affairs Sub-Committee have requested further information relating to DOE Planning Service and the Department of Agriculture and Rural Development.

DOE PLANNING SERVICE

The submission from the Department of the Environment contains a brief introduction to the role of the Planning Service in relation to waste management and acknowledges the long delays in obtaining planning permission for new waste management infrastructure. It would be helpful to have a more detailed submission on this issue with an explanation of the current position and action being taken to address the delays. In addition,

— Please provide a record of all planning applications (including extensions to existing sites) for waste management facilities in the past four years, detailing the type of facility; size of facility; nature of wastes to be accepted; date of application; date of determination, if made; and outcome.
— To what extent is there permitted development for waste management purposes, for example, bottle banks or recycling centres, which does not require planning approval? Does this differ from other parts of the UK?
— Is the Planning Service aware of the number of sites that accept waste under exemptions from waste management licensing, such as landscaping projects? To what extent do such activities give rise to concerns? How does the Planning Service monitor or control such activities? To what extent are exempt activities subject to control under planning legislation?
— What cognisance is taken of the Area Waste Management Plans in terms of their influence on land-use planning decisions?
— Have any projections been made by the Planning Service of the need for new capacity of different types to be in place by specific dates, taking account of lead in times for planning and construction?
— How is the “proximity principle” implemented in the Northern Ireland context? What account is taken of the Waste Framework Directive differentiation between disposal and other facilities for this purpose?
— What status is accorded to the principle of regional self-sufficiency and how difficult is it to adhere to this principle in the Northern Ireland context?
— What scope is there for the public to input to decisions around land-use planning, and at what stages in the process? What action is taken to ensure that such engagement occurs?
AGRICULTURE AND RURAL DEVELOPMENT

DARD to provide a submission on the current approach to agricultural waste management and its links with the Waste Management Strategy. Has the Department produced or is it planning to produce an overall strategy for agricultural waste?

— How does the Department consider that bringing agricultural wastes under the regime for controlled wastes will impact upon the agricultural community? What plans have been made to ensure a smooth transition to the new regime?

— What is the Department’s view of the impact that the Nitrates Directive will have on the way farm slurry and manure are dealt with in the future? What action may be needed to deal with this problem?

— In relation to illegal dumping of waste what is the Department’s view of the extent, if any, of farmers becoming involved in this type of activity, for example, by accepting material onto their land?

— What is the Department’s estimate of the extent to which are farmers the victims of illegal fly-tipping?

Supplementary evidence from DOE Planning Service

DELAYS AND ACTIONS IN THE PLANNING SYSTEM

Planning applications submitted in 1995 and 1996 have, in some cases, not yet been determined.

Prior to the preparation of the Department’s Waste Management Strategy, the Department judged that decisions on these major landfill sites could prejudice the Strategy itself. It was, therefore, decided to hold up to 11 applications in total until the Strategy was published. The Strategy was completed in 2000. However, the same concern that decisions on major cases would prejudice Waste Management Plans (WMPs) resulted in the period of hold being extended until WMPs were cleared in December 2002.

One applicant challenged the Department’s approach and pursued the Department in the Court of Appeal and eventually the House of Lords for a decision both in the case of the WMS and WMPs. The Department’s position was upheld by the Courts. There was, therefore, good reason for holding back on decision taking.

In 2002 the DOE Planning Service commenced processing of four key regional applications which, if approved, could provide necessary regional capacity. The applications were environmental cases to which the Planning (Environmental Impact Assessment) Regulations 1999 applied. There was considerable updating of environmental information contained in the original statements to be carried out and the requirements of the Landfill Directive had also to be incorporated in proposals. Effectively December 2002 was a new start for these cases. It is anticipated that decisions will issue on these cases in October 2004 so that the processing time will have been less than two years.

The Drummee application, identified in the Southern Waste Management Partnership (SWAMP) WMP (including Armagh City and District Council (DC); Banbridge Borough Council (BC); Cookstown DC; Dungannon and South Tyrone DC; Fermanagh DC; Newry & Mourne DC; Omagh DC and Strabane DC) as the Best Practicable Environmental Option (BPEO), was approved in 2003. Applications in the arc21 area at Mullaghglass, Aughrim, Cottonmount and Ladyhill are currently being considered.

Please provide a record of all planning applications (including extensions to existing sites) for waste management facilities in the past four years, detailing the type of facility; size of facility; nature of wastes to be accepted; date of application; date of determination, if made; and outcome.

This information is provided in Annex A.

To what extent is there permitted development (PD) for waste management purposes, for example, bottle banks or recycling centres, which does not require planning approval? Does this differ from other parts of the UK?

There is no specific permitted development (PD) for waste purposes in NI and the legislation generally follows the English system quite closely. There is some scope in NI for infill associated with agricultural activity being permitted development provided the activity is reasonably related to agriculture. The consideration is similar to the UK legislation. There are proposals to remove this option in the draft PD regulations because of the problems occurring in the rural area.
Close liaison has led to agreement with district councils on permitted development arrangements in relation to the introduction of BRING facilities (banks and recycling centres) at 100s of locations throughout NI. This has been possible under the PD available to district councils for discharging their statutory functions.

Is the Planning Service aware of the number of sites that accept waste under exemptions from waste management licensing, such as landscaping projects? To what extent do such activities give rise to concerns?
How does the Planning Service monitor or control such activities? To what extent are exempt activities subject to control under planning legislation?

Not all waste activities that are granted exemption involve a change in the use of land or built development. Where development is involved, the decision sequence is that planning permission or a certificate indicating that the proposal is lawful development (permitted development) must be obtained from DOE Planning service by the operator before the licensing authority will consider issuing an exemption certificate. This will involve an application for planning permission or for a certificate of lawful development where these have not previously been obtained.

There is, therefore, immediate scrutiny of new proposals by DOE Planning Service. Where permission has previously been granted, the information will already be recorded.

Environment and Heritage Service (EHS) has also provided DOE Planning Service with an exemption list and details and arrangements are in place to update this on an ongoing basis.

Proposals for landscaping and similar activities have not so far posed any difficult issues for DOE Planning Service and are not a concern at present. There is awareness of proposals seeking exemption and no widespread use of waste in such circumstances is evident. No formal monitoring or control systems have so far been necessary, other than those outlined above.

In a limited number of circumstances, the development proposed may be permitted development (PD) but a certificate demonstrating this must nevertheless be produced before exemption is granted. Infill of agricultural land in a limited number of circumstances may be PD. Changes proposed in the permitted development regulations would remove this loophole.

What cognisance is taken of the Area Waste Management Plans in terms of their influence on land-use planning decisions?

DOE Planning Service has sought to work in partnership with other stakeholders involved in the WMS and WMPs. The hold placed on major applications already referred to is evidence of this. The Planning Policy Statement on Planning and Waste Management (PPS11) specifically requires that proposals meet the need as defined in the relevant waste management plan and that the proposal should be the Best Practicable Environmental Option (BPEO). The planning development control policy document is, therefore, linked to waste planning concepts in key aspects.

DOE Planning Service has agreed with councils that DOE Planning Service will determine the BPEO in local cases but that WMP groups and the relevant council will advise DOE Planning Service on sub regional and regional cases. The document also cites the key waste management principles as important material considerations to be taken into account in determining waste planning applications.

Have any projections been made by the Planning Service of the need for new capacity of different types to be in place by specific dates, taking account of lead in times for planning and construction?

This issue is to the fore in WMP group meetings and Hazardous Waste Forum meetings.

DOE Planning Service is involved in the relevant fora at which these issues are discussed and seeks to work in partnership with the other stakeholders. DOE Planning Service is aware of the issues and the need to expedite cases. However, WMP groups and District Councils are the competent waste planning authorities. They must, and do, take the lead in this matter. Planning Service can only seek to expedite proposals after a planning application is made. Making planning applications is for WMP groups, Councils and the private sector.

How is the “proximity principle” implemented in the Northern Ireland context? What account is taken of the Waste Framework Directive differentiation between disposal and other facilities for this purpose? What status is accorded to the principle of regional self-sufficiency and how difficult is it to adhere to this principle in the Northern Ireland context?

These issues are largely subsumed in the BPEO concept and applicants have to demonstrate that their proposal is the best practicable environmental option (BPEO). Otherwise, DOE Planning Service would take advice from EHS/WM authorities.
What scope is there for the public to input to decisions around land-use planning, and at what stages in the process? What action is taken to ensure that such engagement occurs?

The public have had considerable opportunity to input to waste management planning decisions, through extensive public consultation on the development of the over-arching Waste Management Strategy and a high-profile consultation process for the sub-regional Waste Management Plans (WMPs). The public were given the opportunity to influence how waste should be managed and the BPEO options for handling different waste streams.

Individual planning applications, meeting the needs identified in the WMPs, are then subject to further public scrutiny and comment.

In the short term, the consultation process involves advertisement of planning applications and neighbour notification in the immediate vicinity of the application site. The public can make representations on the proposals and district councils may ask for meetings following the presentation of proposals to council. Where the council strongly disagrees with the Planning opinion, the case can be referred to the Planning Board for decision.

Major proposals are likely to be declared Major planning applications under Article 31 of the Planning Order 1991.

This may lead to a public inquiry if the Minister so decides, on the basis of the issues presented. Major and other planning applications are also likely to be environmental applications, requiring the submission of a formal environmental statement with the associated advertisement and public involvement.

In the longer term, development plans may have a larger role in setting out a more strategic context. This role would be closely related to the development of WMPs by the competent authorities (local authorities) that identify specific proposals.

Supplementary memorandum submitted by the Department of Agriculture and Rural Development

Has the Department produced or is it planning to produce an overall strategy for agricultural waste?

The DOE Environmental Policy Group are currently preparing draft Agricultural Waste Regulations for consultation which will cover the extent to which waste management controls will be applied to agricultural waste. Subsequently, EHS, in partnership with DARD, will develop an Agricultural Waste Strategy which will link in with the overall Waste Management Strategy for Northern Ireland as well as key DARD schemes and programmes for farmers.

How does the Department (DARD) consider that bringing agricultural wastes under the regime for controlled wastes will impact upon the agricultural community? What plans have been made to ensure a smooth transition to the new regime?

A Partial Regulatory Impact Assessment (RIA) is being prepared by the Department of the Environment and will be included in that Department’s consultation document covering the proposals to bring agricultural waste under the regime for controlled wastes. The Consultation Document is due for issue this autumn.

The proposed extension of waste controls to agricultural waste will affect most farmers to varying degrees depending on the nature of their business and the amount and type of waste they produce. Farmers will no longer be able to dispose of their agricultural waste in an uncontrolled way—by burial, disposal in “farm dumps” or with farmers’ household waste. The main cost to farmers will be in consigning their waste for disposal or recovery off-farm.

The proposals have been developed with the aim of fulfilling Government commitments to:

— start from the position that the Waste Framework Directive does not apply to manure and other natural, non-dangerous substances used on farms for agricultural benefit;
— ensure that, where controls are necessary, they will be proportionate to the environmental and human health risk;
— make full use of powers to provide licensing exemptions—especially for the re-use and recycling of waste—without charges;
— ensure that registration schemes for exemptions and waste carriers are as simple as possible, and provide that farmers carrying waste as an incidental part of their businesses are exempt from the requirement to register.

The above commitments will help to lessen the impact of the proposals on the agricultural community. In addition, the inclusion of transitional periods in the proposals will allow farmers time to adjust to the new rules and apply for permits and licence exemptions where these are needed.
The formal 12-week consultation process is planned for this autumn. To improve awareness within the agricultural community the Department of the Environment proposes to send a summary of its proposals to all farmers in Northern Ireland.

**What is DARD’s view of the impact that the Nitrates Directive will have on the way farm slurry and manure are dealt with in future?**

It is DARD’s view that full implementation of the Nitrates Directive will have two main impacts on the way farm slurry and manure are dealt with in the future. The first of these will be the introduction of mandatory requirements in an Action Programme which is currently being finalised and will be the subject of a consultation exercise. A key measure will be a closed period during the winter months when slurry cannot be spread on land. This will necessitate increased on-farm slurry storage capacity.

The Action Programme will also set an upper limit of 170kgs/ha/N (170kgs of organic nitrogen per hectare per year) on the amount of slurry or manure that can be applied to land. It is likely that this will result in slurry and manure that was previously spread on intensively farmed areas being spread on more extensively farmed areas.

In the event of manure and slurry being exported to another farm for use on that farm for agricultural improvement, there will be a read-across between the Nitrates Directive and the proposed Agricultural Waste Regulations. Departmental officials, developing the respective proposals, are working together closely to ensure that they are complementary and closely aligned.

The second impact is less tangible in nature. However, it is thought likely that the longer-term effect of Action Programme measures will be a gradual change in attitude among farmers towards valuing the potential of manure and slurry as a nutrient and not a waste product, thus encouraging maximum use of the material and efficient manure management.

**What action may be needed to deal with this problem?**

With relation to the Action Programme, subject to consultation, farms in Northern Ireland will be required to have five or possibly six months on-farm slurry storage capacity. To meet this requirement a farmer will have to take significant business decisions. He can either invest in additional slurry storage capacity or reduce his stock numbers so that his current storage capacity will be sufficient to meet this requirement.

Intensive farms will seek additional spreadlands or reduce stock numbers to meet the slurry/manure application limit.

To offset a proportion of the cost of providing additional waste storage facilities, DARD is introducing the Farm Waste Management Scheme. The scheme, with funding of £30 million, will offer capital grant aid of 40% up to an investment ceiling of £85,000 and will be launched in autumn 2004.

In the case of manure and slurry which cannot be used for agricultural improvement, there are a limited number of alternative methods for disposal such as anaerobic digestion and incineration for energy production. DARD is in discussion with industry on these matters. However, these are collaborative solutions, which cannot be introduced immediately and will require significant investment.

With regard to culture change, this is something which DARD and DOE are keen to nurture and it is the intention to establish an education programme to promote this message in due course.

**In relation to illegal dumping of waste, what is the Department’s view of the extent, if any, of farmers becoming involved in this type activity, for example, by accepting material onto their land?**

To date, the majority of illegal disposal of waste on a commercial scale has been on agricultural land. It would appear that in a number of cases this has been done with the permission of the landowner. Environment and Heritage Service (EHS) pursues prosecution of such landowners where sufficient evidence is obtained.

**What is the Department’s estimate of the extent to which are farmers the victims of illegal fly-tipping?**

There is little robust data on the extent of “fly-tipping” (the opportunistic disposal of waste on land, mainly by householders). However, the activity does occur on agricultural land, as well as land in other private ownership. The EHS are currently investigating possible databases to capture this information.
<table>
<thead>
<tr>
<th>Application No</th>
<th>Application Type Code</th>
<th>Date Application Code</th>
<th>Date Application Valid</th>
<th>Application Status Description</th>
<th>Land Use Proposal Code</th>
<th>Location</th>
<th>Proposal</th>
<th>Latest Decision Description</th>
<th>Date of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A/2001/0246/F</td>
<td>F</td>
<td>08/03/2001</td>
<td>09/10/2001</td>
<td>Decided</td>
<td>T</td>
<td>Mobuoy Road, Mobuoy, Londonderry.</td>
<td>Application to continue use of land and buildings as mini transfer centre for commercial waste.</td>
<td>Approval</td>
<td>19/02/2003</td>
</tr>
<tr>
<td>A/2001/0303/F</td>
<td>F</td>
<td>23/03/2001</td>
<td>09/10/2001</td>
<td>Decided</td>
<td>T</td>
<td>Approx 180m North of 70 Mobuoy Road.</td>
<td>Proposed waste segregation and recycling.</td>
<td>Approval</td>
<td>10/03/2003</td>
</tr>
<tr>
<td>A/2001/0246/F</td>
<td>F</td>
<td>06/06/2002</td>
<td>06/06/2002</td>
<td>Registered</td>
<td>LI</td>
<td>Approximately 450 metres north of 70 Mobuoy Road, Mobuoy, Londonderry.</td>
<td>Retention of existing landfilling to site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/2002/0878/F</td>
<td>F</td>
<td>23/08/2002</td>
<td>23/08/2002</td>
<td>Recommended</td>
<td>T</td>
<td>25 Ballybogie Road, Ardmore, Co Londonderry.</td>
<td>Filling of area with inert waste material to increase storage area for pre-cast units.</td>
<td>Agree</td>
<td></td>
</tr>
<tr>
<td>Application No</td>
<td>Type Code</td>
<td>Date Application Received</td>
<td>Date Application Valid</td>
<td>Application Status</td>
<td>Land Use Status Code</td>
<td>Location</td>
<td>Proposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-----------</td>
<td>---------------------------</td>
<td>------------------------</td>
<td>--------------------</td>
<td>---------------------</td>
<td>----------</td>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/2003/0272/F</td>
<td>F</td>
<td>12/03/2003</td>
<td>07/05/2003</td>
<td>Decided</td>
<td>T</td>
<td>Campsie Industrial Estate, McLean Road, Londonderry.</td>
<td>Proposed Waste Management Facility, including erection of Steel Portal Framed Transfer Facility Unit, Office Accommodation, Weighbridge and Associated Car Parking.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/2004/0240/F</td>
<td>F</td>
<td>02/03/04</td>
<td>02/03/2004</td>
<td>Recommended</td>
<td>RE</td>
<td>Existing Commercial Unit, Temple Road, Lisahally Industrial Estate, Strathfoyle, Derry.</td>
<td>Upgrade existing waste recycling and transfer station.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/2004/0474/F</td>
<td>F</td>
<td>04/05/2004</td>
<td>New</td>
<td>T</td>
<td>Mobevo Upper, Mobevo Road, Campsie, Derry.</td>
<td>Upgrade existing waste recycling and transfer station.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/2004/0646/F</td>
<td>F</td>
<td>03/08/2004</td>
<td>New</td>
<td>T</td>
<td>Site to rear of 2x Carrakeel Industrial Park, Du Pont Complex, Clooney Road, Londonderry.</td>
<td>New Industrial Unit to house waste transfer station. (Asbestos is double wrapped and sealed on site.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A/2004/0776/E</td>
<td>E</td>
<td>15/07/2004</td>
<td>Registered</td>
<td>RE</td>
<td>Maydown Industrial Estate, Campsie, Co Londonderry.</td>
<td>To convert part of an existing industrial site to a composting facility to allow the recycling of organic waste.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B/2003/0111/F</td>
<td>F</td>
<td>24/02/2003</td>
<td>26/03/2003</td>
<td>Registered</td>
<td>T</td>
<td>285 Off Edenmore Road, Bovally, Limavady.</td>
<td>Change of use from an agricultural barn to a materials recovery facility for mixed dry waste.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Last Decision Description</th>
<th>Date of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval</td>
<td>28/10/2003</td>
</tr>
<tr>
<td>Approval</td>
<td></td>
</tr>
<tr>
<td>Approval</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>B/2004/0019/F</td>
<td>F</td>
</tr>
<tr>
<td>C/2002/1040/F</td>
<td>F</td>
</tr>
<tr>
<td>C/2004/0078/F</td>
<td>F</td>
</tr>
<tr>
<td>C/2004/0623</td>
<td>CD</td>
</tr>
<tr>
<td>D/2003/0599/F</td>
<td>F</td>
</tr>
<tr>
<td>D/2004/0245/F</td>
<td>F</td>
</tr>
<tr>
<td>F/2001/0026/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Code</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------</td>
</tr>
<tr>
<td>F/2001/0472/F</td>
<td>F</td>
</tr>
<tr>
<td>F/2003/0464/F</td>
<td>F</td>
</tr>
<tr>
<td>G/2001/0892/F</td>
<td>F</td>
</tr>
<tr>
<td>G/2002/0616/F</td>
<td>F</td>
</tr>
<tr>
<td>G/2003/0611/F</td>
<td>F</td>
</tr>
<tr>
<td>G/2004/0131/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>H/2002/1092/F</td>
<td>F</td>
</tr>
<tr>
<td>H/2003/0839/F</td>
<td>F</td>
</tr>
<tr>
<td>H/2003/1047/F</td>
<td>F</td>
</tr>
<tr>
<td>H/2004/0480/F</td>
<td>F</td>
</tr>
<tr>
<td>H/2004/0985/F</td>
<td>F</td>
</tr>
<tr>
<td>H/2004/1188/F</td>
<td>F</td>
</tr>
<tr>
<td>I/2001/0023/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>I/2001/0832/F</td>
<td>F</td>
</tr>
<tr>
<td>I/2002/0061/F</td>
<td>F</td>
</tr>
<tr>
<td>I/2003/0888/F</td>
<td>F</td>
</tr>
<tr>
<td>I/2004/0906/F</td>
<td>F</td>
</tr>
<tr>
<td>J/2002/0113/F</td>
<td>F</td>
</tr>
<tr>
<td>J/2002/0675/F</td>
<td>F</td>
</tr>
<tr>
<td>J/2003/0087/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>J/2003/0184/F</td>
<td>F</td>
</tr>
<tr>
<td>K/2002/0166/F</td>
<td>F</td>
</tr>
<tr>
<td>L/2003/0241/F</td>
<td>F</td>
</tr>
<tr>
<td>L/2003/0390/O</td>
<td>O</td>
</tr>
<tr>
<td>L/2003/0659/F</td>
<td>F</td>
</tr>
<tr>
<td>M/2002/0067/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>M/2003/0669/F</td>
<td>F</td>
</tr>
<tr>
<td>M/2004/0328</td>
<td>F</td>
</tr>
<tr>
<td>N/2001/0090/F</td>
<td>F</td>
</tr>
<tr>
<td>N/2002/1124/F</td>
<td>F</td>
</tr>
<tr>
<td>N/2003/0794/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>N/2003/1056/F</td>
<td>F</td>
</tr>
<tr>
<td>N/2004/0712</td>
<td>CD</td>
</tr>
<tr>
<td>N/2004/0962/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2001/0393/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2001/1141</td>
<td>O</td>
</tr>
<tr>
<td>O/2001/1414/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2001/1456/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2002/0854/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2002/1115/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2002/1367/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2003/0274/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2003/0398/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>O/2003/0542/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2003/0940/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2004/0015/F</td>
<td>F</td>
</tr>
<tr>
<td>O/2004/0130/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2001/0476/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2001/2122/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2002/0964/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2002/1375/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>P/2003/0049/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2003/0446/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2003/0529/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2003/0568/F</td>
<td>F</td>
</tr>
<tr>
<td>P/2003/1064/O</td>
<td>O</td>
</tr>
<tr>
<td>P/2003/2616/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>P/2004/1269/F</td>
<td>F</td>
</tr>
<tr>
<td>Q/2002/0447/F</td>
<td>F</td>
</tr>
<tr>
<td>Q/2002/0578/F</td>
<td>F</td>
</tr>
<tr>
<td>Q/2004/0228/F</td>
<td>F</td>
</tr>
<tr>
<td>Q/2004/1009</td>
<td>F</td>
</tr>
<tr>
<td>R/2001/0510/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>R/2002/0139/O</td>
<td>O</td>
</tr>
<tr>
<td>R/2002/0255/F</td>
<td>F</td>
</tr>
<tr>
<td>R/2002/1460/F</td>
<td>F</td>
</tr>
<tr>
<td>R/2003/0355/F</td>
<td>F</td>
</tr>
<tr>
<td>R/2003/0950/F</td>
<td>F</td>
</tr>
<tr>
<td>R/2004/0206/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2001/1608/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2002/0821/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2002/1306/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>S/2002/1438/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2003/0793/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2003/0866/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2003/0887/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2003/1014/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2003/1342/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2004/0150/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2004/0228/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>S/2004/1124/F</td>
<td>F</td>
</tr>
<tr>
<td>S/2004/1269</td>
<td>F</td>
</tr>
<tr>
<td>T/2001/0517/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2002/0020/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2002/0315/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2003/0290/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2003/1152/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>T/2003/1192/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2003/1511/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2004/0207/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2004/0671/F</td>
<td>F</td>
</tr>
<tr>
<td>T/2004/0793</td>
<td>F</td>
</tr>
<tr>
<td>U/2001/0440/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>U/2003/0243/F</td>
<td>F</td>
</tr>
<tr>
<td>U/2004/0361/F</td>
<td>F</td>
</tr>
<tr>
<td>V/2001/0309/F</td>
<td>F</td>
</tr>
<tr>
<td>V/2002/0166/F</td>
<td>F</td>
</tr>
<tr>
<td>V/2002/0223/F</td>
<td>F</td>
</tr>
<tr>
<td>V/2002/0365/F</td>
<td>F</td>
</tr>
<tr>
<td>V/2003/0227/F</td>
<td>F</td>
</tr>
<tr>
<td>W/2002/0511/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2001/0397/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2001/0425/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2001/0669/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2002/1027/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2002/1159/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2002/1165</td>
<td>F</td>
</tr>
<tr>
<td>X/2002/1309/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0033/F</td>
<td>F</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>X/2003/0183/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0185/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0355/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0662</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0673/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0731/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2003/0780/F</td>
<td>F</td>
</tr>
<tr>
<td>X/2004/0295/F</td>
<td>F</td>
</tr>
</tbody>
</table>

- **Agricultural improvement—Landfill with inert materials to reduce gradient of existing land and to incorporate a presently unworkable area.**
- **Agricultural Improvement—Raising Levels of Infilling already approved (Ref: X/1999/0338) with Builders Rubble and other inert Materials.**
- **Remediation of former dump by landfilling of inert waste and placement of capping.**
- **To Landfill Quarry with Category “A” Waste and reinstate to Arable Land.**
- **Importation of Bituminous inert waste, storage of the waste prior to reintroduction, via new feed hopper into existing coated Roadstone.**
- **Retention of waste recycling and waste recovery activities and provision of green waste.**
- **To raise level of ground for agricultural purposes using inert material, ie clay or rubble. Field will be finished off with level of top soil.**
- **Variation to existing Planning Permission X/2001/0669/F condition No 1, to extend use at the site for a waste transfer station for 2**
- **Reduction of existing agricultural land levels to provide additional flood storage capacity, creation of temporary haul road, river crossing and stockpile areas and subsequent infilling of**
- **Proposed civic amenity site and parks compound.**
<table>
<thead>
<tr>
<th>Application No</th>
<th>Application Type Code</th>
<th>Date Application Received</th>
<th>Date Application Valid</th>
<th>Application Status Description</th>
<th>Land Use Proposed Code</th>
<th>Location</th>
<th>Proposal</th>
<th>Latest Decision Description</th>
<th>Date of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y/2004/0210/F</td>
<td>F</td>
<td>14/04/2004</td>
<td>14/06/2004</td>
<td>Registered</td>
<td>RE</td>
<td>11 Comber Road, Carryduff.</td>
<td>Part-change of use from light industrial/storage warehousing to provide facilities for (a) storage and transfer of hazardous wastes, (b) processing of specific hazardous wastes and (c) erection of laboratory. Retention of use for storage and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Z/2001/1022/F</td>
<td>F</td>
<td>18/04/2001</td>
<td>31/05/2001</td>
<td>Registered</td>
<td>T</td>
<td>110–114 Duncrue Street, Belfast BT3 9AR.</td>
<td>Construction of a building to receive and store special wastes (for onward transfer to sites licensed for disposal of special wastes) closure of access to public road. The building replaces an open area currently used for storage and</td>
<td>Approval</td>
<td>22/11/2001</td>
</tr>
<tr>
<td>Z/2001/2068/F</td>
<td>F</td>
<td>09/08/2001</td>
<td>09/08/2001</td>
<td>Decided</td>
<td>T</td>
<td>Land to the rear of 162 Castlereagh Road, Belfast.</td>
<td>Variation of previous condition 01, to extend temporary planning permission to December 2004 for a waste transfer station for excavated road material and builders rubble. Variation to condition 02, to include metal and wood.</td>
<td>Approval</td>
<td></td>
</tr>
<tr>
<td>Z/2001/2458/F</td>
<td>F</td>
<td>25/09/2001</td>
<td>28/01/2002</td>
<td>Withdrawn</td>
<td>RE</td>
<td>1103 Upper Crumlin Road, Belfast BT14 8SA.</td>
<td>Premises for recycling wood, metal, paper, plastics, glass, soil and brick including a skip.</td>
<td>Withdrawn</td>
<td></td>
</tr>
<tr>
<td>Z/2002/0807/F</td>
<td>F</td>
<td>04/04/2002</td>
<td>28/05/2002</td>
<td>Decided</td>
<td>RE</td>
<td>12 Herdman Channel Road, Belfast.</td>
<td>Waste transfer station in connection with applicant’s construction business and skip hire. Retention of Waste Transfer Station.</td>
<td>Approval</td>
<td>02/10/2003</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
<td>Date Application Received</td>
<td>Date Application Valid</td>
<td>Application Status Description</td>
<td>Land Use Proposed Code</td>
<td>Location</td>
<td>Proposal</td>
<td>Latest Decision Description</td>
<td>Date of Decision</td>
</tr>
<tr>
<td>----------------</td>
<td>------------------------</td>
<td>----------------------------</td>
<td>------------------------</td>
<td>-------------------------------</td>
<td>------------------------</td>
<td>----------</td>
<td>---------</td>
<td>----------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Z/2002/1465/F</td>
<td>F</td>
<td>18/06/2002</td>
<td>20/08/2002</td>
<td>Decided</td>
<td>RE</td>
<td>3 Blackstaff Way, Kennedy Way Industrial Estate, Belfast.</td>
<td>Change of use of part of an existing warehouse, approved under Z/2001/3112/F, to waste transfer function for prescription only medicines, clinical waste (Grades A + B) and Sharpes.</td>
<td>Approval</td>
<td>08/04/2003</td>
</tr>
<tr>
<td>Z/2002/2815/F</td>
<td>F</td>
<td>16/12/2002</td>
<td>07/02/2003</td>
<td>Registered</td>
<td>RE</td>
<td>Land to the rear of 162 Castlereagh Road, Belfast.</td>
<td>Variation of condition No 2 of previous planning permission Z/1996/0873/F, for the transfer and materials recovery of solid, non-putrescible wastes with associate vehicle</td>
<td>Incorrect Entry</td>
<td>12/11/2003</td>
</tr>
<tr>
<td>Z/2002/2832/F</td>
<td>F</td>
<td>18/12/2002</td>
<td>07/02/2003</td>
<td>Decided</td>
<td>RE</td>
<td>86 Duncrue Street, Belfast BT3 9AR.</td>
<td>Erection of a building (1,440 msq) for the transfer and materials recovery of solid, non-putrescible wastes with associate vehicle</td>
<td>Approval</td>
<td>12/11/2003</td>
</tr>
<tr>
<td>Z/2003/0860/F</td>
<td>F</td>
<td>09/04/2003</td>
<td>03/06/2003</td>
<td>Complete</td>
<td>RE</td>
<td>Montgomery Road, Belfast.</td>
<td>Extension of existing store housing skip for disposal of scrap metal and replacement of underground oil interceptor tanks.</td>
<td>Incorrect Entry</td>
<td>03/06/2003</td>
</tr>
<tr>
<td>Z/2003/1490/F</td>
<td>F</td>
<td>16/06/2003</td>
<td>20/08/2003</td>
<td>Decided</td>
<td>RE</td>
<td>10–14 Hillview Enterprise Park (already developed), Belfast BT14 7BT.</td>
<td>Waste transfer station and materials recovery facility.</td>
<td>Approval</td>
<td>12/04/2004</td>
</tr>
<tr>
<td>Z/2003/2036/F</td>
<td>F</td>
<td>18/08/2003</td>
<td>08/10/2003</td>
<td>Decided</td>
<td>RE</td>
<td>The Paint Cells, Victoria Wharf, Queens Road, Titanic Quarter, Belfast.</td>
<td>An application for a Waste Transfer Station accepting paper only and a Glass Reprocessing</td>
<td>Approval</td>
<td>09/03/2004</td>
</tr>
<tr>
<td>Application No</td>
<td>Application Type Code</td>
<td>Date Application Received</td>
<td>Date Application Valid</td>
<td>Application Status</td>
<td>Land Use Proposed Code</td>
<td>Location</td>
<td>Proposal</td>
<td>Latest Decision Description</td>
<td>Date of Decision</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------------------</td>
<td>---------------------------</td>
<td>------------------------</td>
<td>--------------------</td>
<td>------------------------</td>
<td>----------</td>
<td>----------</td>
<td>----------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Z/2003/2288/F</td>
<td>F</td>
<td>29/05/2003</td>
<td>01/07/2003</td>
<td>Registered</td>
<td>RE</td>
<td>Blackmountain Landfill Site, 117 Upper Springfield Road, Hannahstown, Belfast.</td>
<td>Waste Transfer Station within aggregate storage building.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Z/2003/2694/F</td>
<td>F</td>
<td>31/10/2003</td>
<td>26/11/2003</td>
<td>Decided</td>
<td>RE</td>
<td>Lands at Dargan Road Landfill Site, Dargan Road, Belfast.</td>
<td>Windrow Composting Facility for green waste with associated reception area, office and amenity block, parking, security fence, landscaping and access off existing road.</td>
<td>Approval</td>
<td>19/02/2004</td>
</tr>
<tr>
<td>Z/2004/1294/F</td>
<td>F</td>
<td>24/05/2004</td>
<td>05/08/2004</td>
<td>Registered</td>
<td>LI</td>
<td>Belfast City Council Land, North Foreshore, Dargan Road, Belfast.</td>
<td>Application to infill land with excavation and demolition materials for land reclamation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Z/2004/1513/F</td>
<td>F</td>
<td>15/06/2004</td>
<td>05/08/2004</td>
<td>Registered</td>
<td>RE</td>
<td>6 Park Road, Belfast.</td>
<td>Proposed household recycling centre and civic amenity site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Z/2004/1724/F</td>
<td>F</td>
<td>15/07/2004</td>
<td>15/07/2004</td>
<td>Registered</td>
<td>I</td>
<td>3 Blackstaff Way, Kennedy Way Industrial Estate, Belfast.</td>
<td>To allow fully sealed containers of asbestos to be placed and stored on site and smaller double bagged amounts of asbestos to be placed within secure containers on site for temporary storage whilst awaiting transfer.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Q273 Chairman: Ms Corker, gentlemen, you are very welcome. Thank you for taking the time to give evidence. The committee is about halfway through its inquiry into waste management and we are already discovering lots of interesting facts. There one or two debates ensuing as to whether or not Northern Ireland will or will not meet its obligations. I wonder if I could start the questioning this morning by asking you to what extent you think us 104 recommendations for change. We took on independent of what is required? those—and I am very careful in my use of the word that we have those EU directives to meet but how people signed up to the promise of policy. With independent of that which would be required to deliver compliance with EU directives. We all know that we have those EU directives to meet but how much would you say you have a strategy which is independent of what is required?

Mr Aston: Good morning. My name is Stephen Aston. I am the Head of Waste Management and Contaminated Land for the Department of Environment placed within the Environment and Heritage Service. The question asks to what extent we are independent of a strategy for European compliance. I think there are elements of the strategy which develop issues in waste management which will assist Northern Ireland plc in having a better economy, a better environment and better participation in the delivery of that. Having said that, if we were to become too independent of the central targets for compliance we would possibly add too much burden to the industries which seek to comply. If we look at the things with which we have to comply, beginning with the Landfill Directive, there are pretty tough targets already in place. When we add to that directive limits on WEEE, ELV, batteries to come and also packaging waste, having a strategy which is aligned with compliance as a first step is highly appropriate. Where I think we have gone that little bit further is in looking to a longer term perspective, not only to make people and businesses aware of what needs to be done and can be done and how they might do it, but also in particular to look at education and behavioural change (these are very long term issues), which are beginning to show real promise in terms of resource efficiency rather than waste management.

Q274 Chairman: It is now four years on from publication of the strategy. In terms of progress are you ahead of where you thought you would be or on target?

Mr Aston: We gave in our written evidence a long list of achievements. I would like to draw from that what I call successes and failures which seem to predominate. Both are qualified, so the short answer to your question is that in some areas we are ahead of where we thought we would be and in other areas we are certainly not. That is a gentle way of expressing failure but I want to remind everyone that we are in the first phase and the review we are undertaking is very much part of ensuring (in pilots’ terms) that when we look out of the window we are on the track that we set ourselves towards compliance and that centre of excellence. On the success side I think that the building of the strategy was tremendously successful. We started off with a steering group comprising SOLACE (the Society of Local Authority Chief Executives), the CBI and Friends of the Earth. They said what the scope should be. We had the review by the Advisory Group, an independent group, again comprising NGOs, businesses and professionals, and they gave us 104 recommendations for change. We took on board 98 and then we went on to the Waste Management Advisory Board. The consensus was marvellous and I think that was important. We had people signed up to the promise of policy. With regard to progress on delivery, I am not sure that all those—and I am very careful in my use of the word “all”—who signed, and that includes government, delivered what they promised, so that was a qualified success. I also think the partnerships were tremendous. We had gone through a period where from 1978 we had all 26 local authorities under a statutory obligation to deliver waste disposal plans and only 14 managed it in 20 years to a situation where not only did all of the district councils work together in forming partnerships but they also delivered very useful plans, the key instrument of implementation of the strategy, in very strong partnerships. That was a great foundation. It is still qualified because I think they would like us to develop that more. I also think the Wake Up to Waste campaign was remarkably successful. Its difficulty was that it built expectation that people’s behaviour would change as much as their awareness did. Behavioural change is much longer term; think most people would recognise that. Failures? Greening government was right up there. We were going to green government because it was a good leadership step. I do not think we have done but later on I think we will discover that the latent action is very strong and very positive. In terms of other areas, data has always been a real problem for us. That is another area which has not worked. We are behind on some areas but that is the purpose of the review: to make sure we recognise and react to that.

Q275 Chairman: I have a couple of questions in respect of the review and just to clear up some issues surrounding targets. The strategy declared at the first strategy review point in 2003, once further analysis of waste arisings and consultation had established that they were achievable, the targets would become mandatory. Has that happened?

Mr Aston: The review is incomplete but de facto some have become mandatory because the directives have come into play. When we began with our targets, and they began with a whole range of primary and secondary targets, some of them were aspirational, they were marked very clearly as provisional, but they were building towards compliance, primarily with the Landfill Directive but also cognisant of the future change for the directives I have already mentioned, so we now have ELV and WEEE framing targets, we have packaging targets and they are specific and mandatory. The
Chairman: We have received some criticism management in a totally di

Mr Aston: Much of the action that has taken
cannot do it all despite its massive budget. It can describe.

Mr Aston: Yes, I think that is what they are set for.
On household recycling, the 25% target, I said to
Northeast Ireland, and forgive me if I misquote you.

Q278 Chairman: You have set targets for 2005 and
2010. The targets for 2010 I assume you would meet
during the year 2009–10, so the targets for 2005 you
will be looking to meet in the year 2004–05?

Mr Aston: Yes, I think that is what they are set for.
On household recycling, the 25% target, I said to
someone the other day that Northern Ireland’s
performance is a little bit like the horse Sea Biscuit in
the recent American film. We start off as rather small
with a big challenge but at the moment (and I think
I am allowed to say this) we are just passing Scotland
on the household side and we are drawing alongside
Wales. By the end of 2005 our indicators and data
sets coming back from local authorities on quarterly
returns suggest that we will achieve the 25% by the
end of 2005.

Q277 Chairman: We have received some criticism
that a lot of the targets within the strategy are not
supported by touchable, concrete measures. They
seem very aspirational but some people have given
us evidence to suggest that their fear is that we have
targets but there are no concrete measures or policies
in place that will assist us to achieve them. Can you
point in the direction of anything concrete in terms
of policy that we can present to those critics to say,
“Yes, it is not just an aspiration. There are concrete
measures in place that we are taking which will
enable us to achieve those targets?”

Mr Aston: Yes. Much of the action that has taken
place gets lost in observation. May I deal with the
criticism in broad terms first of all? What is missing
from the original strategy (and is one of the purposes
behind the review) is concrete action plans. Everyone would like government to have an action
plan. We will see that action plan in the revised
strategy where we set timetables, specific measures
to mark out movement in recycling and
reclamation—the things that we do. But government
cannot do it all despite its massive budget. It can
show leadership; it must do that, but it is getting an
equivalent action plan from the key stakeholder
groups that is important. The same groups that
signed up to the strategy and helped build it with
their recommendations also need to take steps. We
have got a recent example of that with the
Construction Industry Group where we are dealing
with construction, demolition and excavation waste
where, using the BPEO technique; they are looking
at targets of approaching 40% by 2010 for on-site
recovery, again bringing it back to the point of
production, following another principle. We are
looking at specific education, awareness and
behavioural targets in our new plans and
programmes. We have taken tremendous steps
forward in linking up north and south of the island
with those campaigns but it is specific things that we
have achieved in terms of targets. We note that the
household recycling target is working well. We note
that the introduction of the Northern Ireland
Landfill Allowance Scheme, which frames the
directive, is very specific as a scheme, so there are
some concrete targets. There need to be more.
What we need to be wary of is that they are focused on the
sectors that themselves need to respond and that it is
not simply government sending out a wish list which
it cannot control.

Q276 Chairman: You mentioned earlier on Invest
Northern Ireland, and forgive me if I misquote you
but I think you said we have to be careful not to
create a disadvantage. Is there any evidence that
would suggest that better resource management,
better waste management, damages competitiveness
because surely what we should be doing is looking at
how we can encourage new business into Northern
Ireland because of our waste management strategy
and because of the way that the state plans for better
resource management? Is there not a difficulty there
that if we say that this is a bad thing, that we have to
achieve that element of policy that we can present to
those critics to say, “Yes, it is not just an aspiration. There are
concrete measures in place that we are taking which will
enable us to achieve those targets?”

Mr Aston: You quote me absolutely accurately. You
interpret me in a slightly different way. What we
have to recognise is the synergy between what is
good for business in Northern Ireland and inward
investment and what is good for Northern Ireland in
terms of its environmental compliance and quality
of life issues. One of the drivers for Invest Northern
Ireland is to have a competitive industry to bring
increased employment, jobs, that element of
sustainable development, and also to export goods.
The synergy that we have is that by focusing on
resource management, by making it better, easier
and simpler for the producers of waste to spend less
in producing waste and more on the production
processes, in other words to make them efficient, we
will benefit industry and in benefiting industry with
our systems, with our techniques, we will export that
expertise. That is one angle of how we are working
together. We have slightly different drivers but they
come together very clearly in exactly the way you
describe.
Q279 Chairman: It is a difficult sector to monitor, is it not? How are we going to find out whether or not targets are being met in the industrial and commercial sector in respect of the amount going to landfill? How are we doing that at the moment?
Mr Aston: There are two elements there. First of all, one of the actions that has taken place in terms of Invest Northern Ireland is strong support for—and we know we have the Waste Management Industry Fund—environmental auditing of companies. In the last few years they have run through, I think, 107 companies, getting better practice in place, better expertise. From our point of view we have set up a scheme called NETREGS in conjunction with the Environment Agency and SEPA, and this approaches 80% of SMEs via the web with clear information on compliance, so they are specific actions in the sector. Your question related to how we are going to measure success. We walk into a particular difficulty there on the adequacy of data. If we take commercial and industrial waste, we already have a figure for that on a survey from 2002, but we immediately would question that base line data of 660,000 tonnes simply because it is an extrapolation from questionnaires. It could be that our targets, which are set as secondary targets and primary targets, are obeyed because the second survey gives us a result but we are not confident in the first survey. This is where there needs to be a major shift. We have done that in that we are going to do a new survey with commerce and industry, construction and demolition, and that will be done by interview, but we still pose the question: are those people whom we interview at company level sufficiently aware of the waste that they generate? That moves us on to a much bolder step and I think an essential one. We have under our duty of care across the UK this “keep, describe and transfer” requirement and responsibility. We think that needs to be extended to keep records and provide on a self-assessment basis annualised returns. The parallel model for this is the Health and Safety at Work Act 1974 which committee members may recollect stated that if you had more than five employees you had to have a health and safety policy. From that has grown a tremendous exchange and improvement in welfare and protection. We think the environment requires the same because periodic data sets, however well we do them, are just that: periodic. They do not improve the information sufficiently, or set the benchmark, nor do they change the culture that the producer will remain responsible.

Q280 Mr McGrady: I would like to ask some questions regarding the planning situation. In your evidence to the committee you say that meeting the 2005 targets is dependent upon composting facilities being in place. Yet our inquiry has highlighted that planning for waste management facilities has been notoriously slow. Your figures show that the process would take an average of a year and sometimes much more than that. How would you anticipate reducing the time for determination of applications in order to meet your targets?

Mr Aston: I begin and then introduce Mr Scott to give the direct planning perspective. The notoriety in terms of determination that you describe the position as is one that applies across the UK. Waste management facilities, whether we are talking about salt mines in the north of England for special waste or incinerators in London, take years and years, and one of our difficulties is following due process and winning technical arguments does not always win hearts and minds. One of the things that we were determined to do in Northern Ireland—and I am not suggesting that we have been completely successful—was to build from a base of consensus. No other strategy as far as I am aware was built in the same way that the Northern Ireland strategy was in terms of contact with people and businesses and the use of an independent forum to judge it. We also built into that the Best Practicable Environmental Option, another model for rational selection which I think will come up later, to ensure that people were involved in the selection of a facility. One of the things that has held up most planning applications is the department taking an active rather than a seemingly passive role. We did not want the strategic choices to be determined by a plethora of landfills being granted prior to the adoption of formal waste management plans because we had suffered in the past from what had been cheap and cheerful options. What we wanted was a balance of facilities that presented compliance opportunities as well as competitive opportunities to deliver the targets we talked about earlier. We waited until a strategy was published, the BPEO applied through adopted plans, and the publication of Planning Policy Statement number 11. That in one particular case led to the permission at Drummee which came out of SWaMP (the Southern Waste Management Plan). This was a landfill. They clearly said that this particular site, for all the reasons they set out in the plan, was the best option at that time as part of the menu. Some of that notoriety that you referred to has been a positive step to hold back and make the right decision, but there are clear issues of confidence for those people coming to new tendering processes and new applications for which we will be looking for new processes such as composting. I will let Mr Scott explain the detailed planning background to that.

Mr Scott: I am Noel Scott, Head of Special Studies Section, Planning Service. We deal with waste applications throughout Northern Ireland. Just to pick up on Steve’s point about the hold on major landfill applications, our view of that is that it was a positive contribution. That was DoE acting as one and saying that we were committed to the Waste Strategy and waste plans at a very early stage. Effectively those major sites started the process in December 2002 and we are now at a stage—I think this week—who we hope to move two of the four outstanding applications to our Planning and Management Board and then on to the minister for decision. In relation to other applications—and the other applications are just as important in terms of diversion away from landfill—we recognise that there are difficulties in the process. For example,
some consultees are particularly under-resourced and that is recognised, but a factor that exacerbates that situation is the poor quality of a number of applications and the lack of applicants using the scoping and screening processes involved in environmental impact assessment before submission of applications. I looked at some of the figures we supplied to you. We approved 78 applications over the four years. On average they took about 11 months to determine. That was from date of validation to decision, but in fact they were in the system longer than that. There was a process of getting the applications up to speed, getting them shaken out so that there was sufficient information to actively process them. That took on average five weeks, but about 40 applications were validated on the day they were received. If you take those out you have a three-month delay and that feeds into the consultee problem because if you receive an application you then have to ask the consultees, “Does it need a statement?”. You need to make a determination, so they are involved in that. You then receive the environmental statement. Frequent it is inadequate. The consultees are involved again but they are involved not in one run; they are involved in two or three runs through the system. Poor applications, coupled with a lack of resource in terms of consultees, combine to cause problems. The Planning Service at the moment is involved in a major review of process, the first in 30 years. It is focused on legislation, on procedures, on achieving speedier decisions. At its core we have attracted four million pounds for e-planning. There are programme dates for completion. The e-planning has to be in place by the end of 2005. It will provide the ability to make planning applications and pay fees on the net. It will also involve consultation on the net with internal consultees and with councils. The e-planning will also involve advertisement of council schedules, advertisement lists, etc, diverting a lot of work that comes through the divisional planning office at the moment onto the net. We hope, and releasing staff to work on more fruitful areas. Those processes are in place. We are looking in that process at use class changes, permitted development changes, fees and validation. All of these issues together I suggest will result in a more effective streamlined process that produces decisions. In terms of validation, within the next six months we are going to take a line that applications that cannot be processed will be returned to applicants. We are not doing that at the moment. We are dealing with complex cases and therefore there is a degree of latitude. We try and get applications up and running, but where they definitely are insufficient they will be returned. There are plans in hand to do that within the next six months. I should say that those plans may be delayed because of the need to switch resources. The decision was taken a week ago to re-allocate resources because of a 20% increase in planning applications on top of a 20% increase last year, but that affects timing, not the introduction of return of invalid applications. We will also by 2005 have guidance on the system on the e-net and in our offices to allow people to make preliminary inquiries, to come in and talk to us about their applications, and we will encourage people to get involved in scoping and screening before applications are made. The consultee resource issue we are also seeking to address positively. There are steps in hand within this modernising planning programme to charge the full fee for the consultation process and to allocate that resource to the consultees. They will produce audited annual accounts showing what they have done with the money so that we will be able to decrease or increase the level of payment to reflect the workload. That action on validation, the action on fees to resource consultees, should help to change the situation. It is within the context of modernising planning where the whole approach is to change the image that planning has away from being an obstacle to being a positive contributor to the whole process.

Q281 Mr McGrady: That was a very detailed reply to what I thought was a rather simple question. We appreciate that, of course. You did refer to the announcement last week that the minister had diverted some 50 personnel from general planning to individual planning applications for single dwellings. Surely that is an indication not of review in planning but of chaos in planning, where the area plans have all been suspended bar one, to my knowledge, and that we do not have an adequate planning situation in the six counties now at all? Because of that and what you have said, does that not mean that you need a radical review of where you are at in meeting your target of 2005, which is only next year? For instance, do you see that a regional level body would be better at dealing with this situation? The ultimate decision is regional but if that is the case is that not remote from the local input that is necessary, essential and desirable? What assessment have you made of dealing with planning on a day-to-day basis, which from a member of the community’s point of view is absolutely chaotic?

Mr Scott: I appreciate that there are no signs of change out there perhaps apart from announcements, but within the agency there is radical change going on. We will be electronic in 2005. What I am suggesting is that there may be some slippage in some of the proposals and timing. It remains within a framework where all this will be done nevertheless by the end of 2005. In terms of managing waste, my team is not affected by any of these resource allocations or moves. We are well resourced and that has happened progressively over the last two or three years. I was responsible for minerals; I am not now. My team was responsible for enforcement; it is not now. My team was responsible for waste water treatment works, and there are hundreds of those; it is not now. We have become much more narrowly focused on achieving results on waste and while there may be delays in the short term in terms of the validation I spoke about, that too will be achieved by the end of 2005. These things are in hand and there will be changes and there will be positive outcomes.
Q282 Mr McGrady: Taking this into consideration and your own suggestion to us, you will already be struggling to meet the 2005 targets, particularly for diversion of biodegradable municipal waste away from landfill. We come up to a crunch barrier in 2010 when the first Landfill Directive hits home. With the lack of facilities being progressed at a sufficient rate are you looking at this point of 2010 to see if you are going to fulfill your targets there, because I do not think you are going to fulfill the targets for 2005 in spite of the assurances you have tried to give me?

Mr Aston: If I may answer Mr McGrady’s question, it is another succinct question but a very deep one. We are convinced, according to the data given to us by local authorities, that we will meet the 25% target. The concerning one on the horizon must be the 2010 target, and in fact the one beyond that which is 2013, in terms of compliance. Despite these delays, which started off this line of questioning, we have had no significant applications for new facilities and that is an issue. What has been described is the department focusing to ensure that it can deal with new applications expeditiously when they come. The other aspect is that the review of the strategy is moving in the direction of convergence of the existing waste management plans, two of which, you will be aware, are under review at the moment because they do not cover the period to which you refer. The idea of converging the plans and looking at a Northern Ireland-wide examination of what the best options are is precisely to ensure that we do have the right infrastructure in place and indeed goes back to the basic issue of compliance that the Framework Directive sets out, “Thou shalt have a regional network”. The purpose of the review is to make sure that the very things that you identify are physically in place by 2010.

Q283 Mr McGrady: In your introduction, Mr Aston, you did mention that awful mnemonic the BPEO. In your evidence to us you state that the PPS 11 places an onus on the applicant to demonstrate that the PPS is the right infrastructure in place to deal with new applications. Do you agree that this is the correct way forward?

Mr Aston: There is always that danger but let me begin with an introduction to a reply and then ask Ms Corker to explain a bit further. As you are aware, the BPEO is the third element and the one you, understandably and quite rightly, carefully tried to enunciate, the best practicable environmental option, is a difficult one because it is a strategic tool. It is in its simplest terms a rational beauty competition, if that is not a mixture of terms. The idea is to make a selection that fits. You start off at a strategic level with a ratio of processes: how much landfill might we need, how much composting, how much in-vessel digestion, other physical processes to deliver better waste management. If we said, for example, that 30% of what we needed was landfill or 30% was waste to energy, what then do you select as the best facility, the best location? This idea of selection of what is the best environmental, economic and value model still applies but the concept gets a little difficult when you get down to the individual site. At any stage you are always choosing, and I think that what has happened is trying to make that practical at the local level, but also in building BPEO we have gone across the whole of Northern Ireland and I will turn to Ms Corker who will explain some of the meetings that she has been holding recently beyond the existing guidance.

Q284 Chairman: Before Ms Corker does that, I noticed on the BBC this morning there was a very interesting article on English grammar and I am confused now as to whether or not we are talking about best practicable or best practisable.

Mr Aston: Best practicable option.

Q285 Chairman: I think earlier on we heard the term “best practisable” in terms of what was best practice rather than what was practicable. I am confused.

Mr Aston: I am sure that was my enunciation. Forgive me.

Mr McGrady: Do not confuse the issue any more!

Q286 Chairman: My apologies. Ms Corker?

Ms Corker: Good morning; I am Pat Corker, the Waste Strategy Development Manager in the Waste and Contaminated Land Unit of the department. I think there is a lot of confusion about what BPEO is and what it is trying to achieve. The first thing you have to get a feel for is that it is a tool and it is about making robust technical, environmental and economic decisions. That is why BPEO was introduced within the strategy; to help guide us towards our goals. The purpose of the Northern Ireland-wide BPEO, which we are now looking at with a number of councils, is to provide a clear process and framework for decision-making, and we were looking at this in response to the strategy review findings which indicated that a number of the councils were confused about what it was trying to deliver and they wanted a clearer steer from the department. The BPEO cascades down from the strategic level, which is embodied in the Waste Strategy (which as Mr Aston said is about the proportion of landfill and other facilities that we might want), to the sub-regional plan level which is much more location-specific and then down to guide
the decision-making at the local level. It is trying to do this in a consistent way. It is intended therefore to ensure consistency in local choices and provide confidence to the public that the choices which are made will represent the best solution. This is essential because everyone needs that confidence. We spoke about the planning process and the delays in the planning process, but contractors and business which are going to come in and deliver these facilities all need confidence that the planning process is not going to be endless but will meet our needs for delivering the integrated network of facilities, and that has to complement the community. There is an awful lot of consultation required because you do not want to get to the point where you have made a technically robust decision at the high level but the local population will not buy into it at the final level. The whole purpose of BPEO is to try and take a step-wise approach and make it as robust as possible so that when you get down to the local decision-making level there are fewer reasons to object. You will get a number of objections; you will not eliminate them completely, but the robustness of the tool will help cascade down and inform the decisions. An example of that is through the Drummee application where, having followed that process through the Waste Strategy and the waste management plans for a particular landfill site, it did release the planning decision. What we are trying to do with the Northern Ireland-wide BPEO is perhaps extend that across and harmonise all three plans so that we can get those robust decisions right through the process. We have recently held a workshop. We formed an expert group to try and refine the scenarios and the options that you might want to look at. Because it is such a complex process, because there are such a lot of different balancing factors from the environment and the economic and social perspectives, it is quite a difficult concept. We have therefore formed a group which has brought forward some more detailed options and it was those options we then took forward with the councils to look at the pros and cons and progressively refine the scenarios and the options that we needed. That is making good progress and we hope to have firm guidance and a firm steer by the end of the year on what is that strategic-wide option for Northern Ireland and that will then cascade down into the review of the plans and the local level.

Mr McGrady: Chairman, this is a very educative process for the likes of me and I would like to read all that you say in order perhaps to understand it a bit better. If anything further arises perhaps we could ask for further explanation in writing because time is short. Thank you very much indeed.

Chairman: I do agree. The general message is that whatever our inquiry we tend to cross swords with planning in Northern Ireland. Yesterday we were talking about the lack of action on publication of PPS 12 and today we are talking about the implications of PPS 11. I do hope that at some stage a message will come across that our efforts can often be frustrated through a lack of co-ordination between what is happening in the planning process and what needs to happen in practice—or what is practicable.

Q287 Mr Luke: I will move from theoretical planning to financial planning for my series of questions. You mentioned that Scotland is the leader in this but you have obviously at least come up to their level and will perhaps have surpassed that now. In your evidence to the committee I do not think there is any clear explanation of what financial resources are needed for the implementation of the waste management plans in the Province. You do mention that over the next three years some £42.4 million will be needed by the regional groups to implement their action plans. The Waste Management Advisory Board, in the evidence we took from them, estimated that they would need three billion pounds over the next 20 years to get the plan up and running and put the infrastructure in place, and some five million pounds over the next five years to kick-start that process. Do you agree with the board’s figures?

Mr Aston: No.

Mr Luke: Can you give us an explanation?

Q288 Chairman: Your other answers have been far longer than that.

Mr Aston: I think there is a great difficulty, whether you look at the Waste Management Advisory Board figures or whether you look at Defra figures, in estimating the impacts and costs of dealing with waste management. The variance in confidence and range is enormous and it is a key challenge. One of the issues about the Northern Ireland-wide BPEO is to establish very clearly what we think the capital costs will be for Northern Ireland to put an infrastructure in place that will deliver over that period, but that is a capital expenditure cost. If I can break it down a little into the four areas of cost to help the analysis, we have the one I have referred to, capital infrastructure costs. The macro-infrastructure costs range, we think, from £250 million to establish new high-tech plant and landfills and other bits and pieces to maybe up to £400–£450 million. There are also the micro-infrastructure costs which relate to the implementation action plans of the local authorities. We think our payment of that is roughly 45% by grant-in-aid over the period, in accordance with their figures. The second is market development, which is a key driver in terms of pulling the material through. We can regulate, we can provide infrastructure, but we need market development to pull things through in terms of reprocessing. That has been led by WRAP and provides leverage and confidence. The estimate for that figure is not determined yet but we do know we benefit from things like the Shotton plant, which is a £300 million capital investment, but we need more direct benefit. For our development and demonstration projects and research we link up through the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER) and we also will link up in terms of information and results with the
New Technology Fund currently running for demonstration in England, Wales and Scotland. Northern Ireland companies can still bid for that. We have education and awareness. We have put five million into that in very global terms. We also lend direct support to NGOs eg ENCAMS and landfill tax credit schemes for Bryson House and others in Northern Ireland. The big unknown in terms of cost, which we will come to later, is illegal activity. Much of the Environment and Heritage Service’s work is predicated on environmental receipts. The enforcement activity does not bring us any receipts at all; it brings us a huge burden in cost which we will touch on later. That analysis still gravitates to the capital infrastructure and the operational expenditure, and the figures are enormous. Going back to Invest NI, the investment in the environmental sector, incorporating waste, has grown in the last three years by 81% to £82 million and overall turnover to £191 million. These are large figures but until we get a handle on it we cannot easily rationalise the next question in terms of procurement and financial support, and there are different models for that but we do not think it will be a direct grant-in-aid. We think it is going to be a PPP/PFI joint venture. Before seeking those partnerships or new rules of engagement we need to crystallise the figure because the variants at the moment give the department less confidence rather than more.

Q289 Mr Luke: You mentioned the estimate of something like £400 million for the infrastructure investment alone. Taking the governmental financial processes, what bids have you put in to the Treasury to help you finance the work over the next few years?  
Mr Aston: On illegal enforcement we have a major bid in; not major in terms of that statistic but we have a bid for £2.5 million on that element of the cost. On the infrastructure costs, which you are directly questioning, that has been taken up with our joint working with the Strategic Investment Board for Northern Ireland which is setting up a plan over the next 10 years. We are finalising that process now and that will be the basis of the bid for more money. Whether we can hope to match the sudden leap forward in cash that Scotland has demonstrated which is something we have talked about previously. You see the way forward as working through PPP/PFI bids and joint ventures. The way that works is that you have to have some sort of focus on long term spending. The current arrangements where local government has to spend its money in a year and there is no ability to roll that money over financial years I assume is a major obstacle to that kind of partnership.

Mr Aston: It is and it is not the only obstacle. The concern that local authorities have expressed over the current grant-in-aid system, which is modelled on the Welsh system, is that it is very difficult to apply because there is not a continuous guarantee of funds. That has to change. We have already run PFI projects here on water treatment works, on hospitals and on schools, and we will come on to procurement shortly, but there are models that exist. The bigger question behind that is with whom do you partner? We have a coalition of district councils producing plans and implementation action plans and we have extended the powers to the arc21 group and they now have a chief executive, but we need probably to go beyond that. The whole question of a single authority as a procurement authority for a Northern Ireland-wide plan suddenly comes to the fore. That brings in a second order question, which politicians quite rightly would say is a first order question: the review of public administration. We have these knock-on effects and the real spanner in the process is the fact that the review of public administration may not occur until 2008–09 and the committee’s central question is: what are you going to put in place for 2010? It is that sequence rather than are we going to create a PPP, because whoever you partner with I do not think anyone wants to partner with 26 local authorities. I am not aware of any example across Europe where someone has done that, although I stand to be corrected. It is another very challenging question about how we deliver the planning mechanisms in terms of permissions and the financial mechanism in terms of adequate provision to transfer risk and create confidence amongst investors.

Q291 Mr Luke: You mentioned in one of your earlier responses to me that you believe that the government would seek to supply 45% of the support for local authorities and grant-in-aid to implement investment strategies.  
Mr Aston: I hope I was more careful than that. If you look at the figures produced by the district councils, there are two sets of figures. The first set is in their waste management plans. The second set is in the implementation action plans. I think the second was a slightly more accurate and lower figure than the first one and came out at round about £90 million. I think when we look at our grant support to the current grant scheme that if you add it up the same period it will approach somewhere between 42 and 45% of support; this is for their current implementation action plans. I do not think, and I would not be correct to suggest, that we are actually to take that as a base line level of support. I am not even convinced that despite Scotland’s enormous boost to the waste management industry its final capital figure will extend to a 45% level of support for change; I do not know. It is not something we think
as a model will work for the major infrastructure. The deepest question of all here is, can we produce a strategy over a period which gives investors confidence? Much of what we do in the waste management industry across the UK is about leverage. The WRAP does not support every single project. It provides a degree of credibility accreditation and some money which gives sufficient confidence for venture capitalists and banks to invest. That is in a sense the name of the game of the long term strategy: investment by others, not government just handing over money to support things.

Q292 Mr Luke: Do you think that the 10 million pounds which the Waste Management Advisory Board points to in the waste management grant scheme has been sufficient to meet these needs?

Mr Aston: Absolutely, because it is meeting the needs identified by the implementation action plans. The second answer is, absolutely not, because it is there to cover many of the other things. We have carried out a number of surveys on waste, half a dozen or more, which are expensive. We have carried out a number of developments on waste data flow, for example. We have a project going on at the moment where we are working across the UK. We have a huge investment. We have gone in central government terms within my own team from a level of funding of round about two and a half to three million at the time of launching the strategy to over £21 million and still we want more because there are so many more things to do. The strict answer to your question is that the plans asked for a sum of money and the grant aid was more than enough. If we overdo it, if we overpay, where is the pressure on a permission side there are a number of things. We constantly fall into the trap of wanting to do more and to cover many of the other things. We have over a period of time because of the nature of the financial planning we need to move to significant change and work in conjunction with Invest Northern Ireland and others to have authorities will have to increase their contributions.

Q293 Mr Luke: Obviously, this is a negotiation and we are uncertain about what the final figure is. Something that looks quite probable is that the local authorities will have to increase their contributions and raise their rates to make sure that they have money in place to meet these costs. Do you think that is an acceptable form of taxation for local citizens to meet? We are talking about long term projects. Would it be useful to let local authorities know now or very soon what they can expect to spend over the next three years?

Mr Aston: I think it would be useful to let them know and one of the hiccups in the system is our not being able to guarantee that. We must deal with that and if we go to PFI/PPP that is inevitable. Unquestionably we must deal with that. Your first question was a much trickier one in these sensitive times when we know that water rates are being charged, we know that household rates are going up, but I am afraid the answer is yes. Every other service that is provided to households is a paid-for service. There is no question in my mind that at some stage we have to look at this most carefully to encourage and incentivise people to segregate their waste and to pay attention to the products they buy. It is an essential part of how our policies work or do not work. We have had a fabulous public response to the efforts of district councils to provide second bins, to the Wake Up to Waste campaign. I think people want more and they deserve more but it will still be driven by the avoidance of cost. In other words, if you participate and you recycle there may be no charge, for example, on a recycle bin, but there may be a high charge for a contaminated recycle bin to be treated the same or for waste which you are not prepared to compost. This is highly politically charged, not only locally but generally across the UK. I also think that for logical analysts it is an inevitability. If we separate away from the “polluter pays” principle and say that that is okay at a certain level, and absolve the householder, we take away the engine of education and participation and I do not think we can afford to do that.

Q294 Mr Luke: We talked earlier about the planning process. Would you agree that there is a difficulty in putting financial planning in place and estimating over a period of time because of the nature of planning in general, because when you put in planning applications to get specific schemes on the go there is no certainty that it is going to be delivered in a certain time and these things make it difficult to plan long term financially?

Mr Aston: I would agree there is a challenge and I put it in those Civil Service terms because it is a challenge rather than a simple difficulty. If we take the financial planning we need to move to significant support because we have a stable and clear policy and one of the hiccups in the system is our not being able to guarantee that. We must deal with that. Your first question was a much trickier one in these sensitive times when we know that water rates are being charged, we know that household rates are going up, but I am afraid the answer is yes. Every other service that is provided to households is a paid-for service. There is no question in my mind that at some stage we have to look at this most carefully to encourage and incentivise people to segregate their waste and to pay attention to the products they buy. It is an essential part of how our policies work or do not work. We have had a fabulous public response to the efforts of district councils to provide second bins, to the Wake Up to Waste campaign. I think people want more and they deserve more but it will still be driven by the avoidance of cost. In other words, if you participate and you recycle there may be no charge, for example, on a recycle bin, but there may be a high charge for a contaminated recycle bin to be treated the same or for waste which you are not prepared to compost. This is highly politically charged, not only locally but generally across the UK. I also think that for logical analysts it is an inevitability. If we separate away from the “polluter pays” principle and say that that is okay at a certain level, and absolve the householder, we take away the very engine of education and participation and I do not think we can afford to do that.
Q295 Mr Hepburn: Do you think there has been a lack of leadership in respect of the strategy and, if so, what do you think government, or indeed the department, could have done to avoid this?

**Mr Aston:** I would like to give a simple “yes” but I think it is important I give a qualified “yes”. If I simply say that there has been a lack of leadership because the government has not done all that it said it would do, lost in that answer is a recognition of all that it has done. Whilst I am not trying to give a *Life of Brian* description of all of our achievements it is important to reflect that we are as part of the UK well ahead of our colleagues in terms of European compliance. We are the only part of the UK that is not being chased because Northern Ireland decided it would take a binary approach: the department would produce a strategy as soon as possible, and it did, and we would produce plans which implemented that strategy, which district councils did. That was a huge success. The level of guidance we have produced is phenomenal and has been a huge success, and even in our response to regulations we were, as I mentioned earlier, some way behind. Over the last few years we have had something like 45 pieces of legislation introduced by our policy arm in the department. We have had to implement 10 sets of new regulations within the Environment and Heritage Service and we have gone from 15 people to over 100, amongst whom we have 50 graduates, 30 postgraduates and approaching 200 years of real time experience because our appointments have been made by open competition. In that sense and in the task force we have led on education, Wake Up to Education, leadership, yes, is good, it is strong, but it is not good enough. We accept and acknowledge some of the criticisms. The dilemma in accepting that is the Spartacus routine. The department gets up and makes a declaration and every other stakeholder points at us and says, “Yes, that is Spartacus up there”. We have not had the response we had on the strategy where other people have acknowledged things that they might have done better. I mentioned greening government earlier and I would like Mr O’Neill to lead us through the procurement side which probably appears as our biggest area of missed opportunity, if I can put it that way.

**Mr O’Neill:** I am Brendan O’Neill. I am Head of the Policy Unit with the Central Procurement Directorate which is within the Department of Finance and Personnel. The overarching policy for public procurement is that of achieving best value for money. The definition includes that it is a combination of whole life cost and quality to meet the customers requirement. This definition allows for inclusion as appropriate of social, economic and environmental goals within the procurement process. These three goals together are classed as sustainable development. In effect, within the concept of best value for money public bodies have scope to compile procurement specifications which include environmental policy objectives. The directorate for which I work is concentrating on the development and implementation of the new policy and as part of its remit has prepared and disseminated guidance, through our Procurement Board, on environmental procurement and this has been issued throughout the public sector. The purpose of this guidance is to assist contracting authorities in identifying the most effective ways of integrating environmental issues within the public procurement process while adhering to the procurement regulations, the EC treaty and directives. The guidance in fact is based on the joint OGC and Defra note on environmental issues in procurement and adopted by ourselves to reflect the circumstances in Northern Ireland. The guidance encourages contracting authorities and purchasers to consider the environment from the outset when they are looking at procurement. There is more scope available in the early procurement process when defining needs and specifications and early action is therefore more likely to be successful in using procurement to advance the green issues. The guidance also asks authorities to carefully plan the process, to use performance or functional specifications, to assemble the relevant expertise and to initiate early dialogue with the supplier community. This can be useful in finding out what is available out there and informing the market of future requirements and in stimulating innovative response. The directorate is working with colleagues in the Department of the Environment on a number of fronts. We are working together on the Sustainable Development Strategy covering more than waste. This has two main themes: one looking at the framework for the government estate and, secondly, public procurement itself. The directorate, if you like, is in a pivotal role in government and sitting at the centre and supporting the Procurement Board and working closely with departments. We have brought together the construction client group, an interdepartmental group which is leading on the implementation of the Achieving Excellence initiative, which includes achieving sustainability in construction procurement. We have an Aggregates Task Group, another interdepartmental group, which has been established to consider what measures can be undertaken to ensure that the appropriate levy is paid on aggregates used in public works and to stimulate the use of demolition waste and recycled aggregates. In relation to procuring materials made from recycled products, the directorate again put together with colleagues from centres of procurement expertise—these are centres which have a specific portfolio in relation to procurement and come from the housing, health and education sectors, road and the water service—call-off contracts using the specifications, which are set out as “quick wins” in the integration guidance notes, contracts covering such things as office supplies, including PCs, photocopier paper, equipment, gas boilers, white goods, televisions, vehicles and consumables—light bulbs, tissue paper, paint. We are looking at all these areas. The most significant opportunity to date in this area has been the contract for recycled photocopier paper. This is a contract to cover central government and the health and education sectors which are quite heavy in their use of paper. It has been led by the Education
and Library Board here and is due to be awarded at
the end of this month. It is anticipated that the
outcome will be a price for recycled paper that will
be at least approaching that of virgin paper but
naturally with the advantages associated with
environmental benefits. The directorate also
manages an electronic ordering system which is in
use throughout central government. Ordering from
call-off contracts or frameworks through this system
gives staff a choice on-screen, so straightforward goods
with a recycled content will be presented as available
and gradually the availability of materials without
recycled content will be withdrawn from the system.
On the construction front, the directorate has
concentrated on promoting the reuse of aggregates
and the use of products made from materials that
have a recycled content or are capable of being
recycled at the end of their life. The directorate takes
the opportunity to specify the use of such materials
in building design for new build and refurbishment.
In relation to procurement of major infrastructure
contracts emphasis is placed on minimising the
amount of virgin materials used. The directorate
promotes the integration guidance as a base
document which can be enhanced to meet particular
circumstances. The guidance is in itself generic in
nature and can be applied either to PPP/PFIs or
major infrastructure projects just as well as to the
purchase of pens and pencils. More specifically the
directorate has set up another interdepartmental
group on sustainable construction. The remit of this
group is to produce and issue guidance on the
implementation of the recommendations relating to
aggregates, to develop a demolition protocol, and
this will be a planning and management tool for
planners, developers and consultants working on
demolition and redevelopment projects, setting
targets for recycling and reuse of aggregates and, in
conjunction with WRAP, to undertake a study into
the viability and promotion of recycling centres
within Northern Ireland. The group has
recommended contracting authorities to adopt the
use of certificates, audit all procedures and checks to
ensure that the appropriate levy is paid on virgin
aggregates. It would also encourage contracting
authorities to give bidders credit for the use of
environmental management systems during the
evaluation of tenders and ensure that they complete
and submit the waste management declaration.
This declaration ensures that all waste produced as part
of a construction project is properly disposed of and
that the records are retained. I hope this has given
you some indication of what government is doing.

Q297 Chairman: Time is catching up on us a little bit.
We have not yet discussed the issue of illegal
dumping and I would like us to cover that. It is a
major concern for this inquiry. We note the
involvement of paramilitaries and organised
criminals in the trade. We also note what is
happening in the Republic where it looks as if there
has been a considerable injection of funding to start
to tackle illegal dumping in that part of the island.
Could you talk through with us your views as to
what additional resources would be needed within a
Northern Ireland context to start to tackle illegal
dumping? When I am talking about resources I think
you mentioned earlier on £2.5 million, so financial
resources are part of the answer, but also I would
like you to look at human resources in terms of who
is going to carry out this work. Could you give us an
answer that covers all of those areas in terms of
whether or not you share our concerns, what we
need to do about them and where the money is going
to come from?

Mr Aston: We share your concerns. The department
takes the matter very seriously indeed. What we have
are clearly about 250,000 tonnes being illegally
deposited and we think beyond 400,000 tonnes being
illegally transported because some of it, bizarrely, is
being “legally” deposited almost when it crosses the
water, but illegal clearly because the movement
should not take place. We have a range of direct
cross-border incursions for deposit without any
form of protection, very clandestine, and we have
sham recovery, re-badgegig waste. That is clearly
environmentally damaging and economically
corrosive. The costs of cleaning that up are
enormous. If we look at parallel contaminated land
provisions we know that it will cost us a great deal
to repair the damage that has been done. The only
up side is that the effects and locations can be traced
and we are looking at aerial surveillance and all sorts
of mechanisms. Any landowner should be extremely
wary of the liability that they are taking on. The
other side of that is the very negative impact on the
whole positive campaign of Wake Up to Waste or
The Race Against Waste, both north and south.
Both jurisdictions are affected. There is one other
dimension which I want to touch on and that is fly-
tipping. Just to give you an idea of the scale, and I
have given you some of the tonnages involved, since
taking responsibility in December 2003 we have had
590 complaints, 14 cases going to the Director of
Public Prosecutions, 126 cases pending and 25
significant operations closed down. A specially
formed team, the Environmental Task Force, has
been working day and night in conjunction with
Customs, DVLNI, Garda Síochána, councils both
north and south and PSNI. I think they have been
extremely effective. In human resources we think we
need probably another 70 people to deal with this.
That is the basis of the £2.5 million together with
additional surveillance techniques. It is being
addressed. We do share data. We have had meetings
at the highest level and at the operational level north
and south, but our difficulty is that we are rushing to
put the plug in the bath when the taps seem to be still
at full bore. Our difficulty there is getting back to the

Q296 Mr Hepburn: It has certainly answered the
next few questions I was going to raise. Has the
department any plans for any more targets, either
for itself or for government as a whole?

Mr O’Neill: Yes. In the Sustainable Development
Strategy it is hoped that in relation to the
government estate and public procurement it will
contain targets. We have targets in relation to the
application of the “quick wins” and to moving
towards greater use of recycled products and away
from virgin products.
producer of the waste and this responsibility and liability issue, which brings us to the second question. Before I come to the second question you asked about money. We have to have this money as what we call a straight departmental running cost. We cannot predicate it on environmental receipts. If we do not match the northern resources with the southern resources tighter controls down south will move waste up north. It is that simple. The underlying principle of this and the question underneath it is, “is the law itself adequate?” The answer is no. These are unique conditions that we face. We know with the introduction of landfill tax in 1996 that the collateral damage was in fly-tipping, particularly in London, and organised crime was involved there. Here we have a huge differential in pricing which is driving materials to the lowest common denominator. You have to take the financial advantage away. One of our first steps has been to move from the magistrates’ court to the crown court because we move from a £20,000 penalty to an unlimited fine and a longer term of imprisonment for criminal activity. However, that doubles our manpower requirements because you go from 23 days to prepare a case to nearly 50, so there are down sides to that. We also need to look at how we might make people feel more uncomfortable about the trade. One I have alluded to is how we make the producer responsible back at the point of origin so that if we do catch waste travelling illegally then the producer of that waste and all those along the chain suffer directly in financial terms. One of the ways is by changing our powers to arrest the drivers of lorries and detain lorries, to fast-track cases, so that if we have an illegal shipment we have a £70,000 lorry sitting waiting to be sold off if someone does not pay the appropriate cost of repatriation or safe burial. What appear to be extreme measures are highly necessary because, unlike any other form of smuggling, is causing significant harm, not just to the economy but to people’s lives. We are taking this extremely seriously, so we are looking at a review at the law at the moment, even down to the point of looking at vehicle trackers on trans-frontier shipments. The other very important side of this is that we like the idea of trade for the recovery of materials. Legitimate trade treating waste as a resource is appropriate, not as a pariah. In this kind of activity we need to take away the financial gain and once we do that it will evaporate. Until we do that we think we have a serious problem.

Q299 Chairman: You have just mentioned the local authorities. Does it also make sense at the moment to have 26 districts being the competent authorities for controlling trans-frontier shipments of waste?

Mr Aston: It does not and they will not be for much longer. One of our moves is to transfer those responsibilities to the department and we have transferred responsibilities for special waste for movements within the UK. Because of the growth of definition and because of the high level of activity of that particular hazardous waste team— we deal with nearly 24,000 legitimate consignments of hazardous waste on an annual basis—there is a high degree of control exercised by that team.

Q300 Chairman: Mr Aston, you and your colleagues have been very helpful to us and very generous in your answers. I believe we have covered most if not all of the questions we had for you. I am sure if there are any others we can write to you and clarify one or two points. Is there anything that we have not mentioned that you expected us to mention?

Mr Aston: The answer to that is yes, but I will be brief. We are more than happy to continue to engage with you. We particularly value the degree and quality of scrutiny that the committee provides. The dilemma for the subject, and if the committee was not already alert to that it is now, is that there is a tremendous capacity for people to confine this to something simple and straightforward through a misplaced familiarity. It is inordinately complicated politically, physically and financially. The area that we think is a key driver is market development. We can segregate, how can we reprocess, and when we have reprocessed, which we think we can manage, where are our markets? Northern Ireland has a particular challenge because we have a strip of water and problems of access. That is one area which is very important. In relation to the one plan which we have touched on, linked to one authority and to the review of public administration and the current debate over where the locus of the agency shall or shall not be, we have two crises de coeur from advisory boards about this. That matter is being very
carefully examined but bear in mind that 50% of local authorities’ budgets is on waste management. That is going to grow so therefore it is all wrapped in. Finally, behavioural change is a huge and long term investment. We would very much welcome the observations of the committee on steps that we might take because they are key investments which do not tie into shorter immediacies of political priorities but they are an imperative because across the UK we continually focus on waste management. Our focus should be on its production in the first place and prevention by us talking to the sectors. We have had a link with stakeholders through the Waste Management Advisory Board but one of the disappointments has been that the stakeholders who came forward were not from the manufacturing industry. We need that link and we think that if the government is going to have an action plan, which we think it must have to demonstrate leadership, it must have also an achievements report but we would like to see the same from sectors. We would welcome comments about how we might engage to the point of commitment rather than to the point of a thousand new ideas about what to do with those sectors because that is where we get delivery. Thank you very much.

**Chairman:** Thank you very much, and your colleagues.

---

**Memorandum submitted by The Quarry Products Association, Northern Ireland**

1. The Quarry Products Association Northern Ireland welcomes the opportunity to make a submission to the Committee inquiry into the Waste Management Strategy in Northern Ireland.

2. Founded in Northern Ireland in 1998 the Association now represents 87% of aggregate production in the Province. Our membership includes major, medium and smaller sized companies. The Association represents companies engaged in the supply of primary aggregates; the processing of recycled and secondary materials; the production of down stream processed products such as asphalt, lime, mortar, ready-mixed concrete and precast and road surfacing contracting.

3. A number of QPANI members operate registered landfill sites and waste collection businesses and are therefore are affected by the implementation of the waste management strategy.

**Comments**

It is our assumption that the Committee inquiry primary focus is on household waste rather than commercial and industrial in which our Associations main concern lies. Of course that is not to say that our members, as private citizens, are not concerned and do not have views on how we as one generation deal with our waste, and don’t leave the problem for the next one to sort out.

In May 2003 the Department of the Environment published its Review of the Waste Management Strategy for Northern Ireland. The Quarry Products Association were invited to contribute to this review. The review contribution took the format of a questionnaire. The answers can be viewed below.

**Policy Area One: Reduction, recycling and recovery**

1. Are the targets realistic or do any of them need to be revised? If yes, which ones and how should they be changed?

   **Answer:**

   The targets are totally unrealistic given the infrastructure for waste disposal within Northern Ireland at present is inadequate.

   These Targets should, if they are to remain, be aspirational.

**Policy Area Two: Strategy leadership**

2. How successful has the Government been in leading implementation of the Strategy? (please type an ‘X’ beside the relevant value)

   Excellent ( ) Good ( ) Average ( ) Weak ( ) Poor (X)

   **Answer:** We need joined up thinking from various departments and leadership from local Government.

**Policy Area Three: Planning and infrastructure**

3. Do you think that there is a sufficient link between the Strategy, Plans and the Planning Service decision making process to determine the siting of facilities?

   **Answer:** Absolutely not.
**Policy Area Four: Regulations and guidance**

4. What other guidance or measures might the revised Strategy incorporate which would provide more effective waste legislation, guidance?

   Answer: Waste minimisation needs to be pushed by Government.

**Policy Area Five: Improving our understanding**

5. What other information, guidance or monitoring would assist?

   Answer: Highlight Costs to Northern Ireland compared to other regions of the UK and ROI.

**Policy Area Six: Marketing the strategy**

6. Have we been successful in raising your awareness with “Wake Up to Waste”? (please type an “X” in the relevant box)

   [ ] Yes [ ] No [ ] Don’t Know

   Answer: It’s no good however Government passing the buck to the public or councils. Government needs to show leadership.

To summarise we would propose that any Government policy on waste management should:

1. Focus on waste minimisation, rather than dealing with it when it occurs.
2. The development of competitive markets for waste management and disposal.
4. We need joined up Government ie Waste Management, Planning Service, Councils working together under strong leadership.
5. Fast Track planning consents for Land-fill, bio-mass and thermal treatment plants through the planning process.
6. Urgently review the classification of when a product becomes a waste in order to ensure that barriers to reuse and recycling are removed.
7. Urgently review Governments own practice with regard to waste.
8. Amend Government procurement policy to assure that incentives for both domestic and commercial entities exist for waste management, recycling and reuse.

The Committee review on the progress of recycling in Northern Ireland and the potential development of a recycling industry in Northern Ireland is welcomed by our Association. The Quarry Products Association NI focus is very much on Construction and Demolition waste. As the Committee are aware in May 2003 Customs and Excise commissioned the Symonds Group to carry out study to assess the viability of a recycled aggregates industry in Northern Ireland. As part of this they surveyed operators of landfills and other waste disposal facilities.

The key findings of the surveys related to construction, demolition and excavation waste recycling are that:

I. there is a small group of active recycling operators, mainly located in and around Belfast and Londonderry, and their combined output of recycled aggregate in the year ending 31 March 2003 is estimated at no more than 280,000 tonnes (compared to 21 million tonnes of primary aggregate);

II. recycled aggregate production is currently at a low level in Northern Ireland compared to the rest of UK (roughly 200 kg per person per year compared to 800 kg per person per year in England and Wales), but appears to be expanding;

III. total arisings of “hard” construction and demolition waste suitable for crushing as aggregate are estimated to have been of the order of 1.28 million tonnes in the year to 31 March 2003, of which 1 million tonnes represented unrealised potential;

IV. slightly less than 20,000 tonnes of this “hard” construction and demolition waste is currently going to landfill as waste, while some more is used within the receiving landfills for engineering and restoration purposes.

The above estimate of 1.28 million tonnes of arisings of “hard” construction and demolition waste (and the matching overall estimate of 2.5 to 3.75 million tonnes of all construction, demolition and excavation waste) draws on Symonds’ experience of other construction, demolition and excavation waste surveys, and employs informed judgement as much as hard measurement. The overall estimate is lower than ones reported recently by Queen’s University Belfast and Enviros, both of which relied to some degree on relatively high per capita estimates for overall construction and demolition waste generation rates reported in the Republic of Ireland.
One factor which helps to explain why so little “hard” construction and demolition waste goes to landfill in Northern Ireland is the widespread availability of unlicensed waste disposal sites. So long as waste producers are openly offered access to cheap, unlicensed disposal facilities, they will almost certainly use these sites to avoid the higher gate fees and Landfill Tax levied at licensed landfills. Just as unauthorised quarrying compounds the aggregate industry’s problems, so unauthorised waste disposal sites remove much of the incentive for demolition contractors, groundwork contractors and skip hire companies to process demolition and excavation waste into recycled aggregate and soils. Decisions on recycling are essentially taken on the basis of costs expected to be incurred, income likely to be obtained, and costs avoided. The avoidance of high waste disposal costs has been widely observed in other countries, not just the UK, to be an important driver of recycling.

Evidence from the rest of the UK, discussed in the report, strongly suggests that achieving an increase in the level of uptake of secondary and recycled materials will depend on a combination of measures being put in place, and that these measures have more to do with waste management than with aggregate production. Necessary steps include:

(i) the introduction and effective enforcement of tougher standards of waste management (affecting both landfills and unauthorised disposal sites), which will result in the generation of price signals to discourage the mixing of inert and non-inert waste;

(ii) the wider availability of recycling facilities; and

(iii) a more positive attitude to non-traditional materials on the part of materials specifiers (based on the performance rather than the origins of the materials concerned). Experience from many other European countries suggests that if the supply of non-traditional materials is encouraged (by measures related to waste management), recycling facilities will be provided by entrepreneurs.

**QUARRY PRODUCTS ASSOCIATION NI PROPOSAL ON THE DEVELOPMENT OF A RECYCLED AGGREGATES INDUSTRY IN NORTHERN IRELAND**

The issue of Recycled and Secondary aggregates is not a straightforward one as unfortunately it is not within the gift of the quarry industry alone to deliver a substantial increase in the use of these materials. The general view within the industry is that we stand ready and willing to embrace and fully participate in the development of markets for recycled and secondary aggregates in Northern Ireland. The industry realises that the development of such markets will complement our core products, not threaten them, and at the same time the quarry industry will play their part in utilising a waste stream that presently goes to landfill, of which we are running out of rapidly in the Province.

The Symonds report, recently commissioned by Customs and Excise, estimates that at present the total production of recycled aggregate in Northern Ireland to be no more than 280,000 tonnes, 1.2% of total aggregate production. They estimate, although this is based on pro-rata figures that the total in Northern Ireland could be in the region of 1.28 million tonnes, 5.5% of total aggregate production.

The Symonds Report highlighted the lack of regulation of the landfill sector in Northern Ireland. Observation in Northern Ireland shows that there are unlicensed and uncontrolled waste disposal sites to which predominantly inert construction, demolition and excavation waste is taken. In section 6.31 page 46 of the Symonds Report they set out four tests of whether a country or region has a prospect of developing an aggregate recycling industry. Having studied these four tests QPANI are more than confident that Northern Ireland potentially stands on the threshold of developing an effective aggregates recycling industry.

The Second major barrier to recycling is Government procurement. In Northern Ireland Government agencies and Departments purchase approximately 50%–55% of all products produced by the quarry products sector. QPANI are aware of, and have been involved in, high level discussions on the role of procurement in developing an aggregate recycling industry in Northern Ireland. The active participation of organisations like WRAP (Waste Resource Action Programme) will help facilitate and encourage this ongoing development.

At present QPANI have a number of members who have taken the proactive step of putting in place recycling facilities at their quarries. To date there has not been much payback for them due to the problems and barriers I have mentioned above. However I have no doubt as markets develop their investment will be rewarded. Indeed QPANI are confident that many others will follow their example and put in place facilities to handle C&D waste from their local communities.

The Associations firm belief is that with proper regulation and the new landfill directive construction companies will, rather than pay £30–£40 landfill tax, approach their local quarry which has the space and the equipment to process C&D waste into a valuable recycled aggregate for a cost of a fraction of landfill tax.

Combined Quarry and Recycling centres are, in the QPANI view, the most cost effective and environmentally friendly option. We see the options as follows:

---

**Northern Ireland Recycling, What can be done?**

- Work in partnership with client bodies to:
- Change specifications;
— Secure construction waste stream;
— Develop recycling centres;
— Develop genuine partnerships with government bodies to take recycling to a higher level.

Recycling Alternatives—(Construction Waste)
— On site reprocessing and use;
— Stand alone recycling centres;
— Combined quarry and recycling centres.

Recycling Alternatives, (On site recycling)
— Most environmentally effective;
— No transport requirement;
— Successfully carried out in N.I. Already.

HOWEVER,
— Very limited scope;
— Does not recover added value raw materials;
— Virtually no opportunities outside Belfast and Londonderry.

Stand Alone Recycling Centres
— Increases truck movements;
— Duplication of effort (processing/overheads);
— Increases CO₂ emissions;
— Not cost effective (reflected in high prices which does not attract potential clients).

Combined Quarry/Recycling Centres
— Minimises transport movements;
— Reduces CO₂ emissions;
— No duplication of infrastructure/overheads;
— Cost effective;
— Compliance with stringent Environmental legislation;
— Allows recovery/reuse of high value materials such as macadams(bitumen).
— Attractive to end users due to efficiency of transport and labour management.

As you can see the Combined Quarry/Recycling Centres along with on site recycling are the best environmental options.

SUMMARY

QPANI fully support the promotion and development of a recycled aggregates industry that will complement the core products of the sector. HOWEVER careful consideration and consultation should be given to setting targets that are both realistic and achievable. Following ongoing discussions in London between the Highways Agency, WRAP, QPA and the Environment Agency there are hopeful signs that one of the major barriers to developing a viable recycled and secondary aggregates industry in Northern Ireland will be removed. An announcement from the Environment Agency is imminent to the effect that where clean C&D waste is processed inline with the factory and production control as set down in the new European Aggregates standard for recycled aggregates and the operator provides related data that their enforcement officials will view the material as “recovered”. This step will remove recovered material from duty of care and waste licensing requirements. The Association welcomes this positive move and has already had discussions with DOENI to ensure that local waste licensing enforcement officials adopt a similar stance.

QPANI believe that we should view waste as a resource. Government can influence this development through its own procurement policy.

Construction Service, within the Department of Finance and Personnel in Northern Ireland, have had a working group investigating the development of recycled aggregates in the province. The QPANI would now suggest, given the imminent announcement from the Environment Agency on the classification of processed
C&D Waste that this working group is widened to include WRAP, the aggregate producers, main contractors and the various professional colleges under the umbrella of the Construction industry forum for Northern Ireland.

By removing a substantial amount of the largest waste stream to landfill the Northern Ireland wider Construction Industry can play its part in removing some of the pressure on landfill capacity in Northern Ireland.

May 2004

Supplementary memorandum submitted by the Quarry Products Association, Northern Ireland

Many thanks for you call inviting the Quarry Products Association NI to make an oral presentation to the Northern Ireland Affairs Committee inquiry into the NI Waste Management Strategy on 26 October.

Since our submission in May a number of important developments have taken place in relation to the further development of a recycled aggregates industry in Northern Ireland. These are:

1. The publishing of a Quality Protocol for the production of aggregates from inert waste.

The Quality Protocol for the production of aggregates from inert waste provides a uniform control process for producers from which they can reasonably state and demonstrate that their product has been fully recovered and is no longer a waste. It also provides purchasers with a quality managed product to common aggregate standards increasing confidence in performance. The framework provided by the protocol provides a clear audit trail for those responsible for ensuring compliance with waste management legislation.

The quality protocol has been recognised by the Environment Agency in England and by SEPA in Scotland. The Quarry Products Association and the Waste Action Resource Programme have submitted the protocol to DOENI Environmental Policy Division for recognition in Northern Ireland. We are however concerned by the initial hesitancy being shown by the Department. This protocol has the potential to greatly increase the recovery of construction and demolition waste into a useable product in Northern Ireland. It will also help us to achieve the recycling targets as set out in the Aggregates levy relief scheme of 5% of total aggregate production by 2011. Indeed it will also allow for the reuse of a significant waste stream currently going to landfill sites both licensed and unlicensed.

The Task Group was set up by the Central Procurement Directorate following consultation with the Association on the Aggregates Levy. Its brief was to consider what measures could be taken to ensure that the appropriate aggregates levy was paid on aggregates used in public works and to stimulate the use of demolition waste and recycled aggregates. The group have put forward a number of proposals to increase the use of recycled aggregates in Government construction projects. The industry will be watching with interest each Department’s implementation of the recommendations.

5 October 2004

Memorandum submitted by Professor P A Muhammed Basheer

In Northern Ireland 3.9 million tonnes of waste is estimated to be produced each year; this estimate includes municipal, commercial, industrial and construction waste arisings, but excludes agricultural waste. 95% of the waste produced annually is currently disposed of in landfill.

Due to the small waste stream in Northern Ireland, waste derived aggregate must be produced principally from construction and demolition waste, glass and rubber. Although pulverised fuel ash, furnace bottom ash, and blast furnace slag have been demonstrated as high value waste derived aggregates for construction in the UK where they occur in large quantities, they do not occur in sufficiently quantities in NI to make this waste stream a viable source of aggregates for the local construction industry.

Our analysis indicates that currently approximately 1.9 million tonnes of waste material exists that could be used to replace virgin aggregate (97.5% of this is construction and demolition waste). Approximately 24 million tonnes of aggregates are quarried in Northern Ireland each year. Thus assuming that all of this material is used as a waste derived aggregate a maximum net saving of primary material of approximately 8% could be achieved. It is however very difficult to quantify how much of these materials could be collected and made available for re-use.

The lack of availability of sufficient quantities of waste in Northern Ireland will therefore limit the potential for the use of waste derived aggregate, and any targets set must be established within the context of this constraint if Northern Ireland is not to become a net importer of waste.

Most experience of the use of these waste streams relates to their use as a low value fill material. Much research is currently being undertaken to investigate the potential for using these materials as components in the manufacture of blacktop or concrete, although to date none of this work has resulted in the
development of material specifications. This study has highlighted the need for government agencies to be more proactive at specifying and encouraging the use of products from the waste stream in the construction and road building industries.

Construction and demolition waste could potentially be segregated and used in the same way as virgin aggregate, but currently the haulage and processing costs make this financially un-viable, even for the reuse of bituminous planings in the production of new bituminous material, which is a high value product.

Given the relatively small quantities that are involved it is essential that the use of waste derived aggregate is specifically encouraged for particular limited uses only, perhaps at particular centralised or regional quarries, so that adequate economies of scale can be achieved.

Currently all waste management facilities are licensed and regulated by the local authorities under the Pollution Control and Local Government (Northern Ireland) Order 1978, legislation which is in the process of being updated in line with recent European Directives. Under the terms of the Waste and Contaminated Land Order 1997, significant parts of which have yet to be enacted, all those involved in keeping, treating and disposal of waste will be licensed and regulated by the Department of the Environment. If this legislation is implemented in Northern Ireland as it has been in the UK the keeping, treating and disposing of construction and demolition waste will become a licensed activity. Having to obtain such a license and having to comply with the requirements of the regulator will discourage most quarry operators from becoming involved in the reprocessing of waste to produce aggregate, unless a significant financial benefit accrues. Such a benefit does not currently exist, since the price of virgin aggregate is so low, and is unlikely to exist until the regulator has effectively eliminated the practice of fly tipping through rigid enforcement of the Duty of Care and Registration of Carriers regulations. Part of these regulations are already in force, with the remainder expected to be enacted in Spring/Summer 2002.

To encourage the use of waste derived aggregate the following principle actions are recommended:

— A strategic review of the implementation of the waste management legislation (including waste management licensing, IPPC, the Landfill directive in particular), with particular consideration to ensuring that it encourages the development of a cost effective infrastructure to facilitate the use of waste derived aggregate;
— That consideration be given to quarry and/or landfill sites becoming established as locations at which sorting, and processing of waste material is undertaken prior to re-use, this recommendation being based on the fact that these sites are reasonably uniformly distributed throughout Northern Ireland, thereby minimising potential haulage distances;
— That a detailed appraisal of the costs and benefits of other approaches to encouraging the use of waste derived aggregate besides taxation is undertaken;
— That the construction industry and its major clients develop a Code of Good Waste Management Practice;
— That those contractors wishing to work for the major Government Clients would then be required to abide by the terms of this code of practice;
— That a forum be established at which the construction sector and the local authorities could initiate and develop innovative partnerships of potential mutual benefit;
— That an evaluation of the use of virgin material as landfill capping be made, with a view to potentially limiting its use thereby creating a demand for waste derived aggregate;
— Action be taken to improve the quality of data available in relation to the type and quantity of waste that is produced in Northern Ireland, including an analysis of the quantity of architectural salvage recovered;
— That the Roads Service, Water Service and Construction Service initiate an action team that will identify uses and drive the development of performance specifications for use on their major contracts;
— That a research, education and training centre be established, which would act as a focus for the provision of advice and training initiatives for all of those involved the identification and development of potential uses for waste derived aggregate. This unit could also develop methodologies that could be used to evaluate the technical and financial feasibility of using in-situ ground re-mediation measures, to prevent the creation of waste and for assessing the economic and sustainability costs and benefits of demolish versus refurbishment.

Proposed Strategic Framework

The issues associated with encouraging the use of recovered materials (waste) as construction materials (as well as for other purposes) reflect one aspect of the wider drive by both EU and National Regulators to adopt more sustainable consumption practices. These regulations have been developed in line with environmental protection policy measures agreed between governments at international level. Inevitably in accepting this challenge, in this case a significant realignment of current costs may be expected to take place. For example the cost of waste management as part of an overall project budget can be expected to rise
significantly, while the adoption of performance specifications may lead to less materials being required, a
cost reduction. This will in turn lead to the existing practices and economic structures of the construction
and quarrying industries changing and will at the same time provide opportunities for innovation and
creativity between designer and client.

It is in this context that Table 1 identifies the major stakeholders and the key issues that each could
influence so as to ensure that the use of recovered materials (waste) as construction materials becomes more
widespread. Potential actions for each stakeholder in this regard are suggested, these actions being suggested
primarily to encourage discussion and debate within and between the quarrying and construction industries,
the major government clients, the policy makers and regulators, the local authorities and the construction
professions.

Table 1

KEY ISSUES TO BE ADDRESSED

<table>
<thead>
<tr>
<th>Body: Department of the Environment Policy Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue</td>
</tr>
<tr>
<td>It is essential to ensure that policy and the subsequent actions properly reflect the issues surrounding sustainability. For example there is need to ensure that regulation requiring the re-use of construction and demolition waste does not result in significant additional energy being consumed.</td>
</tr>
<tr>
<td>It is important that decisions taken about the combination of government policy legislative controls, and economic instruments are such, to ensure that the desired changes in behaviour that are achieved. For example other approaches, besides taxation, to encourage the use of recycled materials needs to be evaluated. This could for example involve the establishment of minimum recycling targets, possibly linked to tax credits.</td>
</tr>
<tr>
<td>The Department will be seen as Government “leader” on this issue and will need a “marketing strategy” for the adoption of the new policy and legislative framework by the construction, demolition and materials supply industries.</td>
</tr>
<tr>
<td>In introducing the: — Waste Management Licensing regulations — IPPC Directive — Landfill Directive The department needs to ensure that the recovery, recycling and re-use of construction and demolition material is encouraged rather than discouraged through either over regulation or through inconsistency in the requirements of each set of regulations.</td>
</tr>
</tbody>
</table>
Comments:

The whole focus of the legislative framework needs to be developed so as to encourage:

— the adoption of processes reflecting the waste hierarchy, so that disposal is discouraged; and
— material defined as “waste” to be considered as a resource that may need some processing before re-use.

For example, a policy objective is to reduce to a practical minimum the practice of winning new, primary materials where waste derived aggregate could be substituted. One opportunity in this context is to reduce as much as possible the quantity of primary material used as landfill capping. This could be achieved by requiring or encouraging landfill sites to operate a recycling centre at the “entrance” to the landfill, focussed on dealing with construction and demolition wastes, the prime purposes being to:

— remove from the waste all inert materials that are useable as capping, and to use it for that purpose; and
— to maximise the recovering of other re-usable or recyclable materials from the construction and demolition waste streams.

Another option would be to allow contractors that segregate wastes on site, and those that can verify that waste labelled “inert” actually is inert, to deposit those inert wastes on landfill sites at no charge. This could be one aspect of a Code of Practice for the Construction and Demolition Sector.

A further option would be to encourage or require construction and demolition waste recycling centres at quarries, as for example those operated by Lafarge (28 in total) on the UK. Such sites could develop in parallel with changes to specifications that would be based on performance specifications thereby encouraging the use waste-derived aggregates as they become available.

In any event the implications of the pending legislation referred to above needs to be fully evaluated so as to support the development of such initiatives, without undue bureaucratic impacts for the operators.

Facilitating the development of such initiatives will lead to the achievement of many of the environmental targets agreed to by the Government and could result in substantial sustainability benefits:

— by dramatically reducing the motivations to fly tip construction and demolition wastes, giving both environmental and social benefits;
— by reducing the need to win virgin material for use as capping, reducing costs of landfill for site operators and making such material available for higher-value uses;
— by making beneficial use of more construction and demolition arisings;
by collecting together other waste streams into critical masses that should be sufficient to enable a commercial infrastructure for re-use and recycling to develop.

Body: Department of the Environment Waste Management Regulator

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>In developing the regulatory regime the Department needs to ensure that it’s systems and approaches encourage the development of recycling infrastructure.</td>
<td>Pursuing offenders under the Registration of Carriers and Duty of Care regulations will positively support the development of a recycling infrastructure in that it will lead waste producers to fully consider the cost of their waste. The development of an infrastructure, possibly based at the quarries or landfill sites to recycle construction and demolition and other wastes will be greatly facilitated if the regulatory processes are developed to integrate all aspects of the forthcoming legislation. Similarly consideration should be given to developing this regulatory regime in parallel with the requirements of the Quarry Inspectorate and the HSE.</td>
</tr>
<tr>
<td>The availability of accurate data relating to the waste streams that could potentially be used to produce waste derived aggregate will help investors to commit to projects that could provide for the development of a recycling infrastructure.</td>
<td>A process of data collection needs to be instigated, with the results being made in a timely manner. This should include a study of the potential for architectural salvage to contribute to the attainment of recycling targets.</td>
</tr>
</tbody>
</table>
Comments:

This Department needs to lead concerted actions across a wide range of government departments and agencies to effect the changes in practice required. Consideration needs to be given as to how this can be best achieved and to what sanctions can exist if adequate progress (however this is defined) is not achieved.

The comments made in relation to the Department of the Environment Policy Division should also be considered here.

**Body: Local Authorities**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>As the body with control of the Municipal and part of the commercial and industrial waste streams, local authorities are beginning to develop collection infrastructures to ensure uncontaminated supplies, of the various waste streams, are available for recycling.</td>
<td>Dialogue between the local authorities, or it's representative groups, should be encouraged with a view to exploring opportunities for the construction sector (and other material users) to develop innovative partnership arrangements.</td>
</tr>
<tr>
<td>Eg if the construction sector wants to use glass in the manufacture of blacktop and/or concrete then this glass does not need to be colour sorted. Such an approach could lead the local authorities to adopt a different glass collection system, than if the glass was to be recycled into new glass containers, which would require the glass to be colour sorted. Similarly the use of paper as a cement substitute could be facilitated by the development of such partnerships.</td>
<td>Consideration should be given to the establishment of a forum to encourage the three sub-regional waste management groups to co-ordinate their actions in developing a recycling infra-structure so as to ensure that potential economies of scale are achieved in relation to the collection of particular material streams. As part of the above processes opportunities and arrangements for the re-use of demolition and other waste should be explored. Firstly a detailed study needs to be completed to determine the quantity and quality of material used as cover and capping at local authority landfill sites. If necessary a phased ban on the use of virgin aggregate for certain activities at landfill sites might be a useful first step, possibly linked to a “Green Procurement Policy.” This could be achieved through the local authorities also requiring contractors to sign up to the Code of Good Waste Management Practice.</td>
</tr>
<tr>
<td>Since the quantities of municipal waste that can be used in construction are relatively small, it may be necessary for local authorities in each of the three sub-regional groups to agree a common plan so that economies of scale can be maximised.</td>
<td></td>
</tr>
<tr>
<td>As landfill operators, local authorities purchase large quantities of cover and capping material from the quart’ sector.</td>
<td></td>
</tr>
<tr>
<td>Local authorities are also clients of construction and should play their part, in that role, by developing and encouraging the use of new practices that lead to reduced wastage and increased use of waste-derived aggregates and components.</td>
<td></td>
</tr>
<tr>
<td>Note: The role of the Building Control Officer will be considered in the section dealing with the building regulations.</td>
<td></td>
</tr>
</tbody>
</table>

Comments:

The development of landfill sites into construction and demolition waste recycling sites could represent significant opportunity for financial savings by a local authority, an opportunity that could only be fully realised in partnership with the construction and quarrying industries.

All comments in this table that apply to clients also apply here.
**Body: Landfill Operators**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landfill operators purchase large quantities of cover and capping material from the quarry sector.</td>
<td>Where transport distances are appropriate the use of construction and demolition inert waste as capping and cover, should be explored.</td>
</tr>
<tr>
<td>As the party who currently receive most of the waste produced, incentives should be available to encourage the establishment of separation or recycling centres as part of their operations.</td>
<td>In the same way as the local authorities the private landfill operators should consider exploring the opportunity of working in partnerships with the construction and quarrying industries to explore potential opportunities to &quot;capture&quot; waste materials that could be of value as construction materials (eg glass, construction and demolition waste and paper). Such incentives could be established under the landfill tax regulations.</td>
</tr>
</tbody>
</table>

**Comments:**

The forthcoming Waste Management Licensing Regulations, the IPPC Directive and the Landfill Directive could make the establishment of a recycling centre at a landfill site more difficult, in that separate licences may need to be applied for. Such complexity needs to be avoided if at all possible to encourage the development of such centres. Similarly in drafting the regulations, consideration should be given to the possibility of landfill mining becoming an economically viable activity.

**Body: Roads, Water and Construction Service**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>While many specifications used by these Agencies allow for the use of recycled or waste-derived materials on contracts, without positive encouragement by those procuring the work, designers and contractors will be reluctant to take risks and use them.</td>
<td>The current use of recycled, or waste derived materials on contracts let by these Agencies’ needs to be assessed along with the barriers (be they real or perceived) to their use on particular projects. Such a survey will identify areas where greater research and development support may be needed.</td>
</tr>
<tr>
<td>Large quantities of waste can be eliminated from projects by careful design.</td>
<td>There is a need to develop a set of design assessment criteria that ensure that adequate consideration is given to issues of sustainability and in particular to the issue of waste production and to develop an education and training procedure to ensure that these criteria are fully used. Research needs to begin into defining suitable sustainability indicators, for use within Northern Ireland and which reflect it’s peripheral geographical location.</td>
</tr>
<tr>
<td>The use of performance specifications needs to be considered and encouraged where most appropriate by these Agencies as major clients.</td>
<td>Further research on the efficacy of such performance specifications using real materials available in Northern Ireland will also be necessary, including an economic Assessment. The establishment of an Action Team within each agency and which represents all aspects of these Agencies (eg Forward planning to Direct Labour) may be appropriate to lead such a survey and to identify next steps.</td>
</tr>
<tr>
<td>The issue of Green Procurement is now being considered by the Government Purchasing Agency (GPA) when assessing criteria in evaluating tender award decisions. However this process needs to be expanded and further consideration needs to be given to the weighting applied to these factors.</td>
<td>The UK Government Construction Clients’ Panel Sustainable Procurement Action Plan could be adapted for application in Northern Ireland (after modification if necessary) by the various NI Government Construction Clients. The adoption of a Code of Good Waste Management Practice which contractors had to sign up to could also act as an effective vehicle to move this process forward.</td>
</tr>
<tr>
<td>Issue</td>
<td>Action</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Should the Client become the owner of all waste produced during</td>
<td>These issues need to be explored by these Agencies and if appropriate modifications to the existing forms of Contract could be</td>
</tr>
<tr>
<td>construction so that the cost of its disposal is tangibly identified</td>
<td>instigated.</td>
</tr>
<tr>
<td>in contract documents? Alternatively the Contractor could agree to</td>
<td></td>
</tr>
<tr>
<td>deal with the waste in a defined manner or to a defined standard eg</td>
<td></td>
</tr>
<tr>
<td>as defined by the Code of Good Waste Management Practice.</td>
<td></td>
</tr>
</tbody>
</table>

Comments:

This Report and the references will provide an initial starting point for the work of the suggested Action Team. The authors believe however that progress will only be made if the senior managers of each organisation are fully supportive of the objective of increasing the re-use of construction and demolition waste and are prepared to accept the budgetary implications.

Body: Northern Ireland Building Regulations

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>As the set of regulations that form the specification adapted for</td>
<td>Since many environmental and sustainability issues current exist within the Northern Ireland Building Regulations, an opportunity now</td>
</tr>
<tr>
<td>most design the Building regulations have a unique role to play in</td>
<td>exists for NIBRAC (Northern Ireland Building Regulations Advisory Board) to actively support the development of more sustainable</td>
</tr>
<tr>
<td>leading the process of sustainable design. Planning regulations</td>
<td>design practice through an active marketing campaign, possibly linked to the “Rethinking construction” initiative.</td>
</tr>
<tr>
<td>should also be developed to ensure that adequate consideration is</td>
<td></td>
</tr>
<tr>
<td>given to making decisions during the design stage that will prevent</td>
<td></td>
</tr>
<tr>
<td>the creation of waste during construction.</td>
<td></td>
</tr>
</tbody>
</table>

Comments:

Building control officers monitor the construction of buildings at various stages during the construction process. As such they are ideally placed to ensure that actions are taken on site to minimise and recycle waste materials.

Body: Commercial Clients

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>The issue of sustainable construction needs to be highlighted to</td>
<td>Steps need to be taken to ensure that architects, engineers’ etc are provided with the necessary information to be able to take on</td>
</tr>
<tr>
<td>potential clients.</td>
<td>this role. Case studies and pilot projects, possibly financially supported by the Assembly, that reflect good practice should be</td>
</tr>
<tr>
<td></td>
<td>encouraged so as to provide suitable demonstration models for potential clients and developers. Various forms of sustainability</td>
</tr>
<tr>
<td></td>
<td>measure exist, eg BREAM by the Building Research Establishment and there use needs to be encouraged in Northern Ireland so developers</td>
</tr>
<tr>
<td></td>
<td>and other clients can obtain, for example tax breaks or other incentives depending on their building’s sustainability rating.</td>
</tr>
</tbody>
</table>

Comments:

These issues could be considered as part of the “Rethinking Construction” forum.
## Body: Consulting Engineers and Architects

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>As key players they need to be made fully aware of current technology and best practice in relation to sustainability.</td>
<td>The relevant professional bodies will need actively to engage in the consultation recommended elsewhere in this table, to seek to ensure that the regime introduced is workable in the design process, and to lead any necessary consequential CPD and practice changes needed. (see Clients—above)</td>
</tr>
<tr>
<td>These parties have a key role in advising the client and in ensuring that design decisions reflect:</td>
<td></td>
</tr>
<tr>
<td>— details that will eliminate the production of waste (eg refurbishment rather than site clearance); and</td>
<td></td>
</tr>
<tr>
<td>— the potential for waste derived aggregate as part of any project.</td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

Significant advice and guidance is now available to enable these groups to deliver for their clients enhanced sustainability including reduced wastage on projects and, where appropriate, increased use of waste-derived aggregates and components on projects. The emphasis here is therefore to ensure that suitable dissemination vehicles, be they existing or new, become established and used in this context.

## Body: Contractors

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste material that could be used as waste derived aggregate will only be valued properly when disposal charges reflect the true cost of that disposal.</td>
<td>The relevant trade associations will need to be actively engaged in the consultation recommended elsewhere in this table, to seek to ensure that the regime introduced is workable in the construction process, and to lead any necessary consequential CPD and practice changes needed. Mechanisms for encouraging best practice eg sorting scheme with market for purchase depending on quality of material needs to be established, the establishment of which will be accelerated if initial government support funding is available.</td>
</tr>
</tbody>
</table>

**Comments:**

If construction and demolition waste recycling centres are established, they may find it easier to segregate into just three waste streams—Inert, Active and Special—and seek long-term arrangements with the centres for them to undertake further segregation, re-use and recycling off site.

— Significant advice and guidance is now available to enable these groups to deliver for their clients reduced wastage on projects and, where appropriate, increased use of waste-derived aggregates and components on projects.

## Body: Quarry Operators

<table>
<thead>
<tr>
<th>Issue</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quarry operators need to consider waste-derived aggregates as “just another source of aggregates” and blend primary and waste-derived sources according to the specification their customers require.</td>
<td>A specific co-ordinated Action Plan will need to be developed collaboratively by the Quarry Operators to respond to the new Government legislative and policy regime, as it is developed. Such an action plan must be developed in conjunction with the other partners in the construction process and done so in a timely manner.</td>
</tr>
</tbody>
</table>
Quarries could potentially act as long term storage facilities for waste that could be subsequently used as waste-derived aggregate. 

Issues surrounding waste licencing as discussed above need to be clarified as quickly as possible so as to ensure that informed decisions relating to business planning and investment can be made by the quarry operators.

Comments:

Until the legislative framework relating to waste management in Northern Ireland is clearly identified, ie including all Directives and Regulations that will be implemented within the next five to 10 years, and a clear statement of implementation policy is provided, private sector operators will be unable to make prudent investment decisions.

Advice and guidance is also needed for the quarry operators to fully appreciate the value that they can add to waste material with varying degrees of processing.

Body: Invest NI/Industrial Research and Training Unit

Potential exists for the development of high value materials that could be used within the construction industry.

These organisations need to work with the research institutions to identify, research and develop potential business start-up opportunities in this area by drawing on best international practice.

Comments:

This work should focus on high value applications such as the manufacture of sustainable cavity insulation or the use of recovered plastic for window frame manufacture.
Witnesses: Mr Paul Walsh, The Queen’s University Belfast, Mr Gordon Best, Regional Director, and Mr Bill Weir, Chair Planning & Environment Committee, Quarry Products Association Northern Ireland, examined.

Q301 Chairman: Gentlemen, welcome. Thank you for attending and thank you for being here earlier. It is always appreciated by the committee when people take an interest in our work. We have a number of questions. I am sure many of them will not be surprising to you. I wonder if I could start by referring to the QPA’s somewhat scathing response to the government’s review of the Waste Strategy. You will have heard us earlier on talking of the review. You urge urgent action on waste minimisation. What action specifically would you like to see?

Mr Best: First of all, thanks very much for inviting us here today. Some people may ask what the Quarry Products Association’s interest is in waste management. Obviously, as the committee are very much aware, one of the big aspects of the Aggregates Levy relief scheme is the use of recycled aggregates. Very early in our discussions with Customs & Excise we realised that if we as an organisation were to set targets we needed some sort of infrastructure in place in Northern Ireland. It was quite evident a year and a half to two years ago that no such infrastructure existed. We will hopefully be able to inform you as the meeting goes on about what we have done to progress that. From a waste minimisation aspect from our side in looking at C&D waste, etc, one of the first issues is planning and having waste issues designed into contract, ie, what waste will a project create at construction stage and how will it be dealt with, what waste will that project generate through its lifespan and how that waste is going to be generated? One of the groups that Bill and myself sit on is the Construction and Demolition Waste Industry Group which has been set up along with Investment Belfast. On that group we have all interested parties. The QPA set that up through our participation in the Construction Industry Group but we also have CPD, we have DoE, we have the demolition industry and we have professional people like consulting engineers. We feel that this group has the potential to make a significant contribution to the whole aspect of waste, particularly around construction. What we are currently doing is drafting a paper which will be given to a cross-party team of MLAs before the end of the month. What we are saying in this is that this is what the industry can do and this is what you can do as MLAs to help drive this whole issue forward and help Northern Ireland plc utilise more of its construction and demolition waste. Perhaps I can read this out to you. In the whole role of implementing sustainable waste practices and particularly waste minimisation clients need to set waste minimisation and management targets and encourage environmental performance through appropriate contractual arrangements and tender assessment criteria. We have designers, as I have alluded to earlier, that minimise waste generation within appropriate design and maximising reuse on site—that is the key issue—and we also have specifiers specifying reclaimed materials and construction. Obviously, there is also the education of suppliers, ie, educating contract managers on building sites into good practice. We look south of the border with some envy because they have developed guidance on construction and demolition waste management, a handbook for contractors and site managers, and that been done through the Construction Industry Federation in the south. Something similar here in the north would be very beneficial. There is of course the whole issue of our own industry which we are educating our members on in appropriate waste management facilities, how to go about getting the permissions, etc. That is an aspect that we are currently very hot on.

Q302 Chairman: Thank you for that. It is always refreshing when you have received criticism about a department when those that put forward the criticism come with positive answers as to how we could improve matters. I am grateful for your response. You said you were going to publish the paper to MLAs at the end of the month. I am sure you would not mind passing a copy to the committee.

Mr Best: That is not a problem.

Q303 Mr McGrady: On exempt sites could you give us some idea as to how the sites exempt from waste management licensing provision are supervised? Have you any constructive or deconstructive criticism on how that could be either improved or amended?

Mr Weir: I am Bill Weir of the Environment Planning Committee for the QPA Northern Ireland. On exemption in the construction sector, there are going to be two sides to the exemption. Traditionally in construction where you had what was known as “cut to dump” the material that was being removed from site was being removed to infill agricultural ground probably, to raise the level of ground close to the site of construction, which provided an economic disposal of the material. The problem with that is that it is seen as being uncontrolled development so, getting back to Gordon’s point at the start, it is the designers of the infrastructure schemes who have a duty to plan for the disposal of the material off-site and to plan for where that material is going to go. That becomes part of the due planning process. Then, whenever the project enters the construction phase there is a clearly developed plan as to how all those materials are going to be dealt with, which means that an exemption which would be required for that material would be dealt with within the planning and design process. A comparison as to how this is operated in relation to health and safety would be the construction design and maintenance (CDM) regulations that are used to manage health and safety in relation to construction projects where there is a duty on the designer to plan for the future maintenance of the structure that has been erected on health and safety grounds. The second aspect of it I would answer specifically for quarry locations where there is the opportunity to obtain an exemption to permit the
quarry locations to receive inert construction and demolition waste for the purpose of storing and reprocessing the material. In that case the exemption provides an excellent opportunity to encourage the development of the recycling business within the quarries and to provide a good quality disposal route for inert construction and demolition materials, such as waste road-making materials, bricks, concrete and all that type of material. The industry has committed through the Aggregate Levy Relief Scheme to generating a recycling industry for construction and demolition waste and to trying to provide 5% recycling by 2011 within quarries. That is certainly the way the industry sees of promoting that. The logistics of that method of disposal are good in that materials can be delivered to a site and waste materials can be taken from a site and reprocessed in a controlled environment within the quarry. Quarries that have signed up for the relief scheme are undertaking significant environmental improvements to their locations which means that they are dealing with the issues pertaining to the processing of that material, so they therefore provide a good environmental solution to processing those materials. The additional benefit for the industry is that the development of a stream of recycled material is directly replacing virgin extraction, so it extends the life of the sites and that makes the industry more sustainable in the way in which it is conducting its business, so the industry sector is keen to engage positively to encourage the development of this type of approach. We see it as part of our social responsibility as well as a commitment that we have made through the Aggregate Levy Relief Scheme.

Q304 Chairman: I am conscious, Mr Walsh, that you come at this from a slightly different angle from the QPA. Please feel free during our questioning to intervene at any point and give a view.

Mr Walsh: The submission that we made goes back to a bit of research that was done in 2002 before waste management licensing was introduced, and indeed I think before the IPPC changes were introduced. At that time we identified that there was potentially a situation where a quarry could have IPPC regulatory involvement for its processes and then a waste management regulation for the recycling activities that it might get involved with. Obviously, when the final draft of the legislation was introduced that was clarified somewhat and the exemptions that Bill has spoken of were introduced. In relation to exempt sites, there are probably quite a lot of sites that are exempt. Some of them I would call official in that they have gone through the process of the documentation and applying for the exemption. There are other sites that have not gone through that process even though they probably could get the exemption (if indeed that was available). Again, it comes back to the need to change the perception in the industry, that you do have to get permissions and approvals for things. That is why it would be quite useful to be able to link that through with the task force group that the QPA have been involved with because that puts the onus on the designers to educate themselves about where materials go. Again, through the planning procedures and process, if that loop could be closed whereby in the initial planning application there had been some identification as to where materials were going to end up, that would force the designers and contractors to identify where things were going. The only other point is that the quarries—and undoubtedly the quarry industry will be able to play a leading part in developing recycled aggregate streams—are not necessarily always in locations that are immediately adjacent to where construction and demolition waste has been produced. It should be noted that the Larne quarry recycling centre for construction and demolition waste has the full rigours of the waste management licensing regulations to comply with, including the technically competent person requirements, and it should be noted that there are slightly different regulatory regimes there.

Q305 Mr McGrady: Maybe you could give us some idea of the quality of things that you are talking about. How much construction and demolition material would be sent to these exempt sites and what proportion of the total would that be? How much of that is active rather than inert materials? You may not have those figures off the top of your head but perhaps you could give us a broad idea.

Mr Weir: The answer is currently very little material returns to quarry sites. The method of disposal continues to be probably one where the material disappears, for the want of a better word. There is obviously an economic reason for that. Even with the increased level of enforcement, enforcement has probably correctly concentrated on the more harmful waste, such as the transnational shipments of waste management across the border, and relatively benign material, such as concrete blocks and stuff like that, has not been a hot target for disposal, so there is still a lot of fly-tipping going on in the industry. There are two reasons for that. First of all there is elsewhere a cost for disposing of it in that way. It can be disposed of probably relatively conveniently to the site of construction and that is normally what happens. The second reason for that continuing is that there is no encouragement through the contracting process currently to make contractors want to have the proper documentation and while we have a duty of care system in place through the procurement process as it currently exists no duty has been passed down to the purchasing departments to require contractors to provide them with proof that the disposed materials from those construction sites have been dealt with correctly through the duty of care documentation system. That is an essential component of improving that situation. The reason I say it is an essential component is that the cost of virgin materials in Northern Ireland is so cheap. Virgin materials cost in the region of three pounds per tonne on average, and that is the average of the high quality to the low quality, so there are low quality materials available in the market place for maybe £1.25 or £1.50 a tonne. The cost of transporting material 20 miles is about
£1.50, so you can immediately see that unless there is a push through the system of regulation to encourage the material to return to the quarry where it is possible for a gate fee to be charged on entry to the quarry to cover the costs associated with dealing with the material, the recycled market does not really get started. If you have regulation coming into the sector through the people who are undertaking developments being responsible to see to it that the materials are disposed of correctly, that will stimulate the development of a proper recycling system where the materials are being returned and are being dealt with in a responsible way. There is in that regard the quality protocol which has been promoted by WRAP, which clearly sets out the correct methodology for dealing with those materials which are arriving at legitimate sites such as quarries. The second part of the question relates to the disposal of hazardous waste, and the answer to that is that no hazardous waste should be transferred to any of those sites. It should be dealt with through the special waste regulations. In terms of the types of material that might currently end up at a quarry site, you would be talking about things like wood or paper or bits of plastic with maybe bits of metal coming in in the reinforcing materials. The protocol would mean that those things would have to be segregated out and disposed of correctly at the quarry site but you would not be talking about anything more hazardous than that type of material.

**Mr Best:** If I could quote from the Symonds report, which was carried out last year at the behest of Customs & Excise, it says that slightly less than 20,000 tonnes of hard construction and demolition waste is currently going to landfill as waste. Given that that is against an overall estimate of 2.5-3.75 million tonnes of all construction and demolition waste that exists, that may paint a false picture in that anything outside that 20,000 tonnes is being fly-tipped. One of the things that we recognised in the Construction Industry Group, which is recognised within the Aggregates Task Group report, is that in Northern Ireland we are very bad at documenting evidence of recycle and re-use. There is a heck of a lot of recycling and re-use going on but it is not documented. Reading the task group report, I think the departments have committed themselves now to changing that and documenting what reuse and recycling is going on within government contracts.

**Mr Walsh:** Could I add a couple of comments to that? It appears to me, certainly through the research that I have been involved with, that we have moved from a situation where on sites material was knocked down or dug up or whatever and put in trucks and brought to landfill. Certainly where there is a lot of concrete involved now most of that has been crushed and is being used to fill parts of the site in a low value application. That is progress. It has certainly cut down the amount going to landfill. However, the opportunity is still being missed there for that material to be taken and the useful fractions of it to be used, for example, in the manufacture of concrete or other materials. There are plenty of examples, and plenty of research has been done across the world, on the suitability of using materials like that, with again very little quality impact in most cases, but there is a real need to get that knowledge from the web sites and the papers and the journals and get it into practice. From the university perspective it feels that there is a training need there but the clients probably have not quite identified yet that they have that training need.

**Q307 Mr Hepburn:** What progress has been made in respect of government altering specifications in its own procurement to encourage the development of markets for recycled aggregates?

**Mr Best:** Up until the Aggregates Recycling Task Group report, very little in our view. There has been a lot of talk about leadership and the lack of it and I would like to pay tribute to John Macmillan, Director of CPD, who instigated the setting up of the Aggregates Recycling Task Group, and in my view if the proposals and action points, six of them, that are identified within the report are implemented they will make a significant change within government procurement, certainly in construction within Northern Ireland. We are focusing on this through the Construction Industry Forum for Northern Ireland. I believe that we have good news to tell, that this issue is being progressed very rapidly. Various government departments have now signed up to...
sustainable construction, etc., and although there has been very slow progress to date I think that is going to speed up.

Mr Weir: In terms of central procurement there have certainly been very positive moves. Central procurement is not the holder of the budget to spend. The people who are spending the money tend to be focused on short term annual expenditure and are maybe not so focused on taking a longer term view as to what is going to represent long term value. A number of the departments that we work with, such as the Water Service and the Housing Executive, have shown a desire to innovate and look at these issues in a more proactive way than others have. Other departments tend to take a more traditional view and perhaps show a reluctance to take the risk of innovation within the products that they are using, so whenever you come up with offers of new or alternative products you really have quite a hard job selling the message to the client. I think there is an education problem in some of the departments in that I think the industry is more aware of the environmental problems and how to deal with them than a number of the client bodies are in terms of their approach to the management of their capital expenditure budgets. I think there is quite a bit of work that needs to be done on educating those people who are the stakeholders of the budget as to how they should go about spending their budgets. The other problem is with the traditional method of controlling new issues through people who hold budgets to spend money in government. We are not very good at devolved government here but in Civil Service terms they are very good at devolving responsibility, so you normally find that there is a clause inserted in the contract that devolves the responsibility to the contractor without the client necessarily taking ownership of the duties that they could positively involve themselves in which would create a better and more sustainable type of process. I think a change in thinking is required in how these things are tackled through the procurement process.

Mr Walsh: I concur with most of that. In particular I think that there are plenty of specifications available which allow for the reuse of materials that would otherwise be waste. The issue is that very often the people with the responsibility to do the design and lead the process through are too busy or too pushed for time or money to take the time out and innovate and think latterly around the problem. I would also like to put on record that very often in a lot of construction-type projects the decision is made to knock down or do away with something prior to the decision. I have seen examples of college buildings, “We are going to knock that down”, instead of looking at it and saying, “We want a new college facility to do X, Y and Z”, and starting the design process with the existing structure rather than from a blank site. Very often these decisions are made at a higher level than the design teams that are going to be involved with the project.

Mr Best: One of the recommendations that we were making in the Construction Industry Waste Group will be that CPD immediately initiate an education and awareness programme for government officials with the help of WRAP. The WRAP web site that deals with aggregate is an absolutely first-class source of information. One of the things that we are continuously preaching is that we do not have to redesign the wheel. They are doing this daily in GB and other parts of the world. We just need informed decision-making to get the thing moving.

Mr Walsh: The WRAP web site is a good example. There is lots of information, lots of good practice. I have heard designers say, “We need three weeks to sit down and read half of what is there”, so I suspect that there is a need for good local practice to be captured in some way and probably delivered orally to people, possibly with site visits and things like that to push back the boundaries.

Q308 Mr Hepburn: The Aggregates Recycling Task Group have just produced a report which is putting forward proposals to try and increase the amount of recycled aggregates in government construction projects. What impact do you think those proposals will have?

Mr Best: This is all great stuff in black and white when I read it. This was unprecedented, coming out from CPD. What we have now asked is for implementation plans to be drawn up by each of the departments from these action points. If that takes place, as I said earlier, we will see significant progress towards green procurement. One of the other aspects of it which we have noticed and have raised, starting with Roads Service, is that it is all very well putting things in black and white that says that contractors must produce documentation as to where the materials are coming from and where they are going, but if you do not have people on the ground who are going out and checking it is not worth the paper it is written on. We have not seen any evidence of officials asking for confirmation of where the aggregates are coming from in relation to the Aggregates Levy, so we will be scrutinising it intently.

Q309 Mr Hepburn: Do you think a higher aggregates tax would increase recycling of construction and demolition materials?

Mr Best: In a word, no.

Mr Weir: The only thing that the aggregate tax helped to encourage was the development of illegal operations, which it was quite successful at. It proved to be a significant burden for the legitimate sector of the industry and I think the agreement that have we reached through the Aggregate Levy Relief Scheme is a landmark agreement for Northern Ireland. It shows partnership between industry and government at policy level which I think is possibly unprecedented and it provides a model that can be utilised. We have heard this morning for example of the severe resource problems that the Planning Service has. They also severely neglect the minerals industry but are aspirational about introducing such things as a review of the mineral planning process. We as an industry are suggesting to them that they should adopt the Aggregate Levy Relief Scheme and the environmental code attaching thereto so that
that can be used in a joined-up way through government to regulate the industry. If that means making the environmental code in some way more of a legal document, that provides a further opportunity to streamline the management of our industry through a partnership approach towards policy, and a similar approach towards the development of the management of waste will produce quicker gains for society than a simple continuous investment and enforcement. I think it is a much more positive model that will produce a much quicker win for Northern Ireland society.

**Mr Walsh:** The aggregate tax levy penalises the contractor, the people who are at the sharp end, and absolves responsibility from the decision makers, the designers, the planners. It is a very blunt instrument that allows those in the position of decision-making effectively to reduce or avoid their responsibility.

**Q310 Mr Hepburn:** The Queen’s University Belfast’s submission mentions the role of the Integrated Pollution Prevention and Control regulations as being particularly important. Can you explain what you mean by this?

**Mr Walsh:** As I said earlier on, that original paper was prepared back in 2002 before the IPPC regulations were introduced. The IPPC regulations apply to processes in industry, particularly from a construction perspective and things like concrete production and cement works. Our feeling in preparing that study at that time was that this set of regulations would apply to processes within a quarry; yet at the same time the recycling activities would have to conform with a regulatory system. If there were two separate regimes to manage the one operation which was going to be a negative for the quarry producers to take part in recycling. Subsequently, the way in which the regulations were introduced in late 2003 means they have allowed the exemptions at the quarry end so that they do not have that waste management aspect to do. I guess the feeling that we had in preparing that study was that if you wanted one piece of legislation to bring the control of industries under a common theme the IPPC may well have been the piece of legislation to do it. As it is, it has not. An exemption has been introduced at this stage to deal with the problem that we identified. I still would suggest that probably it would be a desirable thing to have one set of regulations dealing with the quarrying and the construction end of the industry so that one set of companies can work with the regulator to develop better systems and procedures rather than having to meet different requirements and different dates for different people.

**Mr Weir:** The exemption exists for the receipt of the material. The processing of the material within the quarry will still follow under the IPC or the IPPC regulation system so that the processing of the product is controlled and regulated but at least you have only one set of regulations to deal with. That maybe leads on to the wider issue which is a concern to our industry as to the number of environmental enforcement agencies that are developing. Certainly we would agree with the Queen’s University position that we would like to see a single environment agency for Northern Ireland. We would like to deal with one environmental regulator who is responsible for all environmental aspects of our business so that we could agree short, medium and long term plans as to how we manage and control all the environmental impacts from our activities. It is probably the case that IPPC regulation provides the best opportunity for doing that. We also as an industry are concerned in that we are being levied through the “polluter pays” principle so that we are in fact having to pay for a plethora of regulators which are visiting us. It would seem that their operating costs rise at a much higher rate than general inflation so that the regulation fees increase in some cases by double digit percentages on an annual basis. That obviously is imposing a significant burden on the industry. We certainly feel that that could be simplified for us and be made more cost effective for government through the formation of a single environment agency with responsibility for all aspects of our industry.

**Q311 Mr Luke:** Could you comment on the role you think the Landfill Directive may have in encouraging aggregate recycling?

**Mr Weir:** The role of the Landfill Directive is a cost plus role in that if materials have to end up in the landfill site then there is a significant cost of disposal and that encourages the reprocessing of those materials. That only works in a very closely regulated framework where we currently have the situation where illegal disposal or fly-tipping is quite prevalent. It is in effect having no beneficial effect at this point in time but it has the potential to provide some assistance. I think the majority of the assistance will come through procurement and through a procurement-driven push to encourage people to dispose of materials through proper recycling routes and the encouragement of the use of more recycled material.

**Mr Best:** Just to add to that, and it goes back to our point of design, if the designer is designing in the legal cost of disposal at that stage then the client is fully aware of the cost to the project of legal disposal. He will then look at ways of disposing or reprocessing, the cheaper options, and obviously the cheaper option is reprocessing. We will be able to pass on to the committee details of approximate costs for reprocessing C&D waste in Northern Ireland. I can do that for you.

**Mr Weir:** For a government procurement that provides a very good model for evaluating projects if you have to benchmark it against legal disposal and then look at alternatives. It provides a good methodology for deciding what is the best way to get best value for the contract that is contemplated.

**Q312 Mr Luke:** Why does Queen’s University think an evaluation of the use of primary aggregates for landfill capping should occur? Is this a common use for primary aggregate?

**Mr Walsh:** Traditionally in this country there has been quite a lot of quarry product used to cap landfill sites, to produce haul roads and so on through
landfill sites. That effectively has represented quite a waste of material that could be used for other purposes. However, there are situations in quarries where there is waste product produced or product that has a very limited market. We feel there is opportunity for those sorts of materials to be used and exploited usefully for the landfill-type situation or indeed usefully exploited in conjunction with reclaimed construction. To give you one example, modern landfill design requires bentonate slurry liners to prevent leachate. In this country we have quite a lot of weathered basalt which my colleague tells me is of no particular use in construction or from a quarry operator’s point of view. Our contention is that it has quite a lot of similar properties to bentonate that is brought into the country from abroad. Our point is that there are potentially great opportunities to look in detail at particular products from particular locations, particular waste streams, to try and capitalise on the benefits of those for use in landfills.

Q313 Mr Luke: Again, would not a higher aggregates tax play a role in reducing demand for this outlet?

Mr Best: The aggregates tax to my understanding is the tax that is applied to all materials coming from a quarry when it has been sold, so a higher tax could reduce the will of landfill operators and so on to explore the potential of using other products and they may end up using geo-textile or fabric-type liners or capping materials instead of using materials that are effectively waste.

Mr Weir: The point there is that for the class of product that you are talking about there are two classes of product going up to the quarry and the landfill sites. There are capping materials and there are roads within the site. The predominant volume of material will be for capping materials. These capping materials have normally been provided either through construction projects where virgin clays have been excavated or from quarries selling the lowest value material that exists within the quarry, the material that is unsuitable for processing into aggregates and construction type materials. The quarry tax does apply to those materials so in fact a higher tax would actually be a disincentive to using those products that occur for the legitimate purpose of capping landfill sites and that would be a negative aspect for the industry because the material occurs naturally. It is therefore there to be disposed of, so if quarry tax created a barrier to its sale the same material would simply be accumulating at the quarry locations.

Q314 Chairman: You mentioned earlier on the Quality Protocol for Aggregates, a very interesting document produced both by the Association and WRAP. We have heard that the department has been reluctant to recognise the protocol within Northern Ireland. Why do you think that is?

Mr Best: “Reluctant” may be too strong a word. I think “apprehensive” may be a better term. There is obviously a lot of technical detail in the protocol and you need a bit of technical expertise to understand it. The document was put together by WRAP, or the QPA initially, and the Highways Agency because of the whole definition of waste, that a product will no longer be termed a waste until it is part of a structure, ie, a road or a building. Our association saw that definition as a major barrier to encouraging recycling. We handed this document to DoE in July of this year. To date it has been discussed internally. They have had meetings with WRAP and yet we still have not had any decision as to whether they are going to support it or adopt it. In that time SEPA have now supported it. What that document says is that the onus is still with the operator to prove that the material has been recovered and that is where the quality protocol comes in. The department then will instruct its officials to go out on to site and assess any material. They will look for evidence that the material has been processed to this quality standard which ties in to the new European aggregates standards. I think the apprehension within DoE is just down to a lack of technical knowledge. I have spoken to John Bart of WRAP and WRAP are quite willing to come over and give DoE any advice and so on about how to implement this or to allay any of their fears. We in QPA see this as a key instrument to encourage recycling within Northern Ireland because what this will do is take all that reprocessed material out of the duty of care, the waste management licensing that currently exists.

Q315 Chairman: Gentlemen, time has beaten us once more. However, you have answered the questions that we had for you. As I asked the last group of witnesses, is there anything we have not asked you which you expected us to ask you?

Mr Weir: I do not think so.

Mr Walsh: No.

Mr Best: No.

Q316 Chairman: That being the case, it is very good to re-make your acquaintance. Thank you for your input. It is valuable to us. We would be grateful for the information you said you would provide to us. That will assist the committee. Thank you also for taking the time. It is very important that we hear as much as we can from both industry and those within the university that are studying this particular problem. It helps and assists the committee. Thank you.

Mr Best: Certainly, Chairman, we will keep you informed as progress on the industry group and implementation of the task group’s recommendations.
Northern Ireland Affairs Committee: Evidence
Ev 201

Tuesday 26 October 2004

Members present:
Mr Tony Clarke, in the Chair
Mr Roy Beggs
Mr Stephen Hepburn
Mr Iain Luke

Memorandum submitted by Friends of the Earth (Northern Ireland)

1. Introduction

1.1 Friends of the Earth has been engaged with both the development of the Waste Management Strategy for Northern Ireland and the process of implementation since 1999. Friends of the Earth was represented on the Independent Advisory Group whose report was instrumental in the development of the Waste Strategy. Friends of the Earth is currently represented on the Waste Management Advisory Board for Northern Ireland (WMABNI) which was created in 2001 to provide a cross-sectoral forum to assist with the promotion and implementation of the Strategy. As such, we are in a position to comment authoritatively on the failure by the Department of the Environment to successfully deliver implementation of the Strategy and the reasons why. Our submission to the strategy review sets out our arguments in detail.

2. Implementation of the Waste Management Strategy for Northern Ireland

2.1 The failure of the Strategy to deliver lies less with the Strategy document itself than its implementation. Implementation was not given sufficient attention during strategy development or in the final document. Waste management is an issue for all Government and the failure to achieve cross-departmental implementation and engagement with the Strategy has been one of the key reasons why sufficient progress has not been made.

2.2 The Department of the Environment (DOE) has not communicated the strategy well to other stakeholders and has not fulfilled its commitments to lead by example. The Strategy needs to be mainstreamed into the Programme for Government and integrated as a cross-cutting issue for all departments.

2.3 The majority of the targets contained in the Strategy have not been achieved. Underlying the reasons are key failures on the part of the Department of the Environment and Government as a whole. These are a lack of adequate planning, unsuitable funding arrangements and lack of accountability.

2.4 There is little evidence of the DOE taking a strategic approach to implementation. The necessary planning elements of an implementation plan include a resource and cost assessment; all aspects of infrastructure development; quantifiable targets, objectives and timescales; performance measurement techniques for delivery and review mechanisms by which performance can be assessed. The necessary assessments were not carried out.

2.5 The majority of the funding available for implementation of the strategy was granted to district councils. The council waste management grant scheme requires in-year spending and this does not lend itself to the long-term infrastructure development that is needed. Friends of the Earth recommends a funding regime that covers a longer time scale as this will encourage a longer-term, more co-ordinated approach than present. This should be combined with changes in local government procurement policies to enable them to put the necessary infrastructure and long term spending plans in place to deliver on the waste plans.

2.6 The strategy recognises the need for all sectors to be involved in delivering sustainable waste management and three years after the launch, the community and voluntary sector still remains excluded from accessing funding. Friends of the Earth was informed by the DOE that consultants had been engaged to look at the sector’s ability to spend funds before any mechanism or level of funding would be decided. Despite repeated assurances from DOE that the review was underway and we would receive the report as soon as it was finished, FOE has recently been informed that no review had taken place.

2.7 The efforts by environmental regulators in other parts of the UK to develop openness and transparency have not been mirrored in Northern Ireland. The suspension of the Northern Ireland Assembly has ended the Environment Committees important monitoring and scrutiny role. Friends of the Earth as part of a coalition commissioned a report that explores and examines a range of options for addressing environmental governance. Friends of the Earth supports the creation of an additional environmental capacity within the Northern Ireland Audit Office to strengthen accountability.
3. ACTION TO REDUCE THE AMOUNT OF HOUSEHOLD WASTE SENT TO LANDFILL IN LINE WITH THE REQUIREMENTS OF THE EC WASTE FRAMEWORK DIRECTIVE

3.1 The Strategy fails to tackle the question of resource use. The challenges we face are not just decreasing landfill space, but the huge cultural change we need to change perceptions of waste from rubbish to resource, and reduce our resource consumption.

3.2 Waste reduction is referred to throughout the Strategy however in reality the Strategy completely fails to put any mechanisms in place to do this. The benefits to be gained from actions to target waste growth rates and waste reduction have been demonstrated by recent research on resource flows in Northern Ireland.\(^5\)

3.3 The Strategy and its implementation plan do not effectively tackle waste growth. Unless a concerted effort is made to do so, increasing levels of recycling may not achieve the necessary reduction in the amount of waste going to landfill. This can drive local authorities to seek a large-scale technical solution. However, this is not a long-term solution, the only solution is tackling the use of resources and through that the production of waste. Northern Ireland needs a plan and policies to slow down waste growth and stabilise waste arisings by decoupling waste and economic growth.

3.4 The Landfill Allowances regulations will have a large impact on local councils in Northern Ireland because of the lack of infrastructure. The regulations require an incremental reduction in waste going to landfill and councils will incur financial penalties if they do not achieve this. However, the process of development will not be incremental and so reductions in the amount of waste going to landfill will occur in steps as alternative infrastructure is developed. This is the approach taken in the sub-regional waste plans and so they are in conflict with the approach in the regulations.

3.5 The Strategy envisages Northern Ireland as a centre of excellence in waste and resource management but the lack of progress has seriously undermined this vision. There appears to be a lack of awareness on the part of the DOE of developments in waste and resource management in other areas of the UK such as the REWARD and National Industrial Symbiosis Programme.

3.6 The focus of the last three years has been on the municipal waste stream and minimal progress has been made on reducing the amount of commercial and industrial, construction and demolition or agricultural wastes. A strategy for agricultural waste was to be produced by the Department of Agriculture and Rural Development (DARD) to be integrated with the Waste Strategy during the current review. DARD has not produced a strategy.

4. PROGRESS ON RECYCLING IN NORTHERN IRELAND AND THE POTENTIAL DEVELOPMENT OF THE RECYCLING INDUSTRY

4.1 Recycling rates in Northern Ireland are very low and the waste plans of the three sub-regional groups aim to meet the 2005 targets mainly through increased use of civic amenity and bring sites. The recycling rate in Belfast is only 4.1% and kerbside provision is minimal.

4.2 If progress is to be made the targets in the Strategy must be made mandatory. Voluntary targets have traditionally not produced the necessary actions. Mandatory targets will create a level playing field.

4.3 Friends of the Earth has funded research into maximising recycling rates\(^8\) which suggests that highest recycling rates are achieved by providing a doorstep collection service. Separation at source also produces higher quality materials for reprocessing. The approach of the local authorities needs to change from civic amenity and bring sites to provision of a kerbside or neighbourhood collection systems.

4.4 The amount of funding provided for implementation of the Strategy and allocated in the council waste management grant scheme is inadequate. NI Audit Office expects public expenditure on this area in Northern Ireland over the next three years to be in the region of £96 million (£40 million by central government and £56 million by local councils). However, to put the infrastructure in place to deliver the BPEO for Northern Ireland, an investment of £400–500 million will be needed (DOE estimate). Clearly there is a funding gap and it is unlikely that the private sector will invest the necessary money as it can take up to 10 years to get planning permission for facilities.

4.5 The lack of infrastructure is a major barrier that must be addressed in order to increase recycling levels. There is a lack of integration between land use planning and waste management. Greater integration is needed to allow the evaluation of new proposals for infrastructure development which are not included in the current sub-regional waste management plans. The DOE needs to develop an interagency approach as the Planning Service, Environment and Heritage Service and Environmental Policy Division, do not have a joined up approach to strategic policy making or planning.

4.6 As funding levels are inadequate, 100% of the revenue generated in Northern Ireland by the Landfill Tax Credit Scheme and its successor should be ring fenced to support the development of waste management projects.
4.7 The Waste and Resources Action Programme (WRAP) is being used as the main delivery mechanism for markets development in the rest of the UK and this has been instrumental in development of reprocessing capacity. The full WRAP programmes need to be rolled out in Northern Ireland as there is a severe lack of reprocessing capacity and need for targeted markets development.

4.8 Despite Strategy commitments, to date there has been not one single initiative by the DOE to change Central Procurement Directorate’s (CPD) specifications in a manner that would increase uptake of secondary materials and contribute to stabilising and developing markets for materials such as paper. With control over government expenditure of around £300 million the CPD could have made a significant contribution in this area and as there are no barriers to changing the specifications the lack of progress in this area is a result of a failure of the DOE to champion this at Executive level.

4.9 The failure to deliver on the targets, objectives and vision in the Strategy has cost Northern Ireland in terms of the economic development and job creation opportunities associated with sustainable waste and resource management.

4.10 Northern Ireland would benefit from initiatives such as The Thames Gateway London REMADE Programme: Re-Engineering Secondary Materials for Thames Gateway. This aims to stimulate new niche sectors, secondary industries and jobs around recycled materials to assist in the re-industrialisation of south and East London. It aims to establish three local eco industrial areas which will establish new business and expand existing ones in recovery and reprocessing of recycled materials. These will be linked to a London REMADE Innovation Centre. This model brings together many of the essential strands of a markets development programme, including demonstrating best practise, innovation, links to research and development, economic development and job creation. The key outcomes from the project include an estimated 6,050 people back in work, 4,550 new jobs created and support to over 1,000 businesses. A similar programme should be explored for Northern Ireland with an eco industrial area in each of the three regional groups as this could address the issue of manufacturing job losses, grow the green business sector and contribute to sustainable waste and resource management.

5. THE CURRENT AND FUTURE AVAILABILITY OF LANDFILL CAPACITY IN NORTHERN IRELAND

5.1 The Landfill Directive was introduced two years late in Northern Ireland. Friends of the Earth is concerned that since the deadline for introduction of the Directive several landfills closed under the previous regime whose closure requirements were considerably less rigorous than the Directive’s.

6. ILLEGAL DUMPING OF WASTE

6.1 Northern Ireland has a rapidly growing and serious problem of illegal dumping. A large number of landfill sites are operating either in breach of their waste disposal licences or without licences. There has been a long history of ineffective regulation in this area and it was shortcomings in the performance of local councils that led to the recent transfer of licensing powers to The Waste and Contaminated Land Unit of the Environment and Heritage Service (EHS).

6.2 However the structures, resources and mechanisms needed for efficient regulation have not been put in place and EHS seems unwilling to exercise its regulatory powers. There is a policy of not prosecuting domestic or small-scale trade dumping, with no real protocols or policies in place for dealing with the issue.

6.3 Concerned members of the public have turned to Friends of the Earth for help in tackling illegal dumping. One example, the Craigmore Road landfill site in Garvagh, County Derry was licensed to take inert waste only, but clinical waste and animal carcasses were dumped in breach of the licence. Residents have been fighting to get the landfill closed since 1996 and have had problems with infestations of flies, odours and health impacts. Although this problem was regularly drawn to the attention of the regulators, the licence was only revoked in 2003, seven years and 100,000 tonnes of illegal waste later. The operator has still not been prosecuted.

6.4 There is a problem with cross-border movement of waste and waste from the Republic of Ireland has been found in many illegal dumps. This growing problem of cross-border movement of waste demonstrates the need for enforcement and harmonisation of landfill tax on both sides of the border to reduce the incentive for cross border dumping.

6.5 In the absence of an effective regulator, Friends of the Earth has made complaints to the European Commission on the failure of EHS to properly enforce legislation and will be pressing the Commission to take action on breaches of both the Waste Framework and Landfill Directives.

6.6 Friends of the Earth welcomes recent steps taken by EHS to investigate scale of the problem, however the combination of a policy of not prosecuting and failure to put the necessary steps in place for effective regulation means that illegal dumping will continue to increase. EHS is failing as a regulator and Northern Ireland needs an Independent Environmental Protection Agency.
7. **Proposals for Alternatives to Landfill such as Incineration**

7.1 Friends of the Earth has consistently opposed the inclusion of incineration in any strategy designed to move Northern Ireland towards sustainable waste management.

7.2 Incineration undermines recycling by tying local authorities into long-term contracts which prevent them from maximising recycling. The climate change impact from incineration is worse than any other way of dealing with residual waste, including MBT, pyrolysis and landfill.8

7.3 Incineration is deeply polluting as it produced emissions containing nitrogen dioxides, particulates, heavy metals and dioxins all of which potentially threaten human health. It also produces toxic fly ash, which is classified as hazardous waste. For every tonne of municipal waste burnt between £21–126 worth of environmental and health damage is caused (depending on the location of the incinerator)6

7.4 Incineration appears to be a financially attractive option for local authorities hard pressed for landfill space. However the economics are changing and incinerators could end up being expensive. As emissions standards continue to improve, costs of meeting them will increase. Incinerator operators in the future could find themselves liable to litigation claims from local residents whose health has been damaged. The landfill tax is increasing and may be extended to incineration so that the environmental costs of these disposal options are more fully reflected in the price paid. Customs and Excise in a report to the Treasury recommended the introduction of an incineration tax.

7.5 The European Commission has estimated that by 2010 the cost of incineration is likely to be £140 per tonne.7 On the other hand investment in recycling infrastructure will pay off as infrastructure and markets develop and virgin materials become more expensive than secondary ones. Investment in incineration also has opportunity costs—investment in incineration means a missed chance to invest in new environmental industries.

7.6 Recent research has reviewed some of these newer technologies, such as MBT, pyrolysis and gasification, comparing them with landfilling untreated waste and incineration.8 This suggested that MBT processes provide the greatest flexibility and that the best route for the residual waste from this treatment is landfill. Friends of the Earth is supportive of this but will keep this under review as new technologies develop or as policy frameworks change.

7.7 In an assessment of alternative treatment technologies the application of Best Practicable Environmental Option should be used in a Northern Ireland wide approach.

7.8 The DOE committed in the Strategy to establish a fund to support 10 demonstration and development projects and to co-ordinate efforts with environment agencies in the UK and Ireland. To date, no progress has been made. A fund for research into alternative technologies in Northern Ireland should be established as a matter of urgency.

8. **The Potential to Learn from Experience Elsewhere**

8.1 Friends of the Earth has carried out research into best practise in recycling and would encourage local authorities to adopt best practise.9,10 However, the Government in Northern Ireland is failing to learn some key lessons from other parts of the United Kingdom. The Household Waste Recycling Act needs to be extended to Northern Ireland, the voluntary approach did not deliver the desirable levels of recycling in Britain and will not deliver in Northern Ireland.

8.2 Waste policy and the Strategy need to be updated to bring them into line with current and forthcoming European policies. DOE is not engaged with the development of either the thematic strategy on the use of resources or the thematic strategy on prevention and recycling of waste. Northern Ireland would benefit from being engaged in the development of European policies and the opportunities that go with this.

9. **Conclusions**

Issues such as infrastructure development, suitable funding arrangements, effective regulation and enforcement are key to improving waste management in Northern Ireland and need to be addressed urgently to meet the targets in both domestic and European legislation. The Strategy review process is currently underway with the revised version due to be launched in September 2005. This submission has outlined the serious problems that need to be addressed as a matter of urgency. The fact that a revised Strategy is due in 2005 must not be used as an excuse to delay action.

10. **References**


23 April 2004

Witnesses: Mr John Woods, Director (Northern Ireland), and Dr Cathy Maguire, Consultant, Friends of the Earth (Northern Ireland), examined.

Q317 Chairman: Dr Maguire, Mr Woods, thank you for joining us. It is a very formal setting but I can assure you we are more friendly than perhaps the setting suggests. You are very welcome. Thank you for taking the time to be with us. The committee is about halfway through its inquiry into waste management. We have taken evidence from the department, from those involved commercially in the issue of waste management and we are very much looking forward to hearing from your perspective what is being done that is correct, what is being done that is perhaps not so correct, and also to have you share with us your views in a general sense as to how we meet this incredibly difficult target that we have set ourselves but which we need to meet. There is a shared vision but it is how we make that a vision a reality which is testing our brain cells. I wonder if I could start by asking a general question. Friends of the Earth are in good company because we have already heard from the Waste Management Advisory Board comments similar to those that you gave in your written evidence, which were that as far as the strategy was concerned implementation was not given sufficient attention. How do you think implementation should have been tackled as part of the strategy?

Mr Woods: Thank you very much, Chairman. Perhaps I might introduce my colleague, Dr Cathy Maguire. Would you like a little bit of information about her?

Q318 Chairman: Yes, that would be very helpful, and perhaps you could also say who you are for the record.

Mr Woods: I am John Woods, Director (Northern Ireland) of Friends of the Earth. It is a job I have been doing for the last five years. The focus of our work has been very much on non-compliance with EU directives and the performance of EHS in that respect and the need for an independent environmental protection agency, something that we work on in coalition with all the other main environmental organisations in Northern Ireland. Dr Cathy Maguire was a member of the Independent Advisory Group on Waste and then a member of the Waste Management Advisory Board, from which she has recently stood down. She is a Research Fellow in the School of Biology and Biochemistry at Queen’s University Belfast. She is also Vice Chair of Friends of the Earth, England, Wales and Northern Ireland and she is a member of the board of Friends of the Earth Ireland and indeed the author of our written evidence. On the question of implementation and on many other of these questions I will pass over to Cathy.

Dr Maguire: As John has said, I was a member of the Waste Management Advisory Board and I led the group that looked at implementation on that board, so that might be the reason why quite a lot of our written comments are pretty much identical to those of the Waste Management Advisory Board. On the topic of implementation we would endorse wholeheartedly everything they say in their report. For us a lot of the problems with the strategy not delivering do not necessarily lie within the strategy document itself but rather in the implementation of it. You can see in the strategy document that implementation is not given sufficient attention. It is half a page on one of the very last pages. What we found during the course of our inquiry into implementation was there has been very little evidence of anyone taking a strategic approach to how the strategy should be implemented. The normal elements of implementing any sort of strategy, whether it be government or within the private sector or within the community and voluntary sector organisations, would be to draw up implementation plans with resource and costs assessments which looked at all aspects of infrastructure needs. They would have quantifiable targets, objective timescales, essentially smart targets. This was not carried out for the Waste Management Strategy and I think that a lot of the problems we see now and a lot of the lack of progress can be directly related to the fact that there was no strategic planning of how the strategy should be implemented. On another point I would say that the strategy itself in its implementation did not link to other government strategies sufficiently, and in particular the absence of a sustainable development
strategy as an over-arching strategy for this raises issues. During the implementation the local authorities were essentially viewed as a delivery mechanism for this strategy and that is why there was a huge focus on the municipal waste stream and central government and the role the DoE and other government departments had to play in delivering the strategy was not given attention. We think that in the next phase of the strategy there really needs to be that sort of strategic planning approach in which smart targets are drawn up and progress is monitored annually against indicators, so that we do not end up three years down the line saying the same things again. As John said, I was a member of the Independent Advisory Group on Waste Management and we made 103 recommendations, the vast majority of which formed the basis of the Waste Management Strategy. Quite a few of us also went on to sit on the Waste Management Advisory Board and we have just made them all again. Nobody really wants to be sitting here in three years’ time making the same sorts of recommendations.

Q319 Chairman: Arguments are something we do not want continually recycled, I should think. There was an attempt by the DoE at the end of 2003 to set an Implementation Action Plan. Have you any concerns about how robust that is?

Dr Maguire: I would say, having seen it, that it is completely inadequate and I do not use that language lightly. It did contain as an appendix a planning sheet and we requested, “Has this level of planning been carried out for all the key actions within the strategy?”, and it has not. That was an example planning sheet. That was produced at the end of a three-year cycle when it should have been the first thing to be produced. However, I think lessons have been learned and I do not think in the next phase of the strategy there will be an absence of an implementation plan, and I think the Waste Management Advisory Board, in whatever form it appears (if any) with new terms of reference, would certainly be looking to monitor implementation against such a plan, not just carrying out a review retrospectively of some of the things that went wrong.

Q320 Chairman: I detect some hope there in terms of how they may improve in the future. One of the other criticisms that has been levelled at the department is that they failed to lead by example. Many other of our respondents have highlighted lack of leadership issues all the way through. Do you have any comments?

Dr Maguire: Yes. We do not think that they necessarily led by example. There were a lot of targets contained in the strategy which pertained directly to the DoE and they really did not deliver on them. However, I must also say that this was collective failure at government department level to lead by example because there are a lot of targets in the strategy which should have applied across government and there was a view that this was really the business of the DoE rather than the business of all government departments. The Wake Up to Waste campaign has aimed to engage the public and it has been quite successful in doing that. However, the DoE have not sufficiently engaged with industry or with the community and voluntary sector. We have consistently said in our written evidence and in the strategy review that the Waste Management Strategy has to be a strategy for all government and it needs to be mainstreamed into the programme for government and seen as a cross-cutting strategy. We do not really think that the DoE have led by example in what they have done themselves and in doing things like their own internal audits, but government as a whole should be leading by example on this.

Q321 Chairman: What about with your Waste Management Advisory Board hat on, because I know one of their objectives is to promote and guide active uptake of the strategy by key stakeholders? Is it the duty of the board to lead by example?

Dr Maguire: It should be collective. It should have been a partnership approach. I think it is the responsibility of the department to lead on implementation of the strategy and in engaging with the other stakeholders and with government departments, but it is also for the Waste Management Advisory Board in its advisory capacity to the department to reflect the various views of the different stakeholders groups and try and put forward a consensus and ways of getting them to engage. That is something that we did try to do. I think we all could maybe have done a little bit better.

Q322 Chairman: That is very kind, to share the blame.

Dr Maguire: I am not necessarily sharing the blame!

Q323 Mr Hepburn: On the subject of waste reduction I think you have said that to tackle waste reduction there needs to be a huge cultural change in perceptions. How do you think this should be tackled?

Dr Maguire: There is a target on waste reduction in the Waste Management Strategy of about one% per year. It seems to have been forgotten about and it is never really referred to. The strategy failed to tackle it. It is an incredibly difficult thing to do but we think there is one way of trying to tackle waste reduction which is linked to the question of how we use resources. Production of waste is essentially a symptom of how we use our natural resources and the way we have a linear way of using them: by throwing them away. Recent research carried out in Northern Ireland, The Northern Limits—Materials Flow Analysis and Ecological Footprint of Northern Ireland, showed that some of our resource use and ecological footprint is higher than for the rest of the UK and this is mainly because of how we deal with our waste and our incredibly low levels of reusing and recycling. We think that actions to try and target waste growth rates and waste reduction would reduce our ecological footprint and benefit us economically. On the other hand, there are a lot of policy initiatives coming from the European Union that the strategy did not really take into account and
the DoE themselves do not really seem to be engaged with. One is the development of a thematic strategy on the sustainable use of resources. Its main objective is to ensure that consumption of resources and its associated impacts do not exceed the carrying capacity of the environment and to try and break the links between economic growth and resource use; also the development of a thematic strategy on waste prevention and recycling. This is looking at best practice waste prevention across the European Union, and it may lead to targets being set at EU level. We think that Northern Ireland needs to be engaged with these processes and learn from them, and at the moment that is not happening. Friends of the Earth are very concerned that, unless there is real concerted action now to tackle waste growth in the next phase of the Waste Management Strategy, we could be increasing our levels of recycling year on year but this still might not achieve a reduction in the amount of waste going to landfill because it might be swamped by waste growth. The longer term solution is a reduction in the use of resources and the related production of waste. This has been recognised in UK government policy, such as the strategy unit in its report *Waste Not Want Not*. We think Northern Ireland needs a plan of that sort and that needs to be factored into the next phase of the strategy, how to try and slow down waste growth and stabilise waste arisings by decoupling waste and economic growth. One thing that could have helped towards that process but was absent was the Sustainable Development Strategy for Northern Ireland. The fact that we are missing that to act as more of an overarching strategy I think has contributed to this. There are also several programmes and initiatives that are going on in England and Wales that Northern Ireland either cannot or does not engage with but we really need our own versions of these, such as REWARD (the Regional and Welsh Appraisal of Resource Productivity and Development), which involved both policy makers and key stakeholders and looked at economic strategies and resource productivity and the environmental pressures linked to that to try and input that into policy making. We do not have anything of that sort here. There are also things like the National Industrial Symbiosis Programme. There is no engagement of that at Northern Ireland level nor even looking for an equivalent, and that programme seeks to achieve waste reduction by matching up industries so that waste products from one are the raw materials of another. We would see that as the way forward and we really need to start seeing some of these things happening at a Northern Ireland level.

Q324 Mr Hepburn: What role do you see for local councils in waste reduction?

*Dr Maguire:* We think they have a role to play in waste reduction, absolutely, mainly through their education initiatives. They do not have the same sort of education brief as other local authorities do in England and Wales but they do have contact with the public. While I think they have a role to play, again, going back to one of my earlier concerns, local authorities are being seen as the delivery mechanism for sustainable waste management in Northern Ireland and they cannot deliver it all. They do not address in sufficient quantity the commercial and industrial waste streams. They deal with some of the commercial trade and business. That sort of engagement has to come from the top; it has to come from departmental engagement with industry bodies.

Q325 Mr Hepburn: Moving on to recycling, at the moment there are three separate waste management plans and it has been suggested that this can contribute to slow progress. Do you think there should be a more uniform approach or do you think decisions should be taken at a local level?

*Dr Maguire:* It is a tricky one. The first thing I would like to say is that getting that number of councils to work together was an incredibly difficult job and we are glad to see that it happened and some councils are doing really well and there has been some progress. However, that is not the case across the board. At the moment the aim of the three plans is to meet the targets through the increased use of civic amenity and “bring” sites. We do not think that is a long term solution because if you do not have a car you cannot bring your stuff to the “bring” site. There are areas of Belfast with incredibly low levels of car ownership. Friends of the Earth has both co-funded and carried out a lot of research on maximising recycling rates with the Community Recycling Network and we have produced documents such as *Recycling Works* and *Recycling in Action*, which look at best practice and which we can make available to the committee if they so want. On the issue of one plan, yes, I think we would like to see a more co-ordinated approach. The three plans at the moment are working to different timescales and almost different thrusts. Some are trying to do it all through composting, some are focusing more on bring sites. There needs to be a more strategic approach to this. However, we think that one plan needs to be flexible enough so that you can get local delivery based on local needs and there is going to have to be a bit of a balancing act. I do not have the answer right here but the one thing we would not want to see is that one plan pushes the whole of Northern Ireland towards one disposal option and then you have transport of waste coming from everywhere. There has to be room for a co-ordinated approach which might help in terms of economies of scale and buying of equipment and maybe facilities that do serve the whole of Northern Ireland but not just one disposal option.

Q326 Mr Hepburn: What do you think the effect would be if we had mandatory recycling targets?

*Dr Maguire:* We would like to see that. In fact, what Friends of the Earth has been advocating is the extension of the Household Recycling Act to Northern Ireland. We think that would have quite a positive effect because while progress in some areas has been really good in other areas it is quite haphazard. It is only when a kerbside provision is
available that you get good quality separated-at-source secondary materials which can then be used for reprocessing and made into other goods. It is no good just recycling for its own sake. You need to have high quality materials which can then be used for something else. Most research in other European countries has shown that it is really only separation at source, at the household, for municipal waste streams that provides that quality of recycling. I do believe that the councils need extra funding to do this. It is not possible under the current amount of money that they have to implement this. There are other things that Friends of the Earth would like to see brought in in the longer term, such as variable household charging. However, we do not think that is possible until you have kerbside provision because when you do not have that any scheme to bring in variable household charging would fail an equality assessment because it means that if you do not have a car you are penalised because you cannot bring your stuff to the supermarket or to the local civic amenity site. It is only when you get household recycling schemes that you can begin to look at some of these other options, which are the way to go if you look at the other European countries that are doing far better than we are.

Q327 Chairman: That is an interesting answer. So, on the principle that the polluter pays there should be household charges rather than an increase in the overall council tax level?

Dr Maguire: We do not really have council tax. We have rates.

Q328 Chairman: My apologies.

Dr Maguire: We would like to see schemes like that in the future but basically people have to have access to the facilities, so it is only people who do not use the facilities who are penalised.

Chairman: I wish they would recycle our council tax and make it the rates again, but there you go.

Q329 Mr Beggs: Can I again place on record my interest in a licensed site for inert material: landfill. Many respondents have highlighted the major problem of the illegal dumping of waste from outside Northern Ireland. Your own submission points to what you see as “ineffective regulation” in this area. Can you elaborate on your view that it was “shortcomings in the performance of local councils that led to the recent transfer of licensing powers” to the Environment Heritage Service?

Mr Woods: This is a longstanding problem of illegal landfill, particularly within Northern Ireland and more recently from outside. A good example of a site which was poorly regulated by the councils before the department took over responsibility would be the Craigmore Road site near Garvagh which was first brought to the attention of Coleraine Borough Council, I think in 1996. I do not know whether you know the site or not but we have visited it and visited the residents, who have had to live under appalling conditions in terms of swarms of flies outside their houses, smells, illness and no prospect of moving to any other place because of what has been going on. The site was not licensed to take the kind of waste it was taking. It took seven years before the licence was revoked. It was ultimately done under the old regime. That is an example of the problem. The problem continues with other existing sites. Another example that we quoted in our evidence to the European Commission in a complaint to the Commission on the Waste Framework Directive was the Bentra Road landfill site at Ballycarry. We have been informed that this site accepts a range of waste materials, including domestic waste, even though the operator has no waste disposal licence and the site has no planning permission. There is a real challenge there but how does one enforce these things? Those are just two examples of what has been widespread. There is inadequate enforcement and inadequate law. On the enforcement front, as the minister has said, EHS does not have an emergency team. In relation to the site near Armagh which was filmed by the BBC I noticed the reporter said that the department had set the site, which was basically a field which was opened up for dumping, continue for four days and close unhindered. The minister said that the DoE were not an emergency service and would respond to such sites in due course, and yet the BBC were able to film it. Clearly there is a real problem there with enforcing the law and having the resources and indeed perhaps the will to do it. That becomes more complex when one looks at cross-border dumping. There was a recent example which was featured on the news extensively of trucks that were intercepted that had come north of the border which resulted in the trucks being sent back south of the border but with no charges or prosecutions being brought against those transporting the waste. I am not sure what action has been taken. I know that the councils from which the waste originated were being obliged to take it back but it looks as though the operators involved are probably going to be unaffected by this episode, except obviously not making profits from this particular run. There seems to be some ignorance of the law itself on the part of the departmental solicitors’ office. They are not clear about the law itself and there is also perhaps an unwillingness to take on this problem head on. For example, we have taken a little bit of legal advice, and I am still in the midst of it so I do not want to say too much about it because I have not had the full story, but we understand that an offence would only be committed had that waste been transported into a landfill site and it was not. I cannot help but think that those involved from EHS and the police perhaps found it easier to return it south of the border than to take on the full responsibility of a prosecution had it actually landed, which is the technical term. That is a slightly worrying area. There also seems to be inadequate law in terms of how to deal with this cross-border illegal dumping in terms of the seizure of lorries and when a crime is actually committed. The crime seems to be committed at the moment when the waste has landed; there is not a crime in the meantime. That clearly needs to be looked at.

Q330 Mr Beggs: Have you been given any indication in your legal consultation as to what changes are needed in legislation (if any) to deal more effectively...
with illegal dumping, bearing in mind that there may very well be organised criminals and paramilitary involvement?

Mr Woods: Absolutely. I have not got the precise answer for that but the department and the police appear not to have the powers that they need at the moment. There appears not to be a criminal offence being committed in the transporting of the waste through Northern Ireland. The offence committed when the waste is landed is, as I understand it, not committed by the person transporting the waste but by the landowner. I suspect that we need this to be looked at by some serious government lawyers who are clear what they are talking about and can introduce some legislation in pretty short order to deal with it. Another area which is an issue is fly-tipping. If you aggregate the full amount of fly-tipping I do not have the figures to hand but it comes to a very serious waste problem, although they all appear to be relatively small instances. The problem for councils is that the public expect councils to clean up the mess and yet the department’s policy is not to prosecute for small scale fly-tipping, as I understand it. This clearly creates problems for councils and means that people are continuing to fly-tip because they will get away with it. That is another area which needs to be looked at.

Q331 Mr Beggs: What impact, if any, would harmonisation of the landfill tax on both sides of the border have on this issue?

Mr Woods: I am not sure about the tax itself being the main driver here. In more normal societies the tax would be a critical issue in determining behaviour in terms of cross-border shipments of waste but it is the differential in landfill costs overall that is the big issue here. The very high costs of landfill in the south are due to the lack of availability of landfill rather than because it is a high landfill tax. We need to look at the differential in landfill costs. The other driver is the differential in enforcement. In other words, people having been tougher in the south, it is more difficult to landfill illegally (although it is still possible) and it is much easier in the north, so we need equal regimes to attack it. I am not quite sure how we tackle a differential in landfill costs. A successful waste management strategy in the Republic would certainly help.

Q332 Mr Luke: We have had a lot of discussion about the infrastructure which we are looking to put in place to supplement or give strength to the waste management plans, especially to do with recycling. What do you think are the priorities in terms of infrastructure? Is it recycling facilities or lack of opportunities?

Dr Maguire: I think there needs to be a lot more thinking done on exactly what the priorities should be for infrastructure and what level of infrastructure is required to deliver the strategy. It should focus on all waste streams, not just municipal. You cannot over-emphasise the scale of the infrastructure deficit that we have here and the knock-on impacts of that. For us one of the main priorities that we must address is the complete lack of integration between land use planning and waste management. We believe that waste infrastructure is as vital to society as transport infrastructure and water infrastructure and it needs to be dealt with as such. As such, the first thing I would say is that we need a complete inter-agency approach to this within the department, including Planning Service, Environment and Heritage Service and Environment and Policy Division. This is not happening at the moment. While people could probably get together and identify the deficit in infrastructure I think this really needs to be dealt with within the programme for government in the same way as we look at sewage infrastructure and transport infrastructure. It is grave at the moment. It is going to be very difficult to progress, not just with recycling, focusing on municipal waste streams, but with reprocessing of all waste streams without having an infrastructure there. Because there is no real link to land use planning you will get applications going in in completely unsuitable places. Then you get objections, and I am sure you have heard from lots of other people the type of timescale it can take to get applications dealt with.

Q333 Mr Luke: There has been a recent announcement from the Planning Service that they have had to take resources from one area of the service to try and cope with an unprecedented increase in planning applications. Would you be supportive of this? What impact do you think this will have on the infrastructure perspective?

Dr Maguire: This is not something I know very much about. My concern would be if they were assessing the planning applications against an old area plan rather than one that dealt with siting of waste infrastructure so that if it is not going to be near housing developments, it is maybe situated in an industrial context, you will have a lot of problems still with people objecting to things because these sites can be sited in old quarries, rather than looking to see if there are brownfield sites that we could use to develop the waste management infrastructure.

Q334 Mr Luke: Do you feel that citizens, and obviously Friends of the Earth are close to what people see as the consumer’s view, have or are likely to have adequate involvement in land use planning decisions? Do they have adequate involvement now?

Dr Maguire: No, we do not think they do.

Mr Woods: We particularly have concerns about the proposals for legislation at the moment in two respects. One is to withdraw the right to be heard in a public inquiry which could disadvantage people in all sorts of ways. There is to remain a right, obviously, to give written evidence but no right to be heard verbally, which immediately makes you think of people who do not necessarily write that well. The other thing is a statutory requirement for community involvement. There is an absence there; we think they should be involved. There is a real danger that people’s involvement in these decisions is being curtailed.
Q335 Mr Luke: That would apply also to the development of regional waste management plans. Do you think there has been adequate public consultation on these?

Dr Maguire: As a whole—and you do not often hear me saying this—both the department and the councils have done a very good job in trying to engage with the public. They had an excellent stakeholder consultation process and did go out and have multiple public meetings, trying to get people engaged, but unfortunately this is not something people tend to get engaged with until a planning application for something they do not like lands in their back yard. Yes, I do think that efforts were made. Waste management and the implications of not dealing with it properly are becoming more of an issue in people’s minds. Environmental and other social problems are coming up the agenda in a way now that they were not, say, pre-devolution. With this next stage you will probably get more engagement and more involvement but we would encourage the department and the councils to keep those good stakeholder processes going and not think, “Just because we have done it once, job done”. It is an ongoing process.

Q336 Mr Luke: We had a session this morning with the department on funding. You have said that the funding for implementation and the council grant schemes are both inadequate. Apart from the obvious call for additional funding what changes on funding would you like to see?

Dr Maguire: I would like to address three funding issues—the Council Waste Management Grant scheme, the Waste Management Industry Fund and the complete lack of funding for the community and voluntary sector. To step back a little, while there was limited money available for implementation of the strategy it became clear that the department did not take a strategic approach to look at where the money would be best spent to deliver the strategy. Rather, in some cases money ended up being spent where it could be spent rather than where it would be of best value and best use. The Council Waste Management Grant scheme money was allocated a matter of months before it had to be spent. It became known as the blue bin scheme. Councils did not know what amount of money they were going to receive and then they had four to five months in which to spend it. It completely negates any long term spending plans and against longer term infrastructure development. The types of things you can buy with that are basically bins and lorries. It does not allow you to do some longer term planning. This became a big problem for the arc21 group of councils who did have a 20-year plan, unlike the other regional groups that just had a five-year plan. They had planned a longer term infrastructure development process that it was just impossible to do under this council scheme. We think that the funding regime needs to be reformed immediately to allow for a longer term and more co-ordinated approach than the current one. With regard to the Waste Management Industry Fund we have some concerns and reservations about its effectiveness. The strategy called for the funding of 10 development and demonstration projects. These would have been open to everybody, not just industry. They would have been open to the universities, they would have been open to the community and voluntary sector, and they were supposed to be flagship projects. This commitment was not delivered on at all. What was delivered was a Waste Management Industry Fund from which a lot of stakeholders were excluded. Against the advice of the Waste Management Advisory Board the fund then became a fund to stimulate market development rather than a fund to build and develop infrastructure, which is what we thought it should have been. We do not really think it has been a success; all the money has not been taken up. There needs to be a lot more work done the Department for the Environment and the DETI working together to develop schemes, and I understand the scheme is now under review, so hopefully some of these problems can be addressed. From Friends of the Earth’s perspective one of the major problems with funding apart from the council scheme was the complete exclusion of the community and voluntary sector from funding. This was also an issue of concern for the Waste Management Advisory Board, and if you look at the appendices to its report you will see on a number of occasions recommendations were made, “This must be addressed”, “It should be addressed”. The strategy envisages the community and voluntary sector delivering on parts of the strategy as one of the key stakeholder groups and then completely excludes it, in other words, “You should do this, you should do that, but actually you are the only people who are not going to receive any money or even be able to access funds on which you would have to compete with the private sector organisations”. I just think it was not realistic. On several occasions Friends of the Earth requested from the DoE that such a community and voluntary fund should be established and we were informed that the department had engaged consultants to undertake a review of the sector’s ability and capacity to spend money. It was only once such a review had taken place that they would then decide on the nature of a community and voluntary scheme, what it should be and how much money it should get. Repeated requests were made—“The review is happening, it is on its way”—and then just before the end of the strategy review period we were informed by the department that actually no review had ever taken place, and so for the first three years of the strategy one of the key stakeholder groups was disenfranchised.

Mr Luke: That was a very comprehensive answer, Dr Maguire. You have answered my second question as well. Thank you very much.

Chairman: We shall now test your flexibility because my colleague, Mr Beggs, wants to ask you questions on DARD but he informs me he failed to ask you a question on environmental protection.

Q337 Mr Beggs: You claimed that EHS was failing as a regulator and called for an independent environmental protection agency in Northern
Ireland. I recognise that Friends of the Earth are part of the wider coalition calling for an EPA from a broader environmental perspective. Can you elaborate on what you think would be gained in relation to waste management by this? Would not such a body suffer the same problems of shortage of appropriately qualified staff as is experienced by the Waste Management Contaminated Land Unit at present?

**Dr Maguire:** As John is involved in that coalition he is going to answer that.

**Mr Woods:** On that specific point about qualified staff, part of the problem for the Contaminated Land Unit has been the requirement, if you like, to take staff from elsewhere within the Civil Service when the Civil Service is reorganising, in particular the Water Service in this case, as I understand it, and there is a need to find jobs for those people. The employees of an independent agency would not be civil servants and they would be able to recruit their staff from wherever they wanted. Critical to this would be an adequately resourced agency. I think it goes back to the central point that an independent agency could be a champion for the environment in a way that EHS is unable to be and has not been. Conventions within the Civil Service are that senior civil servants’ duty is to their minister; these are political considerations. When it comes to a choice between protecting the minister and protecting the environment it is the minister who will always come first. It is essential that the environment comes first and that is why every other jurisdiction in these islands has chosen the independent route for an environmental authority. In terms of waste management, part of the problem of this strategy over the last few years has been a lack of accountability. The Waste Management Advisory Board has done an excellent job in trying to hold the department to account and indeed there has been a lack of transparency. A practice which is normal in England, Wales and Scotland is open board meetings of their environment agencies and minutes published on web sites. There is no prospect of that happening; it certainly does not happen by EHS and it could not really happen in the future so long as it remains within government. That would open the process to so much more scrutiny. There is a whole raft of reasons why independence can underpin the effectiveness of an independent authority. It would take me some considerable time to go through this. If it would help I am quite happy to provide a further note on this to underpin it.

**Q338 Mr Beggs:** Thank you. Maybe you could tell us off hand what action you would like to see happen to tackle small-scale fly-tipping.

**Mr Woods:** I mentioned a little while back that this would be a particular problem for councils while there is a policy not to prosecute. Councils have to clean up and the department’s policy is not to prosecute small-scale activities like this even though they add up to a large scale activity. Again, we need effective enforcement. There are two elements to that. One is the resourcing of it and the other is the will to do it. Resources have increased but, I suspect, not sufficiently. No amount of resources is going to be much use unless the agency involved, EHS, is completely committed and focused on doing this work. The evidence shows that it has not been, not just in waste management but also in other areas; hence the move to the champion for the environment role that we see an independent agency having.

**Q339 Mr Beggs:** Turning to DARD, you highlight that to date the focus has been on municipal waste with minimal progress on other waste streams, such as commercial or construction waste. In particular you are critical of the absence of a strategy for agricultural waste. We have been told by the department that draft Agricultural Waste Regulations are being prepared for consultation at present and that, following this, EHS and DARD will develop an agricultural waste strategy to link into the overall Waste Management Strategy. What is your view on this? Is this a reasonable approach?

**Dr Maguire:** That was the approach that was committed to about four or five years ago and it was at the strategy review point that the Agricultural Waste Strategy was supposed to be merged. While I would not have any problems with the approach, it is a question of actually doing it. Again, the whole non-emphasis on agricultural waste is symptomatic of how the focus has been for the past four to five years on the municipal waste stream and everything else has been seen as a secondary consideration. When you think that maybe agricultural waste arisings are about 19 million tonnes, it is a big problem and it needs to be addressed. We would certainly hope that it is addressed as a matter of urgency and that we are not sitting another strategy review point in three to four years’ time and hearing the same excuses.

**Q340 Mr Beggs:** How would you like to see the strategy developed to tackle other waste streams, such as commercial and industrial waste?

**Dr Maguire:** This is also related to the three plans or one plan issue. The three plans are seen as the delivery mechanism for the strategy and they do deal with some commercial waste arisings but mainly small scale arisings in terms of trade and wholesale. If we have one plan, we would like to see one plan that deals with everything. At the moment the main target for commercial and industrial waste streams is get that up to 85% of 1995 levels. This will not be possible unless this is tackled with much greater priority than it has been over the past four to five years. Some of the largest commercial or industrial waste streams are mineral waste and there is very little legislation aimed at reducing the amount of this. One initiative in England, Wales and Scotland which did try and reduce the amount of mineral waste was the Aggregates Levy and, of course, Northern Ireland have an exemption, so we would like to see this introduced here. I know you have had the Quarry Products Association this morning.

**Q341 Chairman:** An alternative view was put to us, let us say.
Dr Maguire: We need initiatives and legislation to tackle these other waste streams. We have a briefing on some of the things that Friends of the Earth would advocate which I can make available to the committee. How we see the way forward in tackling some of this is mandatory environmental reporting which would make it imperative for companies to monitor their waste streams and would encourage implementation of reduction and recycling initiatives. It would also allow them to benchmark their performance against some other businesses and allow the consumer to make choices based on these performances. We would also advocate financial mechanisms that could increase the rate of commercial and industrial waste recycling, such as an increase in the landfill tax, recycled products being made exempt from value added tax, greater taxation on primary use materials and capital allowances on plant and equipment which is designed to reduce waste and facilitate recycling. One thing the Waste Management Advisory Board and its precursor, the Advisory Group, emphasised was that we should try to use some of these economic instruments, and this is something which has been ignored. No progress has been made in that area at all. What we would also like to see in terms of commercial and industrial waste is that the thresholds of legislation should gradually be reduced to bring small and medium sized companies into the legislative arena. However, we think this should be coupled with much greater government and local authority investment in schemes to inform and support small and medium enterprises in initiatives. We need much greater support for waste minimisation clubs and waste exchanges. The department has made some progress on this and we think that it would be good if we could build on this and co-ordinate more with organisations like Invest Northern Ireland and the Department of Enterprise, Trade and Industry. A bit more joined-up government on this issue would be good. We also think that, in terms of commercial and industrial waste, enforcing legislation should be mandatory and binding. Voluntary agreements have a history of failing and that would be one of our major concerns so, if we just go down the voluntary route, unless it pays and we can show a company that it is going to benefit their bottom line, they are unlikely to make the measures in waste reduction that we need. One of the other issues on commercial and industrial waste that we think needs to be addressed is collection of data. At the moment there is very little data collected on commercial and industrial waste arisings and the department has initiated a data flow project which collects data on municipal waste arisings. We would like to see that extended to the commercial and industrial sector because how can you monitor progress if you have got no idea what is out there?

Q342 Mr Luke: To go on to the issue of procurement, you highlight the potential for government procurement to contribute to the uptake and development of markets for secondary materials and you blame the DoE again for failing to champion this. What could the department have done differently and what would you like to see happen now?

Dr Maguire: This issue has been raised on multiple occasions now. We would like to see the department and other government departments getting their heads together on this. As far as we are aware there are no legislative barriers to doing this. It is simply a matter of policy commitment by government. The public sector here accounts for a huge amount of expenditure and the Central Procurement Directorate has a budget of about £1.7 billion. It could have an incredible role to play in increasing the demand and uptake of secondary materials and stabilising markets of waste streams such as paper. In the strategy there is a greening government initiative and leadership by example. We think that this is one thing that the department could have done relatively easily to champion this. Again, it just comes down to political will and policy commitment. We hope that this is one of the first things that happens in the next phase in the strategy.

Mr Woods: There are no barriers to including social, economic and environmental goals under best value for money practice. I understand that the Central Procurement Directorate is formulating guidance for departments on green or environmental procurement. The word “guidance” gives me some cause for concern. I would rather see a requirement placed upon departments to conform to a particular code of practice. Without that I cannot think why departments would prioritise this form of purchasing. If we are going to see this £1.7 billion spent responsibly, £1,000 for every man, woman and child in Northern Ireland is an awful lot of money and it does need to be a requirement on departments.

Q343 Mr Luke: You would advocate what we discussed this morning, the best practicable environmental option? Are you saying that is what they should be looking for in every case of procurement?

Dr Maguire: Yes, we would like to see that. For example, WRAP have a role to play here as well in looking at specifications of secondary materials because we need materials that are of high quality. They have carried out some work on this and an extension of their operations here would certainly go some way towards setting these quality standards for things like the use of construction and demolition waste in road-building. There is such a huge range of them. Once those specifications are there—and they are there to be used—there really is not any barrier in any public works contract to saying, “We want a certain percentage of material to be secondary materials”.

Q344 Chairman: I am going to ask you a political question and every time I ask a political question to my local Friends of the Earth group they tell me they are not political, or they spend three years telling me they are not political though the year before the general election they get very political. Obviously, the absence of an Assembly is having an impact on
the governance of Northern Ireland. Do you feel that in areas such as this the absence of an Assembly is a hindrance to progress?

**Mr Woods:** I will ask Cathy to comment, but just before I do I will just comment on whether it is a political question or not. We have always been quite open about our support for the institutions of the Good Friday Agreement in the fundamental belief that the Assembly is good for local democracy and accountability ultimately for our environment, so we have no problems with that one.

**Dr Maguire:** We did identify in our written submission that we think that most of the problems we have with waste management at the moment and with the strategy not delivering come down to several key reasons: the lack of adequate planning, unsuitable funding arrangements and the lack of accountability and transparency of decision-making within the Environment and Heritage Service and the department as a whole. I really do think that the lack of an Assembly Environment Committee that had that important monitoring and scrutiny role has meant that some of these decisions were questioned by the Waste Management Advisory Board, but that is an advisory board. In the absence of a committee to challenge some of these decisions things have happened that maybe should not have happened and things did not happen that maybe should have happened.

**Mr Woods:** May I add to that that I think there would be widespread support in the Assembly for the idea of an independent environmental protection agency, and that if we had an Assembly we would have an agency on its way and that would give us the transparency and accountability and performance and so on that we are looking for.

**Q345 Chairman:** We will try our hardest to fill that void in the hope that very soon the Assembly is up and running. Are there any questions that we have not asked you that you expected we would do?

**Mr Woods:** There are two issues I might raise. I am aware that EHS—and this is in the context of the great backlog of environmental legislation of EU directives, on which DoE has achieved a great deal over the last three years in catching up on that backlog—takes the view that the Environmental Policy Division has been very well resourced to bring forward this kind of legislation while EHS has not been resourced to deal with its implementation. EHS is having to deal with this great flood of legislation coming its way and is not able to deal with it. It strikes me that there are failures here at two levels. The first is that EHS really should have been able to anticipate the forthcoming legislation and that ignorance certainly could not be a defence in this case as the current Chief Executive of EHS should have been well aware of the huge backlog of transposition of EU directives as much of it accumulated during his tenure as head of EPD. I do not want just to focus on EHS here because I think it is a departmental failure to co-ordinate its own work. It was known that there was this enormous backlog of legislation and EPD was resourced accordingly but the department should have been assured at the highest level that EHS was sufficiently resourced and motivated to ensure the implementation and enforcement of all the new legislation. If there was a convincing case for EPD to be funded primarily because of the driver or threat of EU infringement proceedings and subsequent fines, precisely the same arguments apply on the enforcement side. I would much rather we did not find ourselves having to make endless complaints to the Commission for lack of enforcement now rather than for lack of transposition, but seems that because of this departmental failure that is the issue. If you become aware of that argument I wanted to make a point about it. Finally, we have talked a fair amount about an independent environmental protection agency. Friends of the Earth and my colleagues in the coalition have done a great deal of work on this. Richard Macrory did a report. We published last week public responses to this. We carried out a public consultation. We feel it is really the job of government to do this rather than ourselves but government was reluctant so we have done it. All were very keen that the committee should look at this issue in as much detail as it possibly can and I am sure you will as part of this particular report. We would be very grateful if you would give serious consideration to looking at the issue of environmental governance in Northern Ireland as a separate report for the future. I think this debate is going to run and run and we feel your input would be critical.

**Chairman:** We shall take that on board. My sincere hope is that the Assembly is up and running and that there will be no need for this committee to hold that future inquiry. The point is well made though and we shall certainly make note of it. On behalf of the committee can I thank you both for taking the time to be with us. It has been extremely useful to us in terms of balancing some of the comments that have been made by the department with some of the views of Friends of the Earth as to how we move forward. Thank you very much.
Wednesday 17 November 2004

Members present:

Mr Tony Clarke, in the Chair
Mr Adrian Bailey
Mr Roy Beggs
Mr Gregory Campbell
Mr Iain Luke
Mr Eddie McGrady
Mr Stephen Pound
The Reverend Martin Smyth

Witnesses:
Angela Smith, a Member of the House, Parliamentary Under-Secretary of State, Northern Ireland Office; and Stephen Aston, Environment and Heritage Service, and Noel Scott, Planning Service, Department of the Environment, examined.

Q346 Chairman: Minister, thank you for appearing before us. We are told there is a division at 4.01, so apologies that we may be messed about a bit. I did say to a Member earlier on, I shall not say who the Member was, “We’ve got a division at 4.01,” and they said, “Well, it’s only a minister; that’ll be fine.”

Angela Smith: I can talk very quickly, if that helps.

Chairman: No. When we have witnesses who come across from Northern Ireland, they often wonder what is happening when we disappear. You are very welcome. Before we start, Mr Beggs has a declaration.

Mr Beggs: Can I register an interest in a landfill site for inert waste.

Q347 Chairman: That is noted. Minister, if we can crack on with the evidence session. You are the final witness to appear before us and almost all of the other witnesses have pointed us towards what is perceived as a lack of leadership in respect of waste management matters. Some of that was pointed at the Assembly, when the Assembly was up and running, but of course some of it is directed towards the role of Government. In recent evidence, officials suggested that going beyond what is laid down in EU Directives could be seen as adding too much burden to the industries which seek to comply. What reassurance can you give us that the DoE is prepared to give a strong lead on waste management in Northern Ireland, given that recent evidence suggests the Department is unwilling to aim for anything other than basic compliance with European Directives?

Angela Smith: Thank you. Can I say, first of all, I welcome the opportunity to be in front of you today and I have been reading all the evidence that you took from my officials and others and the depth which you went into on the issue, so I understand where the criticisms come from. Perhaps I can offer some reassurance. I do think the Government has both a role and a responsibility to act as a leader in these regards, and with officials we have been discussing how best Government approaches that. I think it is three-fold. One is the development of strategy to ensure that we have got a strategic approach to dealing with waste, and that is something, as I know you are aware, on which work has been undertaken. There is an example the Government can set, and I will say something more about procurement and waste minimisation in a moment, but also there is a role, I think, of Government taking direct action ourselves. You mentioned not being willing to go beyond EU Directives. I am not sure that is the case, but it has been a challenge to ensure that we meet EU Directives and the transposition of Directives has been a challenge for Northern Ireland. I can say we have now implemented some 45 pieces of legislation, which has brought Northern Ireland up to date with the UK and our EU partners, so we have made considerable progress in that regard. Also I think there is a role for Government in regulatory reform, investment in financial support, which no doubt we will touch on during the course of this session, but also a very strong role in awareness and education. The Government has to take the lead because we are the only body that can do so. The Waste Management Plans that we have in process now do satisfy Europe, but also they are pretty sound building-blocks which we can build on in terms of policy and in terms of the targets that we need to meet and changes beyond that. The team we have dealing with this has grown significantly and shows a level of commitment from Government. I understand when the Waste Strategy and plans were first being undertaken we were talking about a team of around 15 and now we are talking about over 100 people in that same team, so I think that is a commitment of Government’s role as a leader. I am sure some Members here, particularly those from Northern Ireland, will be aware of the very strong messages through the environmental campaigns which we have undertaken, with well-known faces from programmes like ‘Give My Head Peace’, undertaken with a sense of humour, identifying what individuals can do and to minimise waste themselves and take on this role. That has been effective, and all the evidence we have is that, to the public, to business and the community as a whole, they have been effective. There are also the Government’s procurement forces. That, I think, presents us with both opportunities and challenges, about which no doubt we will say more. The Green Procurement Guide was adopted by us in September 2004. Again, that is a foundation for looking at procurement across Government as a whole, and that is one where certainly we can take a lead. What I think we need to do is monitor that very closely. It is no good issuing a guide and just hoping it is going to be implemented, so we need very strong monitoring.
of that. In September, that was introduced in conjunction with the Department of Finance and Personnel, monitoring the use of that and implementation over the next year. If that is not effective then I think we have to re-evaluate how we ensure that guidance is taken or do something more, but we are very conscious that Government can take a lead in procurement, and should do so.

Q348 Chairman: The industry itself and those involved in waste management still feel, however, that there is a general lack of strong leadership within Government. One of the comments which has been made to us is that if we really want the public to take on board the 'Wake up to Waste' campaign we could start by asking other departments in Government to wake up to waste, inasmuch as they are not making it easy for us to reach our targets and for us to reach our goals. Would you say that is fair criticism?

Angela Smith: The Departments are involved. We now have the Action Plan and that sets out how we can reduce waste, but also we are asking other departments to publish in their annual reports how they are reducing waste and that is undertaken by the Permanent Secretaries Group. I think the support that we have got at that level of Government, with the Permanent Secretaries, does show a sense of leadership that is coming through. Perhaps we have been a bit slower than we could have been, but I do think that awareness is there. The steering group which monitors that and undertakes that work is represented by all the major stakeholders in Government, so I think that is a positive step we have taken to address those concerns. I understand the concerns, but I hope the role that we are taking and how robust we have been in our expectations of Government will lead towards perhaps a better understanding of what we are doing and try to get action on our part as well.

Q349 Mr McGrady: Good afternoon, Minister. In your response you did touch upon the 'green procurement' activity in Northern Ireland, and certainly there is some encouragement from what is happening there but, I am sure you would agree, it is much slower than the strategy provided for. In view of the fact that the guidance documents in respect of green procurement encourage the contracting authorities to consider the matter, is not that a very weak approach and should not a much stronger Directive, in terms of responsibility for procuring goods recycling, be applied?

Angela Smith: I think that will become evident in the course of the monitoring. That is why I mentioned in my previous answer that I think we do need to ensure that, along with the Department of Finance and Personnel, we monitor properly the guidance and how it is implemented. Certainly I think if we are not satisfied that it is implemented to the level that we would expect, the results we would expect, we would have to reconsider that. It does present challenges. I think the issue we do have to look at is a cultural change across departments. We have seen already the use of, for example, recycled paper for photocopying. That is excellent and I am not decrying it in any way, but we need to up our game a little bit and look at far more strategic and major Government procurement issues. I think the guidance is a very good step forward in that direction. The monitoring will show how effective that is, and it has been in place only since September. If we are not satisfied then we need to look at alternative measures to make this more effective.

Q350 Mr McGrady: If you did a short-term review, would you consider that procurement policy is not really welcome, it is not trans-departmental, for instance? This is actually to assist the creation of the recycling markets. Would you consider introducing a code of conduct for departments and others to follow?

Angela Smith: Certainly, if it did not work, we would need to look at making it more effective, and that would be one way of doing it. We have an environmental management system in place. I would expect to look for a year. I think a year would be a good time to see if it was being effective, with obviously interim monitoring along that line in the meantime. As I say, if it does not we have to do more, certainly.

Q351 Mr McGrady: You did mention a year, and that has anticipated my next question. You have the aim of producing a revised strategy by the end of next year. Does that again not give a wrong signal, of not having urgency about the matter and sort of letting people sit back a wee bit instead of driving it forward in a very dynamic way?

Angela Smith: I hope it does not, and if that is the case it is something we need to ensure that we get the message across, that we are not sitting back and waiting to see what happens, we are being very proactive across the strategy. If you look at the work which has been undertaken by the Department to ensure awareness of the strategy and compliance, implementation. I think the message would get across that we are not just sitting back and waiting. I think, in terms of monitoring, you have to give a reasonable time to be able to judge effectiveness. It is not a case of sitting and waiting in that process.

Mr McGrady: There is also a great sense of urgency in prioritising the thrust of the inter-departmental activity, particularly creating new markets for recycling. Thank you, Minister.

Q352 Reverend Smyth: I think that our concerns about timing reflect what we have heard about the problem with this planning system, and of course about uncertainties around finance and procurement. On planning, of course, we were given some limited reassurance from officials, but surely the fact remains that the delays in deciding planning applications are impacting upon the objective of the waste management procedures, and they are considerable. Can you give us any assurances that planning applications will be treated in a timely fashion whilst, at the same time, respecting local opinions?
Angela Smith: Yes, I think I can give some assurances. I know there has been concern about delays and the length of time which some planning applications have taken. Part of that has been, I was looking it up earlier, particularly on some of the landfill sites, some of those delays were due to not wanting to undertake a planning application and make a decision on that in isolation but as part of a strategic overview. We had to look at the Waste Management Strategy coming into force and the Waste Management Plans, and of course the Landfill Directive meant that some of those plans previously had to be amended to take account of the Landfill Directive. There have been indications and problems with that and I think we can correct those. I think there are things we are doing now which will help in that regard. Certainly we need to provide assistance to applicants when they are making applications. One of the problems has been that the quality of some applications has meant it has been difficult for the consultees to make an assessment and that has drawn out the process. We are now preparing checklists of requirements for the applicants, so when they make an application they can have a quick guide of the kinds of things they need to ensure they have available for us. We have advice on the website which will help those making applications to speed them up more quickly, and encourage those applicants who are putting something forward to seek screening pre-application help and advice before they have an environmental impact assessment. There is a whole range of procedures I think we can operate to be more proactive and assist applicants. There can be contradictions too. I was at a meeting recently with an MEP who brought with him a delegation on an issue where a company had not had a decision on an application, in this case it was a company which deals with waste from meat processing.

Chairman: We are caught by a division. My suggestion is that we suspend for 15 minutes or five minutes after the last vote.

The Committee suspended from 4.01 pm to 4.25 pm for a division in the House.

Q353 Chairman: Contrary to reports of up to 20 votes, we had one. Before we were interrupted, Reverend Martin Smyth had asked a question and, Minister, you were talking about a delegation you had received from an MEP?

Angela Smith: I was, indeed. The reason I was mentioning this was really just to highlight some of the difficulties we face as a Department in terms of enforcement. In this particular case, an MEP brought a delegation to see me and the issue was around the planning application for a facility which dealt with the waste products and by-products of meat production and there was some concern that there was a delay on the part of the Department in processing this. That is not the case. Actually we are waiting for the appropriate environmental statement from the applicants, but because of the delay on that, my Department had to talk to the meat producers to explain the difficulties to them and that if they continued to use the facility they would be acting illegally. It was appropriate that we did so because obviously we need to ensure that any waste facility acts legally. In the course of the delegation, the MEP suggested that we had threatened these people and no enforcement action should be taken. Obviously, what the Department is trying to do is ensure that we keep within the regulations, that we act appropriately and give appropriate advice. Of course, that causes contradictions when there is a capacity need for a particular facility and somebody sees the Department being heavy-handed, or there is a perception of our being heavy-handed. I just raise that to show the difficulties the Department has in that regard, in ensuring that we do the right thing, to ensure that the legislation which is in place is enforced, but it causes some difficulties as well.

Q354 Reverend Smyth: You did say, if I remember correctly, that one of the difficulties was improperly filled in applications, because we understand that there have been very few applications for non-landfill sites. I wonder, is that the cause of the problem of planning permission not being forthcoming?

Angela Smith: I am seeking some enlightenment on this, Mr Chairman. Yes, there have been very few new applications. I am not sure entirely as to the reason why, but, if we look across the number of applications we have had in on planning and the pressures on planning, there is a problem, I think, when people do not recognise the information they need to supply. The measures I have outlined already, that is why we are taking those measures, to ensure that we help the applicant and assist the applicant in making a good application. That does not mean there is a fast track and an automatic right to have that application accepted. What it does ensure is that it is a good application on which our consultees can then give a response as quickly as possible.

Mr Beggs: Could it be that the scale of project which is required to meet the criteria which have been established is limiting the number of applications for landfill sites in Northern Ireland?

Chairman: Are you talking about disillusionment from applicants, their feelings about the scale of the task?

Mr Beggs: There is an impression, Chairman, that the Department wants to limit the number of landfill sites with a municipal base and, as a consequence, they are expecting monster-size applications.

Q355 Chairman: I do not know if you are able to give an answer to that, Minister; if not, perhaps a note would do?

Angela Smith: I do not know if it will be an answer which satisfies Mr Beggs but I will do my best. In a sense, the strategy outlines the number of sites; that is laid down in the strategy. The criterion has to be that a site would need to be economically viable and also sustainable. Within the boundaries of the selection criteria we will do our best. It would be very difficult for me to say why somebody did not make
an application and I accept there have been delays, but I hope that the measures I have outlined show how seriously we are taking that to address those issues.

**Chairman:** I do know there is concern and concern has been expressed to us at the small number of applications for non-landfill treatment capacity. That is something that I know others have raised with us.

**Q356 Mr Pound:** Professor Boyd told us, in previous evidence, of a case which had been outstanding for eight and a half years, and Noel Scott, on 26 October, actually if I may speak through you to the Minister. What concerns me overwhelmingly is the impact on ARC21 Grouping of the closure of Dargan Road. The five-year window close, I think, is for May 2005. That means that we have got to have a new, major landfill site to replace Dargan Road for the whole of the Greater Belfast and Eastern Region. What concerns me is that if the EA is taking 12 months to grant planning permissions in GB what will the Environment and Heritage Department be able to do within that timescale, which seems to me to be shrinking by the minute? To try to put it together, Minister, do you honestly feel that the present planning process is sufficiently robust and responsive to enable planning permission to be given in order for there to be an alternative to Dargan Road at the time of closure?

**Angela Smith:** Yes, I think the planning process measures which are in place now do address that. The applications which Mr Scott mentioned to you previously and I think you have been aware of, the ones which have been in Belfast Hills, the Greater Belfast area, I think I may have said earlier that there were very special reasons for delay in those. We had to operate within a strategy, and at the time when those applications were coming in, particularly Cottonmount, there was not a strategy in place. So the context of those did mean they were delayed significantly. I am now expecting those to be with me very soon, within a matter of weeks, so a decision will be taken, and we imagine, with a post-plan decision, they could be up and running with a waste management licence or IPPC permit from EHS within six to nine months. I think things are progressing, but we take on board the criticism there has been, but I think that was partly outside our control, but we did need to have a strategy to operate in a proper strategic context in order to give planning permission.

**Q357 Mr Pound:** What concerns me, Chairman, is that the Sub-Committee was greatly exercised by the fact of the amount of solid waste disposal which has been sent to Scotland. Putting ourselves in the mind of a commercial developer, facing this delay in the grant of a planning permission and the confusion over the PPCs, I am just wondering how a developer would be expected to meet the needs on a commercial basis within this particular context. Are you convinced, Minister, that we are now in a different environment and that were I a potential landfill developer I would be sufficiently reassured by what you have just told me to invest a great deal of money without an overbearing amount of risk?

**Angela Smith:** I do my very best to reassure you.

**Q358 Mr Pound:** You would always reassure me personally, obviously, but imagine I am a real person?

**Angela Smith:** I would never suggest you were anything other. I think the changes I have outlined and how we are operating would give that reassurance. My expectation would be, for any new application that came in, now that we have the strategic context to work in, we would be talking around 12 months or so. Of course, we have the Strategic Investment Board looking at these issues as well, in terms of the financing of them. I think now there is the issue that we can move forward much more quickly, but it will come down to the quality of application and I do think we can assist applicants in that with the measures we have in place.

**Q359 Mr Pound:** The Environment and Heritage Department, to my knowledge, have not issued a single permit yet. Is that correct? Have there been any permits issued?

**Angela Smith:** I will defer to Mr Aston on that.

**Mr Aston:** There are a number of applications for permits. I am not sure of the exact number which have been processed. I will have to supply the Committee with that information. There have been very few applications made and your reference earlier in the question was, even with planning permission, how long will it take to get a permit, because our sister agency, the Environment Agency in England and Wales, is taking a considerable period of time to complete permit determinations.

**Q360 Mr Pound:** It is about 12 months, I think?

**Mr Aston:** We think we will beat that by at least three months.

**Q361 Reverend Smyth:** Can I take it that you will be dealing with the applicants, but what is being done to reassure people who may have concerns, particularly with forthcoming applications for even more contentious developments, so that they may be reassured that is not going to have an impact adversely either upon their health or their community?

**Angela Smith:** That is a very difficult one and we have tried at all stages, I think. In the evidence you have taken prior to now we have been congratulated on the steps that the Department has taken to ensure public engagement. I will just check the amounts. Something like £2.3 million has been spent on public awareness programmes and a further £500,000, half a million, on school education programmes. In terms of engaging with the public, we have tried to do this extensively. I think there is a difficulty that sometimes people do not engage necessarily on a strategic level, but when something comes down to what is happening on their doorstep then they have very great concerns about it. Currently I have a case
of an asbestos facility where EHS and the Health and Safety Executive are advising that this is safe, that it is the appropriate place for asbestos, for appropriate storage, but the proposal is a real concern in the local community. It does not matter whether or not that is based on scientific fact, the fact remains that people remain concerned, so there are issues around that. What we do have is the Northern Ireland-wide system of the BPEO, the best practicable environmental option, which Members had some discussions about previously, and I think that does address the situation. That is being reviewed currently as well, but we are very much aware of the need to engage the public. I think, at a strategic level as well as individual application level.

**Q362 Reverend Smyth:** What volume, or capacity, is considered to be needed for a sustainable landfill site? Is there any standard that you have?

**Mr Aston:** There is no written standard that I am aware of but the ARC 21 Plan indicates a threshold of around three million cubic metres for a regional scale facility. I think the comparisons which are made are on a geographic basis and also there is a Northern Ireland Landfill Allowance Scheme, which sets our targets. There is a trading scheme in the rest of the UK, a direct allowance scheme to ensure compliance, but that is only part of the capacity calculation, because there are other wastes to be considered as well.

**Angela Smith:** We are aware of the responsibility, which we take extremely seriously. Members may be aware of the ’Duty of Care’ road shows which were undertaken with producers and the response we had from businesses. I attended one of the road shows and spoke with some of those who attended, and that was extremely well received because we had been proactive in going out to businesses, to members of the public and providing information, I think it would be remiss if we sat back and waited for them to come to us. We have been extremely proactive in that regard.

**Q363 Reverend Smyth:** You are obviously aware that the Planning Service has a role in this whole business, and recently, Minister, you had to pull people from one section to deal with backlogs in another. Would you accept that the Planning Service is in somewhat of a crisis at the moment and may have an adverse impact upon the development of waste management?

**Angela Smith:** No, but I would accept that there could have been a crisis if action had not been taken. I think it was appropriate that we took people off work in Area Plans temporarily to ensure that we got decisions made more quickly. The increase in the number of planning applications has been very dramatic and I think what people want for planning applications is fast and quick decisions. The reallocation of staff has been to address that. I would not accept there is a crisis. I would accept that the Planning Service is under enormous pressure and I think largely the pressure is to get quick decisions for people, but we are recruiting additional staff. Obviously when you first recruit additional staff they have not got the expertise which is required, but in recruiting additional staff, having a temporary shift of staff responsibilities, I think we are addressing that to ensure we do not have a crisis.

**Q364 Chairman:** Minister, one of our concerns, not just in respect of this inquiry but in a previous inquiry which looked at social housing, was that quite a lot of the frustration felt by those that work within the planning area is that the Department is slow in issuing planning guidance. I think, in respect of our inquiry into social housing. One of the frustrations felt by many of those that have given evidence is that the Department is very slow at issuing planning guidance. In social housing we refer to PPS12 and a two- or three-year delay in that guidance. I think, in respect of waste management, that we have PPP11, which is due. When you have moved people round from one part of the Planning Service to deal with applications, the people you move around to deal with those applications probably will be the people who should be preparing and issuing the guidance. Is there not a risk that, in trying to shore up one part of the Department, you add to the frustrations and delays in respect of the Department’s own work?

**Angela Smith:** The staff that have been moved have come off work in the Area Plans. As far as I am aware, we have not moved staff off PPS11, which was published in December 2002. We do need to ensure that while the new staff are being trained we have a temporary measure in place, so it is a temporary process but it does not address that particular PPS that you are interested in, but it does have an impact on the Area Plans.

**Q365 Chairman:** Just for clarity, before I move on to Mr Bailey, I think what we were gleaning from the questions that were raised by several Members, because there is some confusion, is whether or not it is acceptable for the Department to be seen to limit landfill applications at a time when there are so few applications coming forward for alternatives. Also, those that want to put forward landfill applications feel as if they have to put them on such a large scale in order to be accepted under the current procedures, and yet when there are no alternatives coming forward, or alternatives are slow to come forward, we could find ourselves in a situation where waste, as well as being shipped to Scotland, is not able to be dealt with within Ireland, within the island of Ireland and Northern Ireland?

**Angela Smith:** I think, working within the strategy, we are well aware of the need to develop alternatives. That is not something we are blind to as a Department at all, but also we have to ensure adequate landfill in the interim period. In terms of the recycling and reduction programme, we are pushing hard on that, but there may also have to be other strategic considerations made if that is to be successful.

**Q366 Mr Bailey:** I want to cover the financing of the strategy. I suppose there are three broad issues. First, there seems to be confusion about the level of
funding that will be required over the next five or 10 years in total. Then, within that, I think there is also confusion over how much of this funding will actually come from the capital pot or from PFI/PPP or joint ventures. Lastly, what is the role of the local authorities, given the fact that 50% of local authorities' budgets at the moment are devoted to waste management? Is there an expectation from the Government that the level of rates will have to rise to deal with, in effect, their obligations under the strategy?

Angela Smith: I always like to assist Members if they are confused, Mr Chairman. I will do my best. I think the guidelines I would use are those from the Strategic Investment Board, and the figure they have given us for the infrastructure bid over the next three years is £268 million, and that is the figure on which we would operate. How that will be allocated, as to capital or PFI/PPP, that is not something we can give you a decision on today, that is something we need to address, we need to work on, fairly quickly, in terms of having the right structure and infrastructure in place. In terms of the role of local authorities, I think it is worth bearing in mind that we are talking about 50% of Northern Ireland's local authority rates are dedicated to delivering this function. Local authorities in Northern Ireland are considerably smaller than those in England. They do not have the same functions, as you will be aware, so 50% is not the same as 50% in England or in Wales. From my discussions with local councillors, they are very much aware of this issue, they are very focused on the issue of waste. Currently, we provide around £10 million a year to District Councils, which is going through to 2006, so there is funding on stream that we are committed to, but, of course, decisions have to be taken in light of the report from the SIB of how we fund it and how we progress with the infrastructural issues. I would be reluctant at this stage to look at increasing the rates, because we have to address the funding issue but if you look at what is happening in Northern Ireland, with the Review of Public Administration particularly and the introduction of water charges, there are considerable pressures being placed on householders. I am not sure that is the road that we would consider going down at this stage but we will have to look at the options of how to fund.

Q367 Mr Bailey: Can we talk about the Strategic Investment Board. First of all, how long do you think it will take to procure the facilities which you have outlined will cost £268 million? Do you think perhaps local authorities should be given powers to borrow to enable them to procure that infrastructure?

Angela Smith: I am not convinced at this stage that local authorities would want that power, because I think we need to look at a more strategic Northern Ireland solution, not just in terms of local authorities, and the local authorities I have spoken to feel it is a big responsibility for one local authority. The Review of Public Administration is going to be looking at the structure of local government; that will have an impact there as well.

In terms of timescales, I think, until we have had an opportunity to assess in some detail the SIB report, it is a little bit difficult to say, but I will come back to you on that.

Q368 Mr Bailey: How do you envisage the infrastructure for commercial and industrial wastes will be funded in future? Is it not the case that much of the non-landfill infrastructure is beyond the capacity of business to finance in its own right?

Angela Smith: That I think is where the consideration of the SIB report becomes absolutely crucial, and, again, sorry to be unhelpful but until we have had an opportunity to consider in further detail the SIB report it is a bit hasty to rush to judgment at this stage. As I say, I will come back to the Committee on that one.

Q369 Chairman: Minister, can I touch on the question of waste reduction, rather than waste management. Officials have suggested that there needs to be more focus on waste reduction. What consideration has been given to the introduction of schemes such as variable charging of households, taxes on plastic bags, because obviously, particularly that latter one, taxes on plastic bags, is something which has been introduced south of the border? Has there been any consideration of those measures?

Angela Smith: We have considered them and I think they are still options that remain open for consideration. The plastic bag levy has been very successful in the Republic of Ireland, but possibly for different reasons in terms of the waste stream. If you look at the waste stream, it is 0.2% of municipal solid waste. In terms of litter and also creating public awareness about waste, I think it is quite important, and it has been successful. What we have been looking at is, in terms of that area, working with some of the larger supermarkets. For example, I was very grateful to Sainsbury's for their very large bag they gave me, the 'bag for life' I think they were calling it at the time, and therefore launched a campaign for them on that issue. There is a counter-argument about driving producers towards biodegradable bags, that it increases the problems of biodegradable waste diversion, so we need to look at all the implications, but that is something which will always be under active consideration. Also, in terms of the variable charging you mentioned, in terms of kerbside schemes, Belfast Council have been very good at looking at ways of changing behaviour on that. I think the role of looking to incentives and finding ways to incentivise those who wish to recycle and reduce perhaps will be preferable than charging, and that is again something I would want to consider. It would need legislation, of course.

Q370 Chairman: We are taking the stick or carrot issue forward, in terms of trying to give incentive. One of the sticks, one of the disincentives, is plans to increase the landfill tax by £3 per tonne per annum, each and every annum. It is one of the reasons why local authorities have suggested to us that rates may have to increase, if the landfill tax is to be increased
at such a level year on year, up to, we are told, a level of £35 a tonne. Has any thought been given as to whether or not that will have an effect on waste reduction in local authorities’ responses to waste reduction? It certainly focuses the mind if you know that your expenditure is going to increase so sharply and the only way you can make up that shortfall is to increase the rates.

**Angela Smith:** You are absolutely right, it does focus the mind. We have looked at things like tax breaks, but of course that is a matter outside devolved administration, that is a matter for the Treasury, but that is something which could be considered in that regard. One of the things we looked at also was grant aid for the NGOs, and I know you have had evidence from Advice and Health on the work they are doing, and obviously they have very strong support from us. I think there is more we can do, working with them to realise their potential in this regard as well.

Q371 **Mr Luke:** Have we taken evidence and heard of the ‘Wake up to Waste’ campaign and we are pleased that has raised the profile of waste issues in Northern Ireland. Would you not agree, however, that, for households, changes in behaviour presumes the availability of options to do so? Do you think that local authorities have been sufficiently proactive in seeking to enhance their recycling and composting systems?

**Angela Smith:** I think there are mixed results from that, but certainly, if you look at some of the work done by Belfast City Council which we have financed on technology, on having microchipped bins, in terms of waste disposal, yes, I think there is an awful lot done which is very good. Northern Ireland was starting from a very low base and we have had to play catch-up. I was checking the figures. The targets we have set ourselves for household waste recycling are 25% by 2005 and 40% by 2010. Back in 2000 it was at only 6%. That has risen, to 12% last year and we expect to see an increase this year. There has been quite a move towards increasing recycling and I think the publicity campaigns and, awareness campaigns which we have run have helped towards that and I have visited some of the facilities. One of the things which encouraged me, one of the Bryson House facilities I visited, was the involvement of any of them will face any fines at all. That comes to my next question. As a ... were very Northern Ireland. Whilst accepting that we would be impressed. all like to be in the position where the Assembly is not able to provide the answer today, to do so in writing, to incur if they fail to reach targets a sufficient incentive?

Q373 **Mr Beggs:** Will not the penalties which may be imposed on local authorities for failing to reach targets be a sufficient incentive, rather than have what is perceived to be further stealth taxing by increasing landfill tax?

**Angela Smith:** The landfill tax escalator is something in legislation now and that will go ahead. I think there is a stick and carrot approach. We want to work with local authorities, we are making money available to local authorities and my discussions with local councils have been about how positive they have been in wanting to increase the amount they recycle. I am not aware of a problem of local councils not wanting to engage in this at all.

**Mr Beggs:** Are not the penalties which they may incur if they fail to reach targets a sufficient incentive?

Q374 **Chairman:** That is not a stick or carrot, is it, probably it is both, I should imagine?

**Angela Smith:** A decision is made about how far we want to take this. I think it is extremely important that actually we reduce the amount of waste going to landfill and local authorities themselves have agreed plans for landfill diversion. From the local authority plans that we have seen, there is no indication that any of them will face any fines at all. That comes back to the point I am making, that the response from local authorities has been extremely positive. We have no indication from current levels that any of them will face fines.

Q375 **Chairman:** Can I say that one of the frustrations of the Committee is often to find that legislation which is introduced in England and Wales is not usually extended quickly enough in Northern Ireland. Whilst accepting that we would all like to be in the position where the Assembly is keeping more of a close eye on and taking more of a role in such matters, can I ask you, if you are not able to provide the answer today, to do so in writing, to take up a point which was made by Mr Luke, as to whether or not the 2003 Household Waste Recycling Act, which makes it a requirement for local authorities to collect two items by 2010 by kerbside
collection, will be extended to Northern Ireland? That in itself, I think, will focus minds towards recycling as a way of reducing landfill.

**Angela Smith:** Certainly I will come back to you on that. Local authorities have responded very positively. I think there may be some issue about putting extra functions on local authorities during the process of the Review of Public Administration, and so it may be something to be looked at in that context. Certainly we will consider it and come back to you.

**Q376 Mr Luke:** Moving from recycling to illegal dumping, we have had evidence which highlighted the major problem of the illegal dumping of waste from outside Northern Ireland. We were encouraged to pursue putting extra functions on local authorities during the process of the Review of Public Administration, and so it may be something to be looked at in that context. Certainly we will consider it and come back to you.

**Angela Smith:** As you are probably aware, I have met on two occasions with the previous Minister for the Environment in the Republic and I am seeing the new Minister in the next couple of weeks again, and this is the major item on the agenda to discuss. One of the things I think we need to provide to our Finance Department is an assessment of how effective the new money from the Republic has been and how we can deal with that as well. I think we have been extremely proactive on this issue. It is a very serious matter. We have made a considerable play of the prosecution cases the Department is taking and I do not think that really they have been given the credit they deserve for the work which is ongoing and getting prosecutions together. I noticed in the evidence from Friends of the Earth the comment was taken up that the Department is not an emergency service, that somehow we were not doing anything about illegal dumping. We are not an emergency service, but in terms of gaining information and trying to stop illegal dumping the work of the enforcement team has been really very impressive, and I put that on record and pay tribute to them. In terms of funding, yes, we are putting in additional money, for staff, systems and equipment, to back up the work which is being undertaken at present. Probably it is not for me to say how confident I am, you might want to get one of my colleagues along and put the same point to him, but can I say that, whatever the outcome of the financial side, we will continue to pursue this with the utmost vigour. There is a conference at the moment ongoing in Portlaoise on enforcement between the two agencies, the work between the police, North and South, the enforcement agencies and departments. I think we have seen a degree of co-operation which really has been second to none. We may well need to put new legislation in place to deal with this. I am not convinced that the existing legislation is addressing the problem adequately, and I have said that if we fail to get the results that we need through existing legislation then we will need to take new legislation.

**Q377 Mr Luke:** That brings us on to the next question I was going to ask you. In some of the evidence we have had, people have identified that there might be a need for legislation to tackle the problems that you are facing, in order to enforce this illegal dumping across the border. One example which was raised with us was new powers to seize lorries. What assessment has been made of the changes that are needed, and have you any proposals to bring forward revised legislation and how quickly could that be done?

**Angela Smith:** The issue of how quickly it could be done really would depend on whether legislation had to go through Order in Council in Westminster or be done by a devolved administration, so it is pretty difficult to answer that one. In terms of the assessment, one of the things I was looking to do was, when we have the enforcement action being taken, to see what the response of the courts was. We did not want to be taking new legislation if the existing powers we had when they got to court were adequate. I have been a little disappointed in recent prosecution cases we have had, in particular I refer to a case which went to appeal. In October 2003, Armagh Magistrates fined a local company £8,000 for polluting discharge to a waterway: they appealed against the fine on the basis that the money had not been spent on upgrading the premises and the result was a conditional discharge with no fine. I find that extremely disappointing. More recent cases: September 2004, there was a £5,000 fine under Duty of Care Regulations for disposal of waste on an unlicensed site in a manner likely to cause harm to the environment. In March 2004, there was a £9,500 fine for the burying of waste on an illegal landfill site. These are, I think, good examples of legislation working. I think one of the issues we have to deal with now is we need to look at the seizure of vehicles and how we operate with that, because if we can take away the vehicles from those who are bringing in the illegal waste that will have a big input, and that is something we are actively progressing and looking at, at present.

**Q378 Mr McGrady:** Minister, I would like to return to the area of questions regarding market development, and during the course of this inquiry we have had very varied views expressed to us as to the importance of market development for recyclables. What is the Department’s policy in respect of the provision of markets, as long as the material is collected or of an adequate quality? Secondly, do you see a viable economic market being created for recycling within Northern Ireland, or indeed within the island of Ireland, or what is the departmental sort of analysis of where we are going with this, in terms of future policy?
**Angela Smith:** It is difficult for Northern Ireland. We are relatively small and the geographic location, the fact that we have a geographic separation from the rest of the UK does make looking for markets and market development more difficult. Having said that, I think we have greatly appreciated our involvement with WRAP, the Waste Resources Action Programme, and they have helped us access research and undertake work, and funding and investment schemes in excess of £40 million by working with WRAP which I think has greatly assisted us. I think the potential there is that they can do a lot of work with Northern Ireland to help develop regional markets, which would be of enormous benefit. There have also been the individual funds, which you will be aware of, the Waste Management Industry Fund, which we have put a million pounds into, again helping to develop markets. That probably has not been as successful as we would have liked. I think WRAP has been more successful and we see greater potential with WRAP. I think the focus for us has to be on leveraging in funds to help with market development. I do not know if, when you were over, you visited it, but there is a glass recycling facility, a venture linking S.F.L. Krystalline Glass and Kosmos Recycling.

Q379 Chairman: No, we did not.  
**Angela Smith:** They are taking waste glass, they are collecting that without it being sorted and producing road markings with it. That again is a local market being produced and examples like that I think are a lesson to us. There is a lot of work to be done. I would recommend WRAP, and the work we have done with them I think has been the most successful of routes.

Q380 Mr McGrady: Would you subscribe to the argument made by many that the lack of market development is a major obstacle to the expansion of the recycling process?  
**Angela Smith:** It is difficult, I accept that, but I am not sure that there is a lack of market development. The work is ongoing on that, but it is difficult in Northern Ireland. Market development across the whole of the UK will be the key to ensuring that we find markets for recyclables, and the more markets we can find the better our ability will be to recycle. In that sense, yes, I would agree, but I think we are making some progress.

Q381 Mr McGrady: It has been pointed out to us, I think, Minister, that for certain materials, such as aggregates and composts, a combination of one product specification and the green procurement policy pursued vigorously should be sufficient to ensure an adequate market demand for the resultant quality materials?  
**Angela Smith:** I think it will improve market demand. Whether it would be entirely adequate I think would be difficult to judge. Certainly it would improve, and that is one of the reasons why I think we have to have this review of our monitoring of green procurement within Government at the end of perhaps interim measures, and by September next year see if there is more we can do, there is more we need to do. That certainly was in our mind when we were looking at green procurement within Government. Also, of course, the Republic of Ireland has similar problems, in terms of small markets, and there is work ongoing into operation with the Republic as well, which I think will assist us. It is a challenge. As I say, there are challenges and opportunities in life, and this presents both.

Q382 Mr Pound: I am sorry, Minister, I am still musing over the prospect of using broken glass as a road marker.  
**Angela Smith:** You are welcome to come and see.

Q383 Mr Pound: I have never refused an invitation yet. Minister, can I just say that many of the people I have spoken to in this area do seem to be confused about the implementation of the strategy. There does seem to be a widespread support for the strategy, particularly if we think we were told that a key component of this was the establishment of three Area Waste Management Plans. Now we are told that there will be an integration into one Regional Plan. Earlier on, you talked about the BPEO assessments being undertaken locally and now we are talking about an overall BPEO assessment framework. While you have got this move towards centralisation, on the one hand, you are also, quite rightly, as you are this afternoon, talking about the significance of local planning-making and local decision-making and local consultation. There does seem to be a difficulty in expressing the clarity of the implementation of the strategy. I wonder if you could give us perhaps a brief idiot’s guide, for my benefit, if not for anybody else’s, to who does what, when, where and in what order?  
**Angela Smith:** That would be one probably in some detail I can write to the honourable gentleman about. I will write with more detail, but in general terms do not underestimate at all how important it was and how difficult it was, in some ways, to get the three Waste Management Plans and 26 local authorities working together to achieve that was a major achievement and I commend them for that. In terms of some of the bigger strategic issues, it is quite clear that we are going to need an overarching Northern Ireland Plan, and one plan would certainly be preferable. I think we will need to look, and again the Review of Public Administration will play a role in this, at what the roles of local authorities will be. I suspect, at the end of the day, we will need to see one plan, in terms of the strategic development, but there will be a role perhaps for local councils to undertake, maybe in terms of recycling, in the collection of waste, but I am not sure we are at the stage yet to get one plan, much as we would like one.

Q384 Chairman: It is a very difficult area, is it not, because we have gone from 26 to three? Some people have said one plan but others have said that perhaps there needs to be an island of Ireland plan?  
**Angela Smith:** There has to be co-operation, certainly, and that is a major political issue which neither you nor I am able to resolve at this meeting
today, the co-operation between North and South is very good. I have visited a facility for glass and recyclables in Dundalk, there is the all-Ireland fridge contract in terms of disposal of fridges, so there is a lot of work that we can co-operate on, and it is important that we do. The challenge in producing three plans for Northern Ireland was great and that was achieved, so I have no doubt that Northern Ireland can meet the challenges of having a strategic overview of one plan at the appropriate time.

**Angela Smith:** There has been an emphasis on domestic but I do not think it has been to the exclusion of looking at other waste streams. Certainly the Duty of Care road shows that I mentioned earlier on and the response we had, we contacted directly over 30,000 companies and Northern Ireland perhaps has the proliferation more so than England of small and medium-size enterprises, and the response we had from those in engaging with us on the Duty of Care Regulations was impressive. I understand the point you make saying there is criticism, but that perhaps would imply that we had not done anything, which I think would be unfair criticism. Also NetRegs, I do not know if Members are aware of the NetRegs initiative, which is web-based, hence the Net, in terms of environmental regulation. That is something which small and medium-size businesses can access very easily to get information and advice. I launched that with the Federation of Small Businesses just a few months ago and they were very impressed with that and the take-up has been excellent. The response from both of those shows that we are engaging with businesses. Some work on agricultural waste is ongoing, which again is important, and the Draft Agricultural Waste Regulations are being prepared. Also, I think, new technologies in farming and business do create new opportunities and challenges for us. Intensive farming brings with it challenges in terms of building, and we have been working with the construction industry in terms of using and disposing of material on site as well. It would be unfair to say that no work has been ongoing but it would be fair to say there has been a concentration on domestic.

**Q387 Reverend Smyth:** Several respondents have been pressing in their evidence to us that there ought to be an environment agency. I am aware that actually this was proposed many years ago and I have never yet discovered why it has never been implemented. I wonder whether you, as Minister, would have any concern at the moment, because even those who are advocating it from the Waste Management Advisory Board report, they strongly recommend such. What is the possibility of it being set up?

**Angela Smith:** I met with the coalition pressing for this very recently, in the last few weeks, and Members will be aware of the MacCorry Report which looked at this issue. I thought his report was particularly interesting. If I recall correctly, I think he gave four options, of having an independent, I think you were talking about an independent, environment protection agency, and with these four options he had merits for all four and also disbenefits for all four. He did not really conclude, I think, in the text, which would be preferable, though he had a preferred option. I think there should be discussion. That is the way to proceed. I have to be mindful of the political situation and, I am currently a Direct Rule Minister, whether that is a matter that a devolved administration should properly consider. I am reluctant to take action which would tie the
hands of a devolved administration or devolved minister. One of the things they were asking for was a review of the current processes and procedures. They have met with my officials to discuss how that could best be progressed and if it is appropriate. I have discussed that with ministerial colleagues. I think I can say, from my point of view, that I am actually quite sympathetic to the idea of an independent environment protection agency. I think it needs some further debate and thought for progressing on that way. It seems to me though that the essential question is not one of what the politics of it are or the perception but what delivers the best outcomes, how to deliver the best outcomes in terms of environmental protection for Northern Ireland, and that should be the driving force for any of the discussions on this. I am quite attracted to having a discussion and review but whether that is appropriate in the current political context I need to discuss with colleagues, so I have not reached a conclusion on that yet. Certainly I think the way that the debate has been opened by the Macrory Report is excellent.

**Q388 Reverend Smyth:** In the recent consultation, 75% of those who responded were very much positively for it, and when we talk about consulting people sometimes we might be wise to heed them and work accordingly. Would you agree that at times the departments have been the greatest polluters of all? This is one reason why Strangford and all the people have been asking for an agency that can oversee departments as well.

**Angela Smith:** I understand the point my honourable friend is making and, if we look at the issues of the departments being polluters, I think the issue raised there would be one of Crown immunity, and that has been an issue around the Water Service. Under the new arrangements Crown immunity will be lost anyway, so departments will be subject to the same legislation as anybody else. I do think there is a proper discussion to be had on this in Northern Ireland. The report referred to, Mr Smyth, is, in fact, the one I have mentioned, the Macrory Report and the consultation on the Macrory Report. If you look at those who responded to it, it was a very wide consultation. The Department would be unable to enact legislation on the basis of an outside consultation, you will understand, under Section 75 and other legislation. We would have to initiate our own consultation process on that. I think, at the moment, the stumbling block I have is whether it would be appropriate for a Direct Rule Minister or whether that should be undertaken by a devolved administration, whether it was appropriate that I would make, as Minister, lasting changes in the structure of Government or whether that should be a matter dealt with by the local administration. I think certainly the debate has been started in a way that I support.

**Q389 Reverend Smyth:** If it so happens that we are not going to have such a structure in the reasonably near future, are we going to keep it to eternity before we have the waste and environment protected?

**Angela Smith:** I do not share your pessimism on this.

**Q390 Reverend Smyth:** I am just being realistic.

**Angela Smith:** I do not agree with your pessimism on that. I am not saying no. I am saying that is a consideration which ministers have to make at the present time on whether or not to proceed with this. I quite like the idea they have suggested of having a review to look at the issues and how it could be done, but whether that would tie the hands of an incoming devolved minister is something I have got to consider.

**Chairman:** That is fair comment.

**Q391 Mr McGrady:** Just a supplementary to Mr Smyth’s question to you, Minister. You are aware that Northern Ireland is the only part of Britain and Ireland which has not got an independent agency dealing with protection of the environment, and surely it is self-evident that a poacher cannot be game-keeper and that is what the Department has been. You have indicated that consultation has to be pursued to its bitter end, well, that is now two decades old, at least. There is not a political party in Northern Ireland that does not subscribe to the fact that there should be an independent environment protection agency, and if that is the case it is irrelevant whether there is a devolved administration or not.

**Angela Smith:** If I can say, my reluctance stems a little bit from when the devolved administration was in place it chose not to progress this, and even though all political parties are currently signed up to it, if that is the instruction of this Committee that you would love me to go back and look at it, from the political parties from Northern Ireland, I would be very happy to. To repeat the point I made, I am mindful of the political considerations on this at present. I am attracted to a review to look at it. My mind is not set against it in any way at all. It is merely a political consideration as to whether I would be tying the hands of a devolved minister.

**Q392 Chairman:** Thank you for that. I think this Committee is very mindful of the role of the Assembly. One of our decisions very early on was to involve those political parties within Northern Ireland which participate in the Assembly to make sure that our deliberations are not simply those set in a current context but can be useful to the Assembly once, as we all hope, very soon, it is back in place. If ever there was an example of why we need an Assembly, why we need local governance for Northern Ireland, it is that, if you take an issue such as waste management, there are so many problems unique to Northern Ireland, which is not necessarily the case in other parts of the United Kingdom. We have differential in landfill gate fees between Northern Ireland and the Republic somewhere of the order of £100 per tonne, I am told, in terms of those differentials. You have got households on one side of the border subject to variable charging, whereas, of course, on the other they are not. Would it be fair to say that in the absence of a devolved Assembly, from a UK Government point of view,
we are not taking seriously the uniqueness of the problem in Northern Ireland? Is not there the need for more flexibility to be given to yourself, as Minister, to resolve some of the unique difficulties that Northern Ireland faces? Can I expand that question just slightly and say that if there were three cross-departmental issues that you could have in your wish list to help resolve some of those unique difficulties, what would they be?

Angela Smith: It is so tempting. I must be very careful here. Offering ministers flexibility, I think, is always a pretty dangerous road to go down. In terms of flexibility and, having Mr Smyth’s question, perhaps speaking a little bit off the top of my head, I think the things I would like to do as a matter of urgency would be fairly swift action on illegal dumping, cross-border movements of waste. Certainly looking at the specific circumstances, and, you are quite right, a land border between the North and the South does give us opportunities and challenges and we are able to co-operate with another country in a way which does not happen in other parts of the UK. I am thinking about the all-Ireland fridge contract, some of the wastes, the glass recycling place I visited as well. There are opportunities and perhaps we do pursue those with some vigour.

Q393 Chairman: Thank you very much. I think there were three in there. That has been very helpful. Minister, can I thank you for being so generous to us in respect of your answers and spending time with us. We do hope to publish our report speedily and we look forward very much to the Government’s response to it. Waste management within Northern Ireland will continue to be a challenge for this Government and for the Assembly, once it is back up and running, and I do hope that not only will we beat the targets but we will do so in a way that assists and helps local authorities to accept their new responsibilities, rather than seeming just to punish them, which can be a little too heavy-handed on the stick when the carrot is not in sight yet. I thank you on behalf of the Committee for attending this afternoon.

Angela Smith: Can I thank you as well, Mr Chairman, for giving us the opportunity to put some things on record as to how we are dealing with these issues in Northern Ireland. You started off, I think, in your questions asking about European compliance and going beyond that, and also leadership. I think the ‘Wake up to Waste’ campaign that I have mentioned does both of those and does highlight a determination from the Department to action these issues. I think it shows that really what we do need to see is a change in behaviour, that is corporate behaviour and individual, and that goes right to the heart of the issue, and I mentioned a number of challenges, of a cultural change being needed and I think that is important. The other thing I think I do need to flag up is that the role of leadership does involve sometimes taking unpopular decisions, and that says I think that we are prepared to take the unpopular decisions if that is in the best interests of Northern Ireland. Perhaps it is not always immediately apparent that is what we are doing. I think that gives an indication of how seriously we take these issues and I am grateful to you for your interest and support on this issue.

Chairman: Thank you very much.

Supplementary memorandum submitted by the Department of the Environment’s Environment and Heritage Service

Following the detailed submission from the Department of the Environment in April 2004, and further Supplementary Evidence submitted in September 2004 and the oral evidence from Angela Smith MP, Parliamentary Under-Secretary for Northern Ireland, on 17 November 2004, the Sub-Committee wrote to the Department on 3 December 2004 to request additional information. The following Supplementary Evidence is the Department’s formal response.

In point 1 of the Clerk’s letter, he asks “In the response to question 348 about leadership across Government the Minister referred to the work undertaken by the Permanent Secretaries Group. It would be helpful to have further information on the role of this Group specifically in relation to waste management with details of how frequently it meets and perhaps examples of the type of waste management issues it addresses”.

The Permanent Secretaries’ Group (PSG) meets weekly to discuss all matters pertaining to NI Governance (except NIO issues such as security etc) on a cross-departmental basis. The importance of improving waste and material management within Government was highlighted by the DOE Permanent Secretary, Stephen Peover. Each Department has been asked to consider adopting the model approach set out in the Department of the Environment’s “Action Plan” which focuses on reducing, reusing and recycling waste streams, initially concentrating on paper following on to cardboard and plastic. The other Departments are currently considering their approach; DEL, DCAL and DFP have formally requested advice from DOE on improving their waste management. Departments’ progress in regard to waste management will be reviewed at a later date by PSG.
In the same response the Minister referred to the “steering group”, the Clerk also said that “it would be helpful to have further details on its make up and remit”.

DOE established a waste management steering group (which meets quarterly) in early 2004, with representation drawn from the core Department, its agencies DVTA, DVLNI, Planning and EHS, as well as the Central Procurement Directorate (CPD). Its remit is to co-ordinate the implementation of the DOE Action Plan to improve waste management across the DOE estate following the baseline audit of waste.

The Department has now adopted an Action Plan setting out how it will reduce its waste arisings. Where waste cannot be reduced, targets have been set for its reuse and recycling. The Department will publish its results in the Departmental and Annual Reports.

The steering group is also influencing procurement by reviewing the specification of NICS-wide contracts to include office paper procurement (to increase the uptake of recycled paper), the waste paper contract (to include the collection of other dry recyclables such as cardboard and plastic bottles) and catering contracts (to include waste minimisation and recycling within their specification). The group has set up contracts with Bryson House to collect plastic bottles at four major sites within Belfast, to act as a pilot and lead to the other Departments.

The Department is also taking the next step of putting in place an accredited Environmental Management System as a pilot of “best practice” in sustainable waste management. The aim is to provide a guide to others throughout the public sector of what can be achieved.

In relation to the Green Procurement Guide adopted in September 2004 the Minister indicated that “very strong monitoring” would take place. Can you please advise whether she has established any indicators against which the success of the Guide will be measured, and if so, what are these?

In October 2004 the Procurement Board recommended the development of a database to record information on the award of contracts and other data relevant to the integration of economic, social and environmental policies in the procurement process. Procurement’s Supplies and Services Unit is currently making a note of contracts that already have environmental considerations built in, and is also advising clients about contracts which could include such specifications.

The Board approved the adoption of a schedule of product descriptors and specifications that can be used for quicker procurement of environmentally friendly products. It is proposed to carry out a statistical survey to identify expenditure on these items and establish a baseline at March 2005. The first stage is the use of a data system, such as the Electronic Recording and Operating System (EROS), which will track product purchase and pinpoint areas with the potential for change. The second stage will be to set out the milestones and indicator measure. We are completing Stage One and the DOE Steering Group is working closely with Procurement Service towards establishing Stage Two in 2005.

In response to question 359 Mr Aston agreed to provide the Committee with information on applications for landfill permits and the number of permits issued to date.

The table below sets out Pollution Prevention Control (PPC) applications as at 14 December 2004. There have been a total of five PPC applications submitted to EHS for consideration.

The Department is conscious of the time taken to progress IPPC applications elsewhere in the UK and recognises the need to accelerate determinations. One of the main mechanisms to achieve this will be the provision of support to Industry to enable them to provide all the necessary information with their applications. This will be matched with the return of incomplete applications which otherwise wastes resources.

In addition the Department is also collating data on extant major IPPC applications in England, Scotland and Wales to provide the basis of an enhanced system for determination. (Additional information has been formally requested for three of the applications and determination of the remaining two is on schedule for February 2005.)

**PPC Applications Update as at 14 December 2004**

<table>
<thead>
<tr>
<th>Operator</th>
<th>Site</th>
<th>Type</th>
<th>Permitting Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harland and Wolff</td>
<td>Queens Island, Belfast</td>
<td>Oil Treatment/Section 5.3 Part A (b)</td>
<td>Advertisement/Consultation stage.</td>
</tr>
<tr>
<td>Greenleaf Fibre Company Ltd</td>
<td>Ballynabragget Road, Waringstown</td>
<td>Anaerobic Digester/ Section 5.3 Part A 1(i)</td>
<td>Carrying out detailed assessment—additional data formally requested.</td>
</tr>
<tr>
<td>Irish Recycling Services</td>
<td>Drumhirk Way, Bangor</td>
<td>Inert Landfill Site/ Section 5.2 part A (b)</td>
<td>Under assessment.</td>
</tr>
</tbody>
</table>
In response to questions 367 and 368 the Minister agreed to come back to the committee with further details on the report by the Strategic Investment Board. It would be helpful to have a breakdown of the £268 million bid for infrastructure over the next three years and whether it is considered that infrastructure of this order can be procured, commissioned and delivered within this timescale.

The £268 million figure is an indicative one which came out of a preliminary exercise done by Mott McDonald consultants in conjunction with development of the draft Investment Strategy for Northern Ireland (ISNI). £51 million of this is allocated to the first three years (2005–07) and the remaining £217 million is allocated to the remaining seven years of the investment period. These figures are primarily based on Mott McDonald’s experience in planning and procurement of waste management facilities in Scotland, and are recognised to be provisional preliminary estimates only. SIB is currently assisting DOE with detailed financial modeling, which should provide a more robust estimate of the future investment requirements.

It is recognised that it will be challenging to procure, deliver and commission the needed infrastructure within the timescale, particularly the 2013 target for major treatment infrastructure to meet the stepped up diversion requirements at that time. Funding, legislation and planning are seen as some of the major issues. SIB is pressing for waste management to be mainstreamed into the Programme for Government and the completion of the NI-wide BPEO will further clarify the capital and likely operational expenditure profiles for inclusion.

In response to questions 372 and 375 the Minister indicated that she would come back to the committee on whether or not the 2003 Household Waste Recycling Act would be extended to Northern Ireland.

District Councils in Northern Ireland are required to prepare Waste Management Plans under the Waste and Contaminated Land (NI) Order 1997, setting out their arrangements for the collection, separation, recycling and recovery of waste.

The implementation of these plans to date has resulted in a number of kerbside schemes for mixed dry recyclables and organic wastes. The timescale for completion of the local networks across Northern Ireland is projected by 2010, with recycling rates on track for the 25% target by 2005.

On current performance it would appear premature to impose a statutory driver at this juncture. However, we are carefully examining the provisions in some detail as part of our review of the Waste Management Strategy and assessment of District Councils’ Waste Management Plans. The importance of securing doorstep facilities for local communities is not underestimated neither is the importance of appropriate mechanisms.

Question 383 raised the issue of the dilemma between the centralisation of decision making and the importance of local involvement and local consultation in the context of both the move from three area waste management plans to a single plan and the apparent preference for a Northern Ireland-wide BPEO assessment process. The Minister agreed to provide information on this and it would be helpful if she could clarify what is to be done, by whom, at what level, and if possible, in what order.

There are three areas of development, which, together constitute the BPEO framework. They are:

1. Completion of a Northern Ireland-wide BPEO.
2. Alignment of the BPEOs within the Waste Management Plans with 1 above.
3. Production of generic BPEO guidelines for smaller facility applications.

Completing these developments will result in the assessment and application of BPEO at three levels: Strategic, Sub-Regional Planning and individual applications. Whilst a range of stakeholders will be involved in the development of BPEO at each level the process will be led by the Department, District Councils and Developers respectively. The sequence begins with the completion of the NI-wide guidelines in January 2005, which will inform the review of the plans and application to facilities.
The aim of an NI-wide BPEO is to link to SIB and to provide a benchmark for choice, financial bids and procurement. It is also to enable the continued integration of the Waste Management Strategy and Plans in order to meet EU obligations. The process is ongoing and includes waste management group and stakeholder workshops, steering group meetings, and the development and assessment of scenarios for waste streams, to identify capacity, facilities and strategic locations.

To facilitate an NI-wide BPEO and provide an integrated network of facilities across NI, the programmes for the completion of the Group reviews and the time frame for the Plans have been realigned, with a scheduled completion date of June 2006.

Guidance will be issued in 2005 to the Waste Management Groups to aid the review of their Plans. The Groups will also identify a comprehensive list of facilities and locations through a more specific, sub-regional BPEO study. This will be incorporated into the Waste Management Plans to be completed in 2006.

The application of a BPEO based matrix to individual facilities is considered an important development both for consistency of assessment and selection. It will enable new individual proposals and new technology opportunities to be considered alongside facilities identified in reviewed plans. This will help match the development dynamic of the waste management industry itself and enable competition. It is envisaged that the necessary guidance and the procedures for its application will be completed by summer of 2005.

### BPEO timetable

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 2003</td>
<td>DOE launch review of NI Waste Management Strategy</td>
</tr>
<tr>
<td>September 2003</td>
<td>Review of consultation indicates stakeholders want DOE to provide stronger direction to the three Waste Groups on what is the best approach to waste management for NI as a whole</td>
</tr>
<tr>
<td>November 2003–March 2004</td>
<td>DOE discussions with the three Waste Groups and agreement to address this feedback by means of an NI wide BPEO</td>
</tr>
<tr>
<td>March 2004</td>
<td>Workshops with three Waste Groups to prepare and agree approach to NI BPEO</td>
</tr>
<tr>
<td>18 May 2004</td>
<td>BPEO Steering Group formed</td>
</tr>
<tr>
<td>30 June 2004</td>
<td>Steering Group agreed scope and decision criteria</td>
</tr>
<tr>
<td>25 August 2004</td>
<td>Steering Group agreed scenarios and reviewed initial results</td>
</tr>
<tr>
<td>7 October 2004</td>
<td>Wider workshop with representatives from each District Council</td>
</tr>
<tr>
<td>24 November 2004</td>
<td>Final Steering Group meeting</td>
</tr>
<tr>
<td>December 2004</td>
<td>BPEO report</td>
</tr>
<tr>
<td>January 2005</td>
<td>BPEO guidance to District Councils and stakeholders</td>
</tr>
</tbody>
</table>

In the evidence the Minister referred to the success of the Duty of Care Roadshows relating to the Controlled Waste (Duty of Care) regulations. It would be helpful to have further details of these roadshows.

All Northern Ireland businesses are now affected by “Duty of Care”, legislation (in force since 1 October 2002) which places a legal responsibility on anyone who produces, imports, stores, transports, treats or disposes of waste, to take the necessary steps to keep it safe and prevent it from causing harm, especially to the environment or to people.

A series of seven Roadshows was held throughout Northern Ireland in January/February 2003 aimed at promoting awareness and providing practical advice for businesses on their legal responsibilities in accordance with the Duty of Care legislation.

30,000 personal invitations were issued. The roadshows were attended by 3,851 people. Trade and commerce industries were targeted through the distribution of flyers, invites, e-mail, publication in trade journals etc. Publicity media included newspaper ads, and television and radio interviews. The Road Shows were open from 8 am–7 pm to provide opportunity for maximum attendance; a multi-media presentation ran approximately every 30 minutes. EHS staff were on hand at all times to answer questions or give advice and information packs were provided to all those attending.

Geographically, the venues were selected centrally from the six counties and Belfast in order to accommodate as many businesses as possible.

The Minister officially closed the Road Shows at the Odyssey in Belfast. In the welcoming address before the multi-media presentation, the Minister formally endorsed the need for the Duty of Care legislation and reinforced the need for producers of waste to begin an audit trail that records how the waste is managed and disposed of (cradle to grave approach). The Minister was also given the opportunity to meet local business, political and community representatives, as well as staff involved in the design and implementation of the Road Show and officers enforcing the legislation.
The Road Shows had a positive impact, as evidenced by the increase in registration of carriers' application by approximately 150% and EHS have indicated it will use this method as a model to assist stakeholder group and ease the introduction of future legislation.

**Additional Information**

— “that if the Minister wishes to elaborate further on any of the issues raised in the evidence session this would, of course, be most welcome”.

It may be helpful at this time to clarify the position with regard to:

1. Inclusion of all controlled wastes.
2. Legislation.
3. Public Engagement.
4. Planning.

**Inclusion of all “Controlled” Wastes**

One of the main challenges for Northern Ireland is the development and implementation of the policies across all controlled waste streams and movement beyond the WMPs’ initial concentration on municipal waste in the WMPs. To this end the Department is focusing attention on priority waste streams and sectors. For example—hazardous waste and packaging waste has been addressed in a number of ways besides new and direct regulatory controls. For example: the setting up of specific stakeholder groups: the Hazardous Waste Forum and the Packaging Waste Forum.

These groups have proved to be very effective in highlighting issues and developing action plans and will provide useful models for addressing other waste streams and sectors such as Construction & Demolition Waste, where work has begun with the Construction Industry Group on Commercial & Industrial Waste and Agricultural Waste.

Draft Agricultural Waste Regulations are currently being prepared, for consultation in January 2005. They will cover definitional issues and the extent to which waste management controls will be applied to agricultural wastes.

The subsequent enforcement policy will take into account all other existing controls for agricultural wastes such as Animal By-Products, Groundwater Authorisations and the forthcoming Nitrates Regulations.

We will work in partnership with the Department of Agriculture and Rural Development to develop an Agricultural Waste Strategy, which will incorporate regulatory mechanisms, initiatives for waste minimisation and recovery and information programmes.

**Legislative changes**

A broad span of change is considered necessary to drive the Waste Strategy targets and provide a stable operating environment for business. New measures under consideration are likely to encompass significant changes to the application of producer responsibility and practical enforcement powers.

Obligations under packaging laws, ELV and WEEE are bringing home producer responsibilities. However, developing this approach further under an enhanced Duty of Care would help all companies to assess the nature, quantity and control of their waste. An annual self-assessment is being considered as the next step necessary to focus their attention on their responsibility for their waste and inform both Government and Corporate prevention policies.

Organised criminal elements remain agile and quick to seek out and exploit opportunities for profit. The central aim of any changes to controls would be to match that agility and replace profit with serious and credible risk. Accordingly, the Department will examine the potential for new powers to seize and sell vehicles, requirements to fit electronic transponders (satellite trackers) to registered vehicles, higher automatic fines to tackle a significant, mobile problem which presents serious environmental and economic threats.

The ubiquitous nature and small scale of opportunistic “hedgerow and lay-by” tipping is a major distraction from tackling more serious and organised deliberate deposit without licence. Up to 50% of calls and referrals to EHS concern local fly-tipping which is now beginning to include hazardous waste. It is important to develop a clear demarcation between central and local controls that will enable the public to rely on a service and expertise from their District Council.

Effective control of fly-tipping is likely to require a change in primary law to enable District Councils to prosecute offenders under a new offence (closer to litter controls) and place councils under a statutory duty to act in a similar way to existing obligations under the nuisance provisions of the Public Health (Ireland) Act 1878.
Arrangements are currently being made to place responsibility for the Transfrontier Shipment of Waste Regulations 1994 with the Department. The Department will take over from District Councils in March 2005 and provide a more rigorous and co-ordinated regulatory system.

The development of a single Waste Management Plan for Northern Ireland and the possibility of its implementation by a new Strategic Waste Management Authority are under consideration as part of the review of the Waste Management Strategy. Determining such an authority’s powers in relation to procurement and development and setting it appropriately within the context of the Review of Public Administration are critical elements. However it is probable that the collection of waste will remain with District Councils.

The introduction of mandatory targets for the diversion, recovery and re-use of priority waste streams such as bio-degradable waste, tyres and batteries are under consideration in order to add weight to existing strategy targets as a minimum move beyond them to meet emerging directive aims.

Public engagement

The public engagement and interest across Northern Ireland has been an important success factor but the process of change will take time. There are fewer and fewer issues of principle only of proximity and location.

Accordingly, despite the comprehensive and inclusive process of Strategy and Waste Management Planning, and extensive consultation on the final selection of the Best Practicable Environmental Option may attract criticism if the rational choice doesn’t satisfy every objector.

The Department’s approach is to continue to drive the education and awareness programmes but also to utilise the NGO sectors at the heart of the community and to ensure through firm regulation that the quality of operations will build a new confidence.

We have actively engaged with the public from the outset of the strategy process in 1999, with consultations on the original Waste Management Strategy, the Waste Management Plans and the Strategy Review.

Planning

Timing in relation to development approvals for new infrastructure.

The Planning Service has acted to remove obstacles to determination by introducing a whole range of procedures, for example:

Providing assistance to applicants on application requirements through:

— prepared check lists of requirements for applicants;
— web site advice on waste application details required for speedy processing;
— encouraging applicants to use pre-application meetings;
— encouraging applicants to seek screening and pre-application scoping advice in EIA cases;
— new procedures to ensure that incomplete applications are returned to applicants and therefore don’t clog the system; and
— fully resource consultees to respond by agreed target times by charging applicants the full cost of consultee advice to using those fees to pay consultees.

Further Detail on the Size of Regional Landfill Facilities, on planning application numbers and on the type of planning applications currently being received

Major landfill applications were held to enable a framework for strategic decision taking to be developed. PPS11 was published in 2002. This policy document together with Waste Management Plans (WMPs) also cleared in late 2002, and the Waste Management Strategy provide the necessary joined up framework for decision taking on waste facilities.

The arc21 waste management plan (WMP) involved extensive public consultation. There was also wide stakeholder participation in determining the BPEO waste management activities and facility types. As a result of this participative process a need for 2/3 regional scale landfills was identified as part of the BPEO and such sites are defined in the plan as having to be capable of accommodating at least 250,000 tonnes of waste per annum for between 8–10 years. This places regional facilities as being approximately 3 million cubic metres void capacity. Clearly, alternative options such as providing a larger number of medium or small scale landfills were considered but rejected in coming to the BPEO decision that regional scale facilities were most appropriate in meeting need.

The implications of this decision carry through into the planning process with PPS11 identifying WMPs as being an important material planning consideration and landfill facilities as needing to be of a regional scale to meet planning policy requirements and to obtain planning permission. Resources allocated to processing waste planning applications have been strengthened over the last four years and particularly
within the last year in response to the need to progress major landfill applications and the increase in the number of applications. The team has not been affected by the recent reallocation of resources. PPS11 (2002) is a recent document so that policy should not need to be revised in the immediate future.

Reference was made to the limited number of applications for waste facilities and for recycling in particular. The number of waste applications has doubled since 2000. In fact there has also been a significant switch from landfill to recycling type applications, ie an increase in the number of applications received and an increase in decisions issued. Most recently the Waste Management Group arc21 propose to take on the planning risk relating to needed facilities and to go to tender on sites having themselves obtained planning approval. Discussions with Planning Service have started to facilitate and expedite this process.

The assessment below is drawn from different data sets and is indicative only. Nevertheless there is a clear trend towards increased activity in planning for new waste facilities involving a move away from landfill towards recycling activities. Most recently a range of innovative proposals relating to aerobic and anaerobic digestion processes have been received or discussed pre application.

<table>
<thead>
<tr>
<th>Year</th>
<th>2000 applications</th>
<th>2003 applications</th>
<th>2004 applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>landfill</td>
<td>26</td>
<td>33</td>
<td>25</td>
</tr>
<tr>
<td>recycling</td>
<td>19</td>
<td>47</td>
<td>65</td>
</tr>
<tr>
<td>total</td>
<td>45</td>
<td>80</td>
<td>90</td>
</tr>
</tbody>
</table>

The number of landfill related applications has remained fairly static against a rising number of waste applications so that in percentage terms landfill related applications have fallen from 58% to 28% of total applications.

There has been a corresponding rise in the number of recycling, composting, Materials Recovery Facilities (MRFs) and similar applications from 42% of total applications to 72% at the end of 2004. (Details in Table 2 below).

Furthermore in 2004 applications for in vessel composting, anaerobic digestion and materials recycling centres have at last appeared along with enquiries regarding similar proposals for example from the NI Sea Food Ltd and from District Councils. A number of different technologies are involved in these cases.

In addition three major regional landfill applications propose “Integrated Waste Management Facilities” that seek to sort and recycle municipal/commercial and industrial waste and to process the organic/food element via composting processes with deposition of the residue from these recycling/recovery processes. There are also proposals for tyre shredding, WEE storage and processing facilities and hazardous waste storage.

<table>
<thead>
<tr>
<th>Waste Facility type</th>
<th>2000</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Landfill</td>
<td>26</td>
<td>33</td>
<td>25</td>
</tr>
<tr>
<td>Civic amenity site with recycling</td>
<td>6</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Recycling centre</td>
<td>4</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>Waste storage</td>
<td>1</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Waste (Hazardous)</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Transfer station</td>
<td>2</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Hazardous Transfer station</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Plant</td>
<td>1</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Composting</td>
<td>0</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>MRF</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Hazardous Waste processing</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Incinerators</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Recycling/Recovery totals</td>
<td>19</td>
<td>47</td>
<td>65</td>
</tr>
<tr>
<td>TOTALS</td>
<td>45</td>
<td>80</td>
<td>90</td>
</tr>
</tbody>
</table>
APPENDIX 1

Memorandum submitted by The Network for Organisations Interested in the Environment

NIEL is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 42 Full Members represent over 80,000 individuals and more than 2,000 groups. Members are involved in environmental issues of all types and at all levels from the local community to the global environment.

Although some progress has been made over the past few years in the implementation of the NI Waste Management Strategy much remains to be done. The Strategy itself is a most sensible document setting out a reasoned review of the situation and making strategic proposals designed to address this most important issue. We are, however, disappointed at the speed and thoroughness with which the Strategy has been addressed, leaving Northern Ireland with many of its most serious waste issues still being addressed only superficially. We commend the strides that have been made, but feel that a major restructuring and realignment of priorities is required if NI is to meet its international obligations and to address effectively its waste management issues. The attached document points out some of the areas where we still have concerns, concentrating on the issues your Committee is examining.

22 April 2004

COMMENTS BY NORTHERN IRELAND ENVIRONMENT LINK

WASTE REDUCTION

Northern Ireland seems to be finally taking the issue of waste seriously. Much has been done on the practical, public awareness and education fronts, certainly things are beginning to show signs of improving and there are a number of exciting programmes under development. However, overall progress has been disappointing, and much more needs to be done if we are to truly tackle the fundamental causes of waste production.

The two chief issues of reducing the amount of waste produced and of viewing “waste” as a resource rather than a problem to be dealt with have still to be tackled in any meaningful way. Implementation of the strategy is overall most disappointing, but even its successes are basically aimed too far “down” the waste hierarchy. We continue to look for ways to deal with existing waste rather than addressing the fundamental issue of halting its production in the first place and ensuring that products are constructed so that they can be repaired and that ultimately the resources used in their construction will be usable as the raw materials for other processes. Although we have come a long way in the past three years, we have barely begun the processes which are required to transform Northern Ireland society from one which deals with its wasteful consequences through disposal to one which views all resources as part of cycles and minimises any production of “waste” through intelligent product and packaging design with producers bearing the responsibility for the product to the end of its life. We have barely begun this transition, and until it is firmly grasped as a goal of government in all its aspects and fully and enthusiastically implemented, we will continue to fail to deliver proper waste management. Northern Ireland should decide to place itself at the forefront of good practice. To date this does not seem to be the case. We very much hope that the next phase of the Strategy implementation will forcefully address these issues.

The Wake-up-to-waste campaign has been considered a success in raising awareness about domestic waste. However as recycling and waste minimisation programmes are introduced, it will become necessary to grasp the nettle and give local authorities the power to levy financial penalties against all waste collected from households, or against people who refuse to participate. This is necessary because it is clear that some physical pressure is required to ensure participation in recycling above the 75% of willing householders. One London Borough has recently introduced fines against people who throw away recyclable materials. Local authorities should be given the authority to carry out similar measures in Northern Ireland, ensuring that the aims of waste minimisation and reduction are seen as a mainstream activity worthy of enforcement.

NGOs, social economy businesses, community groups and charities have played an important historical role in practical and educational waste reduction activities. This was driven in the last few years by Landfill Tax Credits (LTCs). The role of the sector was recognised in the NI waste Management Strategy. However, the demise of the LTCs, and the shambolic nature of its interim replacement has stripped the sector of its role, particularly at the level of local education delivery. This has been compounded by the EHS choosing to carry out functions in-house or through one large PR/advertising contractor, rather than choosing to foster relations with the sector, and benefit from the value for money, enthusiasm and credibility it brings to the subject.

We understand that there are decisions being made at this moment that could bring back some form of flexible funding structure to encourage these activities to start again and continue, and every effort should be made to ensure that the “third sector” is given its place to play a role in delivering resource management solutions.
This situation is indicative of the lack of attention that has been paid by other Government Departments and Agencies to the waste situation. A much more integrated approach must be adopted across all of Government if these factors are to be effectively addressed. Government must set an example in its own estate; not only will this send the right messages to the public, it will also provide a powerful stimulus to development of industries and programmes considering the size of Government purchasing power.

**RECYCLING AND DEVELOPING THE RECYCLING INDUSTRY**

We accept that some of the targets for 2005 may well not be met due to the late start in implementing some aspects of the Strategy, the delays in adoption of the Waste Management Plans, and some adoption of practices which have since had to be changed. However, the fact that some areas will be meeting these targets indicates that they are realistic and achievable. Certainly the longer-term targets can be achieved.

We would suggest that since the targets for 2005 are unlikely to be reached, the entirety of the 40% target for 2010 should be through recycling and composting rather than the 25% at present. This is achievable and can be done cost effectively. We would suggest that incineration should not be considered unless and until that target is reached.

We would strongly urge that mechanisms are found to make all of the longer-term targets statutorily binding in order to provide the impetus necessary for their achievement.

We feel that there has been substantial involvement of the NGO sector in Strategy delivery, both through good representation on the WMAB and involvement in practical projects. The Strategy explicitly recognises the value of the sector, and this has been proven in the work conducted by the sector in its implementation. Continued involvement by the sector, in full partnership with the Councils and Council groupings, is a vital component for effective Strategy delivery. The strengths of the sector on the education and public awareness fronts should continue to be utilised to promote action by the public.

Looking specifically at the Key Actions, we feel that there is still much that needs to be done:

— Markets Development Programme: ReMade is not yet in place, and there is need for more pressure for businesses to look at the opportunities in recycling.
— Demonstration schemes. Ten innovative demonstration projects should be identified and supported as recommended in the Strategy.
— Recycled product specifications. This should be done to province-wide standards and these alternatives promoted, eg through government contracting standards.
— Department audit and targets. This should be applied across government and publicly reported.
— Sector specific targets. These still need to be established, monitored and met.
— Councils to meet targets. Performance is variable; best practice should be shared, legislation enforced and innovative schemes to promote action encouraged.

Government should use all the powers it has to ensure compliance with the Strategy as well as leading by example. We feel that it is absolutely vital that Government take a strong lead by setting an example in its own estate for good waste management practices. Unfortunately, we are not in a position to comment on progress in this area; we have no knowledge of how the Green Purchasing, EMAS or Greening Government initiatives are progressing. We suspect that progress may not be as rapid as we would hope (is, for example, all government printing now done on recycled paper? Are there recycling points in all government offices?) but without information we cannot comment on the Government’s leadership with regard to the implementation of the strategy. NIEL recommends that the Government produces an annual statement regarding its progress in this area. Government must be able to say to the public and business community of NI that good waste management practice is economically advantageous and take the lead and demonstrate its commitment if it is to be believed and emulated. The purchasing and control power of Government should be utilised to promote recycling and use of recycled materials; it can be a major force to promote innovative materials and techniques.

The usefulness of having an independent environmental agency or commission which could take a strong lead in promoting waste management issues (as well as all other issues) across Government and monitoring its compliance with its commitments (eg green purchasing policies) is highlighted by the lack of “joined up government” in tackling the waste issue across all Government departments.

**LANDFILL CAPACITY AND INFRASTRUCTURE**

We feel that the Government should do all in its power to encourage and facilitate co-operation among groups (Councils, Regional Groups) to engage in a strategic approach. There should be a formal system for interchange among the three groups and EHS where they can independently assess different approaches and identify and promote best practice. We know that such meetings do occur, but not to what extent they fulfil this role. Many Councils continue to pursue their own strategies in isolation, and this can be very positive (eg Armagh exceeding recycling targets) but it can also lead to loss of efficiencies of scale or of individual
Councils becoming locked into techniques which may ultimately prove unsuccessful. The identification of a “lead Council” for specific issues (for example for refrigerator recycling) can be effective and efficient and should be encouraged.

All aspects of “moving up the waste hierarchy” need to be tackled in a more strategic and integrated fashion across all three Waste Management Groups with the help of the EHS. Provision of landfill capacity is one such issue; but the goal must be the reduction in the need for this, so to tackle it requires a proactive approach to the other mechanisms on the hierarchy. “BPEO” must be adopted with regard to the provision of landfill sites (size v transport distance for example) and all existing and future sites must be built, managed, maintained and decommissioned to the highest environmental standards. There will be a continued need for landfill for the foreseeable future, but it is imperative that this need is met with appropriate care to the environment and the community.

**Illegal Dumping of Waste**

Enforcement is an essential part of Strategy implementation. Councils and the EHS should work together on enforcement so that enforcement is rapid and sufficient to encourage action. Councils need financial support in order to play their role in enforcement effectively. The problems caused by illegal dumping are severe and costly and much more resources obviously need to be applied to remedying this problem, including monitoring and clean-up of sites and punitive fines for those convicted of such action.

**Landfill Alternatives**

Full investigation should be carried out of all potentially useful technologies. Certain types of incineration or gasification of portions of the waste stream may well form a part of the optimal mix of solutions to our waste disposal problems. Mass burn of unsegregated municipal rubbish is not likely to be a suitable, sustainable solution to this problem; however, and has the added problem that it can be seen as a “quick and easy” (although certainly not cheap) solution to the problem which can then “lock in” a waste management group to the detriment of recycling options.

**Learning Lessons**

Much attention should be paid to developments elsewhere in the techniques, technologies, markets and incentive programmes. Learning from successful programmes elsewhere, or learning from things which may have been less than wholly successful but adapting them to suit the local conditions, is an essential element in developing a truly sustainable solution to the waste management situation facing Northern Ireland.

**Summary**

Progress to date on implementation of the Waste Management Strategy is disappointing. Future action must prioritise waste reduction, develop new schemes and systems to promote and implement recycling, develop action plans for non-municipal waste streams (agricultural, construction and demolition, etc) and develop effective means to change public attitudes and behaviour. One of the most disappointing aspects of performance to date has been the lack of leadership provided by Government, and we would urge that this become a top priority in future strategies and action plans.

---

**APPENDIX 2**

**Memorandum submitted by Dr Robin Curry**

**Introduction**

My name is Dr Robin Curry, I am a Member of the Waste Management Advisory Board for Northern Ireland, Vice-Chair of the CIWM Waste and Resources Special Interest Group and Project Director of the Northern Ireland Resource Flow Analysis and Ecological Footprint Programme “Northern Limits”

I have been actively involved in the field Waste and Resource Management for 13 years and am currently Sector Manager for Waste and Resources with EnviroCentre Ltd (formerly the University of Strathclyde Centre for Environmental Management) and an Open University Associate Lecturer on the Masters Programme in Environmental Decision Making.
STRUCTURE OF RESPONSE

I have structured this response according to the questions set out in the Request for Evidence.

Questions:

1. Action to reduce the amount of household waste sent to landfill in line with the requirements of the EC Waste Framework Directive.
2. Progress on recycling in Northern Ireland and the potential development of the recycling industry here.
3. The current and future availability of landfill capacity in Northern Ireland.
4. Illegal dumping of waste.
5. Proposals for alternatives to landfill such as incineration.
6. The potential to learn from experience elsewhere.

ISSUE 1. ACTION TO REDUCE THE AMOUNT OF HOUSEHOLD WASTE SENT TO LANDFILL

Waste reduction is the most important challenge facing the waste management industry at the present time. In addressing the issue of waste reduction, an important distinction needs to be made, between the following challenges:

1. A reduction in the quantities of wastes being produced;
2. A reduction in the quantities of waste being sent to landfill.

Current estimates for growth in municipal waste arisings vary between approximately 2% (1) and 3% (2), that is annual, cumulative waste growth rates, which if left unchecked, will result in the quantities of wastes being produced doubling within the next 15 to 20 years.

The Waste Management Strategy for Northern Ireland has the Waste Management Hierarchy as one of its key principles, which provides guidance on the relative priority of different methods of managing waste, as set out below:

- Reduce
- Reuse
- Recycle
- Energy Recovery
- Dispose

The strategy sets out a series of targets for recycling and waste reduction, including:

Primary Targets

- Recover 25% of household waste by 2005.
- Recover 40% of household waste by 2010, of which 25% shall be by recycling or composting.
- Reduce the landfilled of industrial and commercial wastes to 85% of 1998 levels by 2005.

- Reduce the quantities of biodegradable municipal wastes being landfilled to 75% of 1995 baseline levels by 2010, 50% by 2013 and 35% by 2020.

Secondary Targets

Stem the increase in waste arisings per household, returning to 1998 levels by 2005 and thereafter reduce arisings by 1% every three years.

Stemming the growth in Waste Arisings

The Waste Management Hierarchy is fundamental to the Strategy and waste reduction is the first priority of the hierarchy. Waste reduction is referred to throughout the strategy and the strategy states:

“The first priority for more sustainable waste management is waste reduction. Some wastes may be avoided completely, while in other cases they can be minimised.”

The strategy goes on to state:

“The Strategy enables a progressive transition towards integrated resource management, by encouraging waste reduction and improved product design”.

Fundamental to addressing the issue of stabilising waste growth rates and, ultimately, beginning the process of reducing the quantities of wastes being produced is making the link between resource use and consumption, and the “symptoms” of these activities, that is, waste production.
Since the publication of the strategy, a number of major reports and policy documents addressing resource use and consumption have been produced (3)(4), including a Resource Flow Analysis and Ecological Footprint of Northern Ireland (5), which for the first time, has produced evidence of the overriding benefits of actions to reduce the quantities of wastes being produced.

Resource Flow Analysis and Ecological Footprint of Northern Ireland

This 18-month programme produced the first analysis of the resource flows into, within and outwith the Northern Ireland economy and produced the first estimate of the resource efficiency of Northern Ireland. The study included the modelling of scenarios based on waste management, energy production and consumption and food consumption. The waste scenarios produced results which supported the “anecdotal” evidence from many sources, concluding:

The waste management scenarios illustrate that the current focus within the Northern Ireland Waste Management Strategy on recycling will achieve little in terms of sustainability, unless the issue of growth in waste arisings is addressed.

Issue 2: Progress on Recycling in Northern Ireland and the Potential Development of the Recycling Industry Here

I believe that there are two elements to this issue:

1. Progress by Local Authorities in achieving the recycling targets set out in the Strategy and the Waste Plans.
2. Setting and achieving targets for recycling of commercial and industrial wastes.

1. Progress by Local Authorities in achieving the recycling targets set out in the Strategy and the Waste Plans.

Slow progress is being made by Local Authorities throughout Northern Ireland in increasing the recycling rates for household/municipal wastes. However, this progress will soon falter without the required investment in recycling and recovery infrastructure, in particular, Materials Recovery Facilities and facilities to enable compliance with the Landfill Directive BMW diversion targets (whether that be composting, anaerobic digestion, energy recovery or the emerging technologies of gasification, pyrolysis and Mechanical and Biological Treatment). These facilities will be provided by the Private Sector, and this investment can only take place once the issue of long-term funding has been addressed. In addition, the Waste Planning and Land Use Planning Systems.

2. Setting and achieving targets for recycling of commercial and industrial wastes. The Strategy sets the following target for commercial and industrial wastes:

“Reduce the landfilling of industrial and commercial wastes to 85% of 1998 levels by 2005.”

However, the Waste Plans produced by the Local Authorities have largely ignored commercial and industrial wastes. It is vitally important that the Waste Plans include the identification of infrastructure needs for industrial and commercial wastes and mechanisms to reduce the quantities of wastes generated.

Issue 3: The Current and Future Availability of Landfill Capacity in Northern Ireland

The Landfill Directive will result in the classification of landfill sites in Northern Ireland into three categories and the closure of many smaller sites. There is a potential for this process to lead to a shortage of landfill space within Northern Ireland unless progress is made in developing infrastructure for alternative waste management options.

Issue 4: Illegal Dumping of Waste

The illegal dumping of waste is a major problem in Northern Ireland, which has received significant media attention. This dumping comprises:

1. Illegal cross-border transport of wastes for disposal and fly-tipping.
2. Dumping of wastes under the auspices of Land Restoration/Reclamation and Agricultural Improvement and fly-tipping.

It should be noted that the illegal transfer of wastes from the Republic of Ireland includes significant inputs into licensed sites operated by Local Authorities within Northern Ireland.

On illegal dumping to non-licensed sites and fly-tipping, the transfer of waste regulation responsibilities to the Environment and Heritage Service has exacerbated the problem as EHS does not currently have the staff resources to enable it to carry out effective inspection and enforcement. EHS should enter into a service-level agreement with the Local Authorities in Northern Ireland to provide the “on the ground” resources
required for inspection and enforcement. In addition, EHS should set up a collaborative body in conjunction with the EPA, possibly through the auspices of the North South Ministerial Council, to address the issue of cross-border waste transfers.

ISSUE 5: PROPOSALS FOR ALTERNATIVES TO LANDFILL SUCH AS INCINERATION

The Strategy includes the following commitment in terms of alternatives to landfill:

"The Department will investigate and co-ordinate opportunities for funding development and demonstration projects in support of the implementation of the Strategy, and will produce a development and demonstration plan for waste management in Northern Ireland."

This commitment should be implemented forthwith or alternatively, mechanisms should be put in place to allow Northern Ireland to access the DEFRA New Technologies Programme (6).

In particular there is an urgent need to investigate technologies for Mechanical and Biological Treatment, which enable compliance with the Landfill Directive BMW Diversion Targets. There is currently great uncertainty and confusion over which technologies and processes (with the exception of Incineration) will enable compliance with the criteria for treatment of Residual Municipal Waste set out in the draft "Composting Directive" (7).

ISSUE 6: THE POTENTIAL TO LEARN FROM EXPERIENCE ELSEWHERE

The Strategy set out the following vision for Northern Ireland:

The vision for this Strategy is of Northern Ireland as a European centre of excellence in resource and waste management.

This is still a worthy vision for waste and resource management in Northern Ireland. The failure to implement the Waste Management Strategy has left Northern Ireland once again lagging behind the rest of the UK in terms of the levels of environmental protection offered to its citizens. However, developments such as this Inquiry demonstrate an awareness on the part of policy and decision makers which provides some grounds for optimism that the original vision can be attained. There have been a number of recent developments in the rest of the UK in the field of waste and resource management which provide “models” for progress in Northern Ireland, for example:

National Industrial Symbiosis Programme: funded by the DTI, Regional Development Agencies and Scottish Enterprise, this programme represents a major “step-change” in integrating waste and resource management, in the context of innovation and economic development. Northern Ireland is currently the only part of the UK, which is not participating in the programme (8).

CONCLUSIONS

In closing, I would like to thank the Committee for the invitation to contribute to the Inquiry, which I believe to be a welcome and timely development. If the Committee has any questions regarding the contents of this submission, please do not hesitate to contact me.

April 2004

REFERENCES

APPENDIX 3

Memorandum submitted by Frank Ferguson and Associates, consulting engineers

ISSUES

1. The action proposed refers to “Household Waste” and we consider that it would be more appropriate to widen the scope to cover the Wastes arising in associated Sectors such as: Agriculture, Forestry, Fisheries, Agro Industries, Commercial and Industrial, Quarrying and Mining, Construction and Demolition, Hospital and Clinic and Toxic and Hazardous Wastes.

2. The progress in Recycling in Northern Ireland is very low and the preferred option has been Landfill despite the European Directive of 442/75 that Waste should be considered as a source of Resource and Energy and Landfill should only be the Last Resort (here it has been the only resort).

3. The current availability of suitable Landfill sites in Northern Ireland is dwindling and there are likely to be serious objections to opening new facilities in future. We can suggest appropriate, acceptable, affordable and accountable alternatives where Landfill is minimised and is only of inert materials at the lower Landfill Tax rate and the tips will have a longer and safer life. We can introduce a system which will enhance Road Transportation by landfilling with inert material (Construction and Demolition Wastes along the major roads with improvement of geometrics, designs and safety.

4. The illegal Dumping of Wastes is accentuated by the escalating Costs of Waste Disposal and Landfill, and the illegal Cross Border transport of Wastes defies the Proximity Principle and EU Legislations and penalties and restrictions are ineffectual.

5. Reliance on Incineration of MSW is not necessary and there are Environmentally Friendly alternative Technologies which can be Researched and Engineered at competitive costs.

6. We can introduce Systems which effectively recover, recycle, reuse and reduce Wastes and these can be viewed working effectively in other areas in the UK, Europe and America.

COMMENT

It is recommended that a small but experienced Committee be commissioned to investigate the alternative methods of Waste Management available, carry out any necessary Research and Technical Development and decide on the establishment of a Demonstration of the preferred Technology instead of having inexperienced local Politicians junketing around the World at high expense, viewing something they know nothing about, yet charged with decision making on major Development Works, but carry out meetings about meetings about meetings with no positive results. The Demonstration could be funded jointly between the Republic of Ireland and Northern Ireland under support mechanisms such the Cross Border Funds: Inter-trade Ireland, Co-operation Ireland, Enterprise Ireland or Interreg 111A but very small amounts are available in this fund as the bulk of this support is for Water, and after Administration charges are deducted there is precious little left for development of Waste Systems split among so many WDAs and Government Authorities. Alternatively Funding could be through Inter State Funds such as Interreg East/West, Interreg B, or C, Life Environmental, FP6 or Venture Capital such as Carbon Trust or International Fund for Ireland and if Government Authorities are involved there are additional Grants available. The creation of Sustainable Secondary Industries and Employment can be a complementary factor.

A HOLISTIC APPROACH TO WASTE MANAGEMENT

We recommend that there should be an integrated holistic approach to Waste Management in Northern Ireland to encompass Multi Sectors and Multi Disciplinary Technologies with the identification and isolation of the Problems encountered and provision of practical and appropriate Solutions.

The proposals involve the:

— Collection of wastes and transport (volumetrically) to Materials Recovery Facilities placed at convenient locations with primary picking and segregation.

— Classification and separation of the various fractions (category 1, 2 or 3) and conveying or transport (gravimetrically) to further treatment where appropriate.

— Autoclaving or Hydrolysis at elevated pressures and Temperatures and separation of Metals, Plastics, Glass and inert sterile fibres with transport (gravimetric) to further processing or reuse.

— Anaerobic Digestion of wet materials including the inert sterile fibres with generation of Sludge and Biogas for fuels and effluents for fertilising “mop crops” (Carbon sequestration).

— Production of Biomethanol, Bioethanol, Biodiesel.

— Bio Conversions: Energy from Waste. Renewable Energies, Combining Fibres with Coal Duff for RDF with combustion in Pyrolysis and Gasification installations. Improved Road Design and Geometrics with filling by inert wastes along major roads as alternatives to developing new Landfill sites.
— Co firing of Solid, Liquid and Gaseous Fuels.
— Co Generation m Combined Heat/Cooling and Power.
— Utilisation of Inert Sterile fibres for Medium Density Fibre Boards, Construction Materials.

Note: A mobile or transportable Demonstration Unit including a modular Autoclave System can be established at convenient Materials Recycling Facilities (“MARFY”) with primary picking of the Wastes and separation of the different elements post Autoclaving.

This system is thermal at increased temperatures and pressures and is not, repeat not, Incineration.

This system reduces the need for separate bin systems and the installation can be multiplied or repeated at other Recycling Centres and a number of smaller units dispersed around the Country would be more effective and less disruptive than one large scale unit and there would be a reduction in pollution and congestion of roads and each area would have better control of wastes arising in associated sectors.

The Unit could be moved to other locations including, if deemed necessary, the Republic of Ireland and any costly snags can be ironed out before commitment to large scale Commercial installations.

Relevant Legislations (To be updated?)
— Report on Waste legislation 2003/250
— Landfill Directives 75/442, 97/105, 98/333.02 Integrated pollution 96/61
— Hazardous waste 91/689, Waste Oils 76/439, Sewage Sludge 86/278 Packaging 94/62
— Urban Wastewater 91/271
— Trans-boundary Transportation of Wastes
— End of Life Vehicles, Batteries, Electrical Goods, Tyres
— Untreated Organics in Landfill

We attach an outline diagram of possible alternative proposals and suggestions for possible practical, appropriate, acceptable, achievable, accountable and affordable solutions and remedies to the many problems facing Waste Management in Northern Ireland.1

22 April 2004

APPENDIX 4

Memorandum submitted by the Chartered Institution of Wastes Management

The Chartered Institution of Wastes Management (CIWM) is the professional body, which represents over 5,000 waste management professionals—predominantly in the United Kingdom but also with some overseas members. The CIWM determines the professional standards for individuals working in the waste management industry and has different levels of membership determined by education, qualification and experience. It is committed to the promotion and advancement of the best practices of waste management, to safeguard the environment and to develop public confidence.

Following receipt of a copy of the Northern Ireland Affairs Sub-Committee letter announcing a waste management inquiry, CIWM would like to take this opportunity to provide comment.

The Terms of Reference for the inquiry relate specifically to the implementation of the Waste Strategy for Northern Ireland, and pose a number of queries. In general, initial impressions are that there has been limited progress against the Strategy, with different elements of the Department of the Environment (DOE) delivering with varying degrees of success and a general lack of “joined-up-Government” prevailing.

This is of particular concern now for many council’s given the impending introduction of a scheme which seeks to impose civil financial penalties upon councils for failure to divert adequate tonnages of biodegradable municipal waste (BMW) from landfill.

1 Not printed.
Furthermore, there is still a time-lag (although by all accounts, this appears to be reducing) between the implementation of GB and NI legislation. This, along with other factors (such as planning), has led to a delay in the development of a comprehensive local waste management industry and a suitable infrastructure which will be needed to meet new EC recycling requirements.

In order to address the issues posed, this reply will cover each area succinctly:

**Action being taken to reduce the amount of household waste sent to landfill in line with the requirements of the EC Waste Framework Directive.**

CIWM is aware that each council has invested considerable time and resources in the preparation of regional Waste Plans which address a variety of targets arising from either the Department of the Environment’s (DOE) Waste Strategy, launched in 2000, or the EC Landfill Directive.

Simultaneously, while these Plans were being prepared councils increased the provision of recycling facilities and services such that the rate of recycling went from an average of 4% per council in 2000 to a current average of 9%. However, much greater increases are needed in order to comply with both future aspirational and real targets.

The DOE’s Waste Strategy set aspirational targets for the recovery and/or recycling of 25% of household waste by the year 2005, rising to 40% of household waste by 2010. These would appear to be being largely superseded by the statutory targets contained within the EC Landfill Directive.

In terms of the DOE’s Waste Strategy, the Framework Directive set the overview against which the Strategy was prepared. Likewise, it introduced a number of EC environmental principles (such as polluter pays) and established a requirement for each Member State to (i) assess existing waste treatment/disposal capacity and (ii) ensure that a future network of facilities was developed. The DOE have considered these aspects as per the Directive and have sought to further develop a framework by requiring councils to consider working together in partnerships to produce appropriate Waste Plans.

This was taken aboard by the councils and three regional partnership groupings resulted. The Waste Plans were prepared and approved by the Minister of the Environment in November, 2002.

Another key driver in the preparation of these plans was the targets enshrined within the EC Landfill Directive. The key aims of this piece of European legislation are to reduce the toxicity of waste materials landfilled, and to limit the amount of BMW disposed of the landfill in a series of target years (in order to reduce the release of greenhouse gases). Further aspects include new standards for design, build and operation of landfills and financial security. The UK Government responded by introducing many of the Directive requirements through the Waste Emissions Trading Act, 2003 (a consultation exercise has just been completed in Northern Ireland in terms of introducing certain elements of this locally under the title Northern Ireland Landfill Allowances Scheme—NILAS).

CIWM believe that much comment was made on this proposal, and that the straight line approach proposed within the scheme was considered by most respondents to be unworkable and outwith of the Waste Plans approved by the Minister.

Of particular note is that NILAS places the targets (and consequently, the payment of the civil financial penalties) upon councils which undermines the regional approach which has been developed to date. Given that certain factors may come to thwart the delivery of targets set in the NILAS during non-target years (such as complications arising from procurement exercises, difficulties with private sector funding/development, planning issues, etc.), provision should be included in the scheme for “best endeavours” to recognise that councils may have taken all the steps available and yet failed to reach a target.

To a large extent, CIWM believe that the DOE has failed to adequately address the requirements of the Framework Directive regarding the provision of a waste management network by placing the responsibility for the development of the infrastructure solely upon councils without due cognisance or appreciation of the limitations which may come to bear. The lack of joined-up-Government mentioned above may exacerbate this as the DOE set the targets, monitor performance, impose financial penalties, and yet may also be responsible for the release of permissions which could allow the industry to develop.

However, the DOE has also aided in the development of local capacity through the Waste Management Grant Scheme which has allowed councils to introduce new recycling facilities and services, has worked with DETI to create a Waste Management Industry Fund and has launched the “Wake up to Waste” campaign which begins to introduce the concept of the public being responsible for (and capable of) achieving greater levels of recycling locally. CIWM believe that these achievements could be further strengthened by (i) greater security regarding the period over which the Grant scheme was available, (ii) quicker consideration of proposals and a wider brief regarding the Industry Fund, and (iii) the use of economic instruments to achieve greater levels of recycling by encouraging householder to do the right thing and use recycling facilities and services (ie by incentivising the use of recycling bins through the use of an economic pull mechanism—such as a rate rebate, and penalising inappropriate use by providing councils with the power to issue fixed penalties) and “closing the loop”—pump-priming local industry to use recovered/secondary materials for new/alternative business opportunities.
Progress on recycling in Northern Ireland and the potential development of the recycling industry here

The DOE is to be praised for initiating the Waste & Resource Action Programme (WRAP) locally. However, the Waste Strategy commits to developing a centre of excellence in waste management in Northern Ireland, and recent developments within WRAP have meant that Northern Ireland is now out of kilter with the programmes currently being rolled out in England and Wales. CIWM would encourage the DOE to use a proportion of the landfill tax monies arising annually to “buy-into” these schemes which could serve to encourage the development of a local waste management reprocessing industry.

Furthermore, the Waste Strategy commits the DOE to funding demonstration projects. To date, CIWM is not aware of this having been achieved. There are a number of local initiatives previously funded through landfill tax monies which had started to support and develop such schemes (eg Full Circle which is funded using both direct landfill tax monies and transitional funds and is seeking to encourage the equivalent of a Remade scheme in the Belfast region) but the centralisation of these funds into the Northern Ireland block grant which may be available for waste management purposes in future complicates matters considerably, as does the current uncertainty regarding future DOE proposals regarding the dispersal of any landfill tax monies it manages to secure.

Finally, the Waste Strategy commits the NI Government to green procurement. CIWM is not aware of substantial progress having been achieved in this area since the Strategy was launched in 2000. If the NI Government was to specify that all materials procured had to contain a blend/mix or virgin and secondary materials, considerable new markets would be created locally which would stimulate many new environmental business opportunities. In particular, if the Roads Service and the Water Service have the potential to specify for many tonnes of recycled aggregate each year, and DETI/Invest NI also have considerable clout regarding building developments. CIWM believe that this is an area where considerable upside exists if the Government identified suitable standards (which CIWM believe the Building Research Establishment has been defining) and instituted suitable procurement protocols.

The Current and Future Availability of Landfill Capacity in Northern Ireland

CIWM believes that the current situation is not providing adequate waste management facility development in Northern Ireland. Problems regarding the planning timetable, apparent resource shortages, planning permission procedure (and the position within which council’s Waste Plans are being placed) means that both planning decisions are not forthcoming in a timely manner, and that investors are increasingly wary about development opportunities in the sector.

This situation is exacerbated by the current “capacity management” system which is seeking to close existing older (un-engineered or loosely engineered) facilities in line with the EC Landfill Directive requirements while managing the release of new facilities. The result is that only one new landfill site has been approved in recent years. While this is only appropriate, it is placing Northern Ireland in a position whereby landfill capacity is rapidly dwindling and new sites are not being developed. CIWM believe that a situation may soon develop which predicates the shipment of household waste to other sites in Scotland or England. This is not a desirable development. Furthermore, the current capacity management situation is restricting the development of a competitive marketplace (which impacts upon council’s delivery of best value) and may mean that future gate-fees are significantly higher than present due to a lack of alternative facilities.

The lack of apparent landfill facilities, linked to the current slow pace of development of a waste management infrastructure may also have an undue bearing upon future Northern Ireland inward investment opportunities as companies may consider the lack of appropriate treatment/disposal facilities as a disincentive to setting themselves up in the region.

Illegal Dumping of Waste

Northern Ireland is unique within the UK in terms of its land border with another Member State, and as such the issue of illegal transfrontier movements of waste should be of particular interest to the inquiry. The substantially higher landfill gate charges in the Republic of Ireland have provided the financial driver for the so called “waste tourism”. The level of said activities is causing concern for the CIWM, not only due to the likely ecocological damage caused during illegal dumping but in cases of sham recovery where already limited landfill reserves are being unnecessarily consumed. Sham recovery is the import of waste under the guise of recovery with only a limited percentage of the waste actually being recovery and the remainder landfilled.

The Environment and Heritage Service have embarked on a comprehensive drive against these “commercial” scale activities and this is welcomed. However the issue of sham recovery may be one that needs further legislative refinement to ensure that it does not continue.
In-addition, the internal NI illegal activities should not be ignored and it is likely that these activities continue for many wastes streams and particularly for construction and demolition wastes. These wastes are currently being illegally landfilled under the guise of agricultural improvement. That said, the introduction of Duty of Care and Registration of Carriers legislation should have reduced activities in this respect, however, continuing enforcement must be a priority.

The smaller scale fly tipping activities cannot be forgotten in the central governments efforts to tackle illegal dumping, not least because the legal powers to enforce and prosecute fly tipping offenders rests with the Environment and Heritage Service and therefore Council cannot take action, nor are they entitled to reclaim costs of clearance. Whilst it is accepted that fly-tipping has a lesser potential for ecological damage it nonetheless creates a negative visual impact. These must be measured against the need to raise awareness and promote positive attitudes in peoples minds to waste management.

ALTERNATIVES TO LANDFILL

Both central government and local authorities recognise the need for a mix of solutions when dealing with waste management. Indeed the three sub-regional Waste Plans consider a range of alternatives including thermal treatment, anaerobic digestion, in vessel composting, open windrow composting and materials recovery facilities. Furthermore the need to ensure that NI develop a network of regional facilities is the basis of Environment and Heritage Services NI-wide BPEO (Best Practicable Environmental Option) process which has recently commenced.

From the range of technologies available there is concern among the general public in relation to the emissions from Energy from Waste (Incineration with energy recovery) plants. Whilst other thermal treatment options exist, such as gasification and pyrolysis, these have not been extensively developed or proven in the UK, and as such may not provide a robust solution, in isolation, to reducing waste going to landfill. Therefore, it is likely that some Energy from Waste capacity will be needed in NI if sufficient security is to be provided in relation to meeting the diversion of waste from landfill as set out in the Landfill Directive and the Waste and Emissions Trading Act 2003. Therefore, there is a need to inform and advise the public of the issues surrounding Energy from Waste in order that the factual information is made available and disseminated to the various stakeholders in a timely manner. This could best be done at a NI level by the Department of Environment and should be initiated as a matter of priority given that both the Strategy and Plans are currently under review.

In addition continuing efforts during the Review of the NI Strategy and the Waste Plans must be made to investigate new technologies such as bio stabilisation and the production and use of refuse derived fuels.

THE POTENTIAL TO LEARN FROM EXPERIENCE ELSEWHERE

Given that many northern European countries have achieved considerable diversion of waste from landfill, it is likely that the potential to gain knowledge from these and other countries continues to exist. As such central government, local authorities and the private sector should be encouraged and supported to explore and assess what technologies are being employed and how waste management is approached in the ‘successful’ countries. Many visits and studies have been undertaken to date and therefore it is important that information gained should be disseminated amongst the appropriate parties, especially those tasked with preparing Waste Plans, including elected members.

APPENDIX 5

Memorandum submitted by The Social Democratic Labour Party

I welcome the decision of the Northern Ireland Affairs Committee to conduct an inquiry into the implementation of the Waste Management Strategy for Northern Ireland. Since its formation the SDLP has been committed to the principle of “sustainable development”, meeting the needs of today’s society while protecting resources for future generations.

We are disappointed to note that North-South co-operation is not mentioned within the terms of reference of the inquiry. We firmly believe that the waste management strategy should be based on North-South and East-West co-operation, moving away from landfill in order to maximise opportunities to “reduce, re-use and recycle”.

The terms of reference of the inquiry include “current and future availability of landfill capacity”, however, such information is unavailable from the Environment and Heritage Service making it impossible to comment on capacity. At present there are forty-eight licensed landfill sites across Northern Ireland, however, it is unclear how many of these sites are near to full capacity and ready for closure. It is imperative that a study is conducted into the sustainability of landfill in Northern Ireland.
Further examination of the health and environmental impact of alternatives to landfill such as pyrolysis and gasification are required. Either process should only be considered as an option of last resort and should not undermine efforts to promote recycling as a longer-term solution.

Illegal dumping of waste continues to be a problem for Northern Ireland. Recently, a more serious problem has arisen regarding dumping of waste that originated in the Republic of Ireland and dumped at remote sites in border areas. The total number of illegal sites is not known but it has been estimated that the Environment and Heritage Service is discovering two such sites every week. Illegal dumping causes substantial environmental damage and is a strain on the public purse. A co-ordinated North-South approach from both governments is needed to address this problem.

Northern Ireland is the only region within Britain and Ireland that does not have its own environmental protection agency. It is essential that an independent agency be established to monitor standards and improve government and private sector accountability.

22 April 2004

APPENDIX 6
Memorandum submitted by Belfast City Council

The Council is grateful to the Northern Ireland Affairs Sub-Committee for the opportunity to make a return in relation to the Waste Management Inquiry underway.

Following receipt of a letter from the Northern Ireland Affairs Sub-Committee, the Health and Environmental Services Committee considered the request for information at its meeting on 5 April 2002 and granted authority to the Director to prepare a response based upon relaying the following points:

— Generally, many councils are too small to deal with waste disposal independently.
— The sub-regional approach which has been adopted across Northern Ireland is a big improvement but has limitations and consideration needs to be given to whether it is appropriate for waste disposal responsibility to remain at local level.
— Action is needed on a broad front to reverse the waste growth (this is best done at national/EU levels).
— Much stronger and better co-ordinated Government leadership is required.
— Recent consideration of a Northern Ireland Best Practicable Environmental Option (NIBPEO) is a welcome development.
— The draft NI Landfill Allowances Scheme consultation paper needs to be aligned with Waste Plans.
— Both the DOE and District Councils must be mutually supportive in tackling the shared problem.
— Government must recognise waste management as an important infrastructure problem.
— Market development and “closing the loop” requires strong Government action.
— Waste Plans need to be an integral part of the Planning hierarchy.
— Making provision for waste facility locations in the Area Plans is an important requirement.
— There is a danger of sluggishness and delays in the Planning process eroding investor confidence.
— Government funding levels and mechanisms need to be commensurate with the need for substantial waste management infrastructure investment.
— NI needs a range of technologies, strategically located.

The inquiry’s Terms of Reference seeks respondents to consider a number of issues, and in order to cover each the above points will be considered under appropriate subject headings:

ACTION BEING TAKEN TO REDUCE THE AMOUNT OF HOUSEHOLD WASTE SENT TO LANDFILL IN LINE WITH THE REQUIREMENTS OF THE EC WASTE FRAMEWORK DIRECTIVE

The Council believes that many councils are too small to deal with waste disposal independently, particularly as the complexity of landfill operations increase. Therefore, the Council considers that the sub-regional approach which has been adopted across Northern Ireland is a big improvement in that resource sharing and economies of scale have meant that the development of a comprehensive waste management infrastructure for the region can be more readily developed. However, limitations remain especially regarding the current status of councils as waste disposal authorities.

If Government created a regional waste management authority, as raised as a potential within the Review of Public Administration consultation document in 2003, it is probable that the provision of regional facilities could be accelerated through the provision of greater funding from the regional rate. Furthermore, a more consistent approach to providing a robust regional waste management solution could be developed
and timescales could be co-ordinated. Procurement would be simplified and target setting could be tied closer to education and promotion campaigns. Close liaison would still be required between this authority and each of the councils to ensure that local accountability was achieved and that waste collection methods worked satisfactorily. This option therefore merits close examination followed by full consultation with district councils and other stakeholders.

Recent consideration by the DOE of the Northern Ireland Best Practicable Environmental Option (NIBPEO) in early March is a welcome development in this direction as it will provide a basis for better informed future discussion on this possibility.

In order to develop waste management in Northern Ireland, the Council considers that much stronger and better co-ordinated Government leadership is required; for example in highlighting recycling messages to the public. This is a national issue and it is unlikely that any one council would have the necessary resources to impact significantly upon public behaviour within its jurisdiction. Therefore, the DOE (and other Government agencies such as the Department of Education and Learning) have a key role to play in promoting the waste hierarchy to all. In particular, greater effort needs to be invested in driving home messages on a broad front to decouple economic prosperity from waste generation in order to arrest waste growth.

The Council has played a fundamental role in the development and support of arc21. The Waste Plan produced for the region was determined by the Minister for the Environment in November 2002. This Plan provided a timetable for how the council grouping proposed to meet the requirements of both the EC Framework and Landfill Directives. Belfast City Council is in the process of rolling-out a significant programme of investment in line with the Waste Plan with new recycling facilities and services being provided across the city in order to increase steeply our current rate of recycling.

Simultaneously, the Council is preparing to close the Dargan Road Landfill Site in 2006 in order to comply with incoming EC Landfill Directive standards.

However, a recent consultation paper on a draft Northern Ireland Landfill Allowances Scheme (NILAS) which has been designed to meet the Landfill Directive targets starting in 2010 has caused concern. The proposals appear to take little cognisance of the Waste Plans previously approved by the Minister (which also propose to meet the Landfill Directive) and propose annual targets involving equal steps to achievement of the Landfill Directive targets. This is not helpful.

The Council would consider that the NILAS consultation paper needs considerable amendment in order to align it with councils existing Waste Plans. Also, in light of the draft scheme the Council considers that the DOE needs to work much more closely with councils in order that both tiers of government are mutually supportive in tackling a shared problem.

In these circumstances, the Council would consider it prudent for all relevant agencies and branches of the DOE (the Environmental Policy Division, Planning Service and Environmental Heritage Service) to liaise with representatives of the council groupings in order to ensure that the final NILAS accords with the Waste Plans.

The next issue arising under this area is the provision of suitable facilities. Currently, there is an apparent backlog in the release of planning permissions to meet future integrated waste management treatment/disposal needs. The issue of prematurity was cited for several years as a reason for delaying consideration of several waste management proposals. The Council is concerned that the Planning Service may be misinterpreting the role of the Waste Plans in the planning decision making process. Councils are concerned that they will be placed in a position whereby any new facility has to be assessed by the council groupings in light of BPEO before Planning Service will decide. This would put councils in a new role (with attendant resource implications) and further delay the decision-making process.

The Waste Plans are a material consideration within the planning hierarchy, but they should be considered within the context of the Area Plans. The Council considers it important that each of the Area Plans therefore, makes reference to waste management and preferably identifies specific areas suitable for the placement of facilities.

It is imperative that infrastructure be developed urgently in order to meet the EC requirements for recycling and diversion of biodegradable waste from landfill. The DOE needs to recognise that new facilities are needed “on the ground” and that the council groupings will be, or are, currently undertaking procurement exercises to secure services through new facilities to treat household waste. If these are not concluded successfully it is unlikely that council groupings or Northern Ireland will meet the EC Landfill Directive targets.

The DOE has instituted a Waste Management Grant which is to be welcomed as it has provided much needed capital for councils. However, there are a number of items the Council would welcome:

(i) a longer programme for investment,
(ii) greater flexibility regarding carry-over, and
(iii) a larger sum of money.
So far, councils have received grant aid from the DOE, but due to the difficulty in gaining approval for new waste management facilities most investment has been made in “upstream” waste collection arrangements. This has delivered an immediate increase in Northern Ireland’s recycling rates, but the fundamental (and costly) treatment facilities necessary for an integrated waste management solution are still lacking and future target achievement will be reliant on such new facilities.

PROGRESS ON RECYCLING IN NORTHERN IRELAND AND THE POTENTIAL DEVELOPMENT OF THE RECYCLING INDUSTRY HERE

The DOE is to be praised for initiating the Waste and Resource Action Programme (WRAP) locally. The Council believes that market development and “closing the loop” requires strong government action. As the Waste Strategy commits Northern Ireland to becoming a centre of excellence in waste management and there have been developments within WRAP in GB with a range of new programmes being rolled-out, the Council would encourage the DOE to engage with WRAP to fully duplicate the schemes in order to promote the development of a local waste management reprocessing industry.

Similarly, the Waste Strategy commits the DOE to funding demonstration projects, yet to date the Council does not believe that this has been achieved. The Council had begun to fund the development of local reprocessing capacity by working with its landfill distribution body to support Full Circle which is seeking to develop the equivalent of a Remade scheme in the Belfast region. The Council believes that a future opportunity exists for the DOE to continue supporting similar initiatives using transitional landfill tax monies in order to develop what is an essential element of the waste management industry—local reprocessing capacity.

As stated earlier though, sluggishness and delays in the Planning process, whether with waste treatment/disposal facilities or reprocessing capacity, will have an impact upon investor confidence and reduce competition, with an attendant impact upon council’s best value processes.

Finally, the Waste Strategy commits the NI Government to green procurement. The Council believes that if the NI Government was to specify that all materials procured had to contain a blend/mix or virgin and secondary materials, considerable new markets would be created locally which would stimulate many new environmental business opportunities.

THE CURRENT AND FUTURE AVAILABILITY OF LANDFILL CAPACITY IN NORTHERN IRELAND

The Council believes that the current situation is not providing adequate waste management facility development in Northern Ireland. Problems regarding the planning timetable and apparent resource shortages mean that planning decisions are not forthcoming in a timely manner and that investors will be likely to be increasingly wary about development opportunities in the sector.

This situation is exacerbated by the current “capacity management” system which is seeking to close existing older un-engineered or loosely engineered facilities in line with the EC Landfill Directive requirements while restricting the release of new facilities. This is placing Northern Ireland in a position whereby landfill capacity is rapidly dwindling and new sites are not being developed. The Council’s facility at the Dargan Road is closing in 2006 and thereafter, a new facility will be needed. The Council will be procuring this service jointly as part of arc21, but delays in planning and the current capacity management situation are restricting the development of a competitive marketplace (which impacts upon Councils’ delivery of best value) and there are concerns that suitable alternative sites may not be developed in time.

PROPOSALS FOR ALTERNATIVES TO LANDFILL, SUCH AS INCINERATION

The Waste Strategy states that incineration has a key role to play in the delivery of an integrated waste management solution for Northern Ireland.

The Council believes that a comprehensive range of new facilities are needed, and the schedule for development is outlined in the arc21 Waste Plan (new windrow composting, material recovery facilities, in-vessel composting, transfer station, landfills and anaerobic digestion plants are all envisaged in the short-to mid-term). The Waste Plan recognises that depending upon the public’s response to these new facilities and services, there may need to be additional forms of waste treatment technology in order to meet the EC Landfill Directive. The timing for development of such new technologies is predicated upon the achievement of staged performance targets within the Plan.

The Council would be keen to see the DOE fund relevant demonstration projects, particularly those which could test alternative or emerging household waste treatment options, as well as other significant waste streams such as priority waste streams, elements of the biodegradable waste stream and/or major non-household wastes.

The Council would like to emphasise that it believes Northern Ireland needs to develop a comprehensive range of technologies locally at a range of strategic sites in order to ensure that Northern Ireland is capable of meeting both existing and future EC Directives. As stated above, this is necessary for household and other waste streams. Given that there is a substantial waste management infrastructure needed Government needs
to raise funding levels and establish appropriate dispersion mechanisms commensurate with these requirements. The funding also needs to be made available with sufficient future certainty and carry over facility to accommodate planning of large scale infrastructure.

**The Potential to Learn from Experience Elsewhere**

The Council recognises that valuable lessons can be learned from experience elsewhere. With regard to Northern Ireland there are a range of Member States with similar geographic, legislative and/or sociodemographic backgrounds which have already achieved significantly higher recycling levels than experienced locally. Depending upon what learning is being sought, there are some excellent examples of waste management available within Europe and further afield.

Denmark, Germany, Switzerland, Austria and the Benelux countries have already provided several examples of integrated waste management solutions including recycling operations. The technology and mix is relatively well established at this stage, but many of the difficulties with waste management in the UK appear to arise in relation to public perception and acceptability. This is an issue common to all parts of the UK and Government leadership is key to securing the necessary infrastructure. The development of a NI BPEO will be a useful start. However, Government should also recognise the part it must play in ensuring that the debate around the location of facilities is fully informed and balances all relevant considerations.

Equally important, good examples of “closing the loop” need to be identified in order to demonstrate what can be achieved with secondary materials. To date, the focus has tended to be upon waste treatment but reprocessing also must be considered. Again, examples are available from many of the above Member States and WRAP has been working upon developing new capacity and markets in the GB. This further highlights that Northern Ireland needs to engage fully with all the programmes on offer in order not to become disadvantaged. Furthermore, Remade-type schemes and DOE demonstration projects are also key to developing local capabilities.

---

**APPENDIX 7**

**Memorandum submitted by sterecycle**

There is currently very little recycling in Northern Ireland (or indeed the rest of the UK).

We have a wonderful technology for recycling that is an alternative to landfill, is environmentally friendly and is far cheaper than incineration. Our process has been developed in the USA and is capable of recycling up to 90% of the average domestic waste stream and without need for costly separate collections. Our process is environmentally friendly and more cost effective than other systems including Mechanical BioTreatment (MBT/BMT). You can read more about the process at www.sterecycle.com.

We have a demonstration plant in Reno, Nevada and are currently building a 70,000 tonne pa plant in Minnesota that will be commissioned in May. In the UK we have just signed Heads of Terms to build our first two plants. We partner with local authorities and/or waste contractors.

20 April 2004

---

**APPENDIX 8**

**Memorandum submitted by Sinn Fein**

During the past 25 years there has been a general disregard for EU Directives on the disposal of wastes into landfill sites across the whole of the island of Ireland. Time is now running out. Failure to implement these directives will now have an impact across the whole of the island as fines and landfill tax are set to soar, with the burden passed on through local taxation and council rates.

**Zero Waste—Reduce, Reuse, Recycle**

There is a real waste management crisis in this country. Landfill sites are overflowing, and illegal dumping is widespread. Instead of a comprehensive and effective waste management system being implemented across the island, we have seen plans for a network of incinerators as the primary response to this crisis. Sinn Fein is campaigning for an all-Ireland strategy to combat waste and pollution. At the core of Sinn Fein’s policy is the zero waste option. We believe that policy should be directed towards minimising waste through the reduction of waste volume, the reuse of materials currently disposed of as waste, and the recycling of materials that it is inappropriate to reuse in an unprocessed form. The corollary of this positive policy is our opposition to waste management strategies that take a fatalistic attitude to the production of waste, taking it as an inevitability that has to be dealt with through disposal. Such policies condemn us to continued
environmental degradation. For example, the use of incineration as a form of waste management both encourages the continued production of waste in order to fuel the incineration plants, and causes environmental damage through atmospheric discharges from the incinerators.

It is our proposal that a zero waste strategy that prioritises the reduction, reuse and recycling of waste must be developed urgently on an all-Ireland basis and should include:

— Halting and reversing plans for a network of waste incinerators in the 26 Counties and ensuring that such plans are not developed for the north. These proposed incinerators will not only endanger human health and the environment, but will require a constant stream of waste in order to operate, and thereby work in opposition to the message of waste reduction.

— The establishment of a Waste Agency responsible for the planning, financing and implementation of an all-Ireland waste management strategy, including an island-wide drive to research and establish markets for reclaimed materials.

— A comprehensive strategy for agricultural waste, concentrating on the biological treatment of waste in an environmentally friendly and sustainable manner.

— A legal imperative upon the building profession for all new builds to include a significant percentage (ie 10%) of recycled materials, and for all demolished buildings to be recycled for future building or other uses.

— Legally requiring the main industrial and commercial producers of waste and packaging to reduce waste production in a planned and targeted manner. Unless there is a legal requirement upon such producers, the impetus for change will be low—it is very unlikely that significant reductions will be achieved on a purely voluntary basis.

— The development of a strategy to ensure that all packaging is either reusable or recyclable and made for a significant percentage of recycled material.

— Establishing of “recycling and reuse” enterprises on a community and commercial basis, both locally and regionally. These would provide employment, as well as assisting in the efficient management waste.

— Abolishing local authority refuse charges in the 26 Counties which penalise the householder. Household waste accounts only for less than 10% of all solid waste.

— Reversing the privatisation of local authority refuse services in the 26 Counties.

— Legislation to allow government, local authorities and other public bodies to give preference to the procurement of recycled and re-used materials.

— The extension of the Plastic Bag Levy, already-enacted in the 26 Counties, to the 6 Counties.

— A major public education programme to promote awareness of waste and resources.

**Structures**

Responsibility for waste collection in the 6 Counties is currently the remit of local councils. 26 disposal authorities consisting of city, town and district councils across the north have now amalgamated into three groups—ARC21, North West, and South West—but problems still exist, with restrictions on decision making and delays on installing adequate waste management facilities.

Lack of co-operation between the DOE, DTI and the Dept of Agriculture only serves to make matters worse, with a fragmentation of responsibilities there has been little effort to optimise efficiencies and minimise costs. The purchasing power of such agencies should, however, not be underestimated and it is essential that contracts and tenders include an environmental imperative upon both outside contractors and staff within the department, in order to lead by example.

Harmonisation of the structures, strategies, policies and costs on an all-Ireland is vital if we are to standardise waste management and create an even playing field for all stakeholders on this small island. Market surveys will be required to determine the demands, strategy, structures and policies necessary for the compliance of the commercial sector.

Each proposed end product of the waste management process must take into account the infrastructures, services, transport, communication and power necessary to produce it; and this is especially significant for rural and disadvantaged areas who currently lack the infrastructure to deal with their waste.

Appraisals are required of the quantities, characteristics and quality of wastes arising in all sectors of the Irish economy, including agriculture, forestry, fisheries, municipal, industrial, construction and demolition, quarrying and mining, and clinical hazardous waste. Every effort must be made to capitalise on economies of scale in order to establish sustainable secondary industries in strategically located areas.
SHORT-TERM RESPONSES

We accept that in the short term there may be a need for the development of disposal facilities as alternatives to landfill. However, these should be seen as such—interim measures. Innovative technological alternatives to landfill and incineration should be exhaustively researched as unproven technology could lead to expensive disasters, hence the need for a demonstration project before full commercialisation. One such alternative which appears to have considerable merit is the auto-clave system, which is in the process of being trialed in Minnesota, USA. This system allows waste to be processed without large-scale separation, and produces an inert fibre which itself has many uses, but even if deposited in landfill will incur far less financial penalties than that of untreated waste.

Sinn Fein would suggest that the auto-clave system needs to be examined as a matter of urgency, and the possibility of a pilot project, organised and funded as an all-Ireland, cross-border initiative, explored.

22 April 2004

APPENDIX 9

Memorandum submitted by PM Group PLC

WASTE COLLECTION—CHARGING BY WEIGHT

1. PM GROUP PLC

1.1 PM Onboard is part of the PM Group Plc, one of only a limited number of companies with Class Approval for its BinWeigh waste management. It has been growing considerably in recent years, securing orders from 18 local authorities in the UK, the Isle of Man and Ireland, as well exporting its services to France, Belgium, Holland, Spain, Italy and Sweden. After floating in 2002, Bradford based PM Group Plc now has a market capitalisation of £31 million.

2. EXECUTIVE SUMMARY

(i) The current approach to reducing waste is not working. In Northern Ireland there has been only a miniscule reduction in the total amount of waste produced.

(ii) The “Polluter pays” principle constitutes a compelling alternative. Charging households only for the disposal of the waste they actually produce creates strong incentives for them to reduce their waste output.

(iii) Charging by weight is the most efficient pay-per-use strategy in terms of waste reduction.

(iv) Weight-based charging schemes encourage households to recycle. This can further be stimulated by charging lower rates for recyclable waste, or through “credit schemes” for the recycled amounts of waste.

(v) Savings on refuse collection and disposal outweigh the costs of introducing the scheme. The data recorded by the on-board weighing systems leads to more efficient services. The costs of waste disposal and collection decrease because of the reduced amount of waste. Capital costs should be recouped after seven years.

(vi) Direct charging leads to price transparency. It allows authorities to tailor prices according to the actual expenses, thus ensuring full cost recovery. Voters can judge whether the services provide value for money.

(vii) Contrary to concerns of a “double tax” on households, weighing systems lead to lower costs for customers, particularly for those who are conscientious in their waste management.

(viii) Further concerns about weight-based systems are unfounded: experience shows that fly tipping does not increase over the medium term. Rebates and subsidy schemes can be operated for the socially disadvantaged.

(ix) Weight-based charging schemes throughout Europe have led to a significant reduction of waste produced, an increase in waste recycled, more efficient waste management and savings for customers.

(x) South of the border, the Irish Government has instructed all local authorities to move to a weight-based charging system, and the early results have been impressive.

(xi) It is only a question of political will for the weighing of waste to be adopted in Northern Ireland. Legislation needs to be introduced to allow local authorities the freedom to make variable charging a reality. This could be tried on a pilot basis in one or two councils.
3. Innovative Solutions for the Waste Problem

3.1 Although there has been some movement in Northern Ireland towards improving waste management, the Province still lags a long way behind the rest of Europe.

Total municipal waste in Northern Ireland fell from 1,031,332 tonnes in 2002 to 1,026,679 tonnes in 2003 (−0.5%). The amount of household waste produced also fell in the same period, but by only 2,251 tonnes to 905,889 tonnes (or a 0.25% reduction).

Disposal of municipal waste to landfill currently stands at 87.8% (901,517 tonnes in 2003). This is considerably higher than many other EU countries, which on average dispose of less than 40% of their waste by landfill.

In 2003, the municipal waste recycling rate in Northern Ireland was 7.1% (73,391 tonnes), while composting accounted for just over 5% of total household waste. This compares with 64% in Austria being recycled or composted.

3.2 The traditional approach to waste management fails to provide households with incentives to reduce their waste output.

3.3 The House of Commons Environment, Food and Rural Affairs Select Committee writes in its report on “The Future of Waste Management”: “The cost to the householder is the same no matter how much waste they throw away or recycle, so there is little incentive for individuals to try to reduce the amount of waste they produce”.

An effective reduction of waste production can only be achieved if those who produce the waste have to pay for its disposal, and if those who reduce their waste production benefit from it.

The Department of the Environment’s “Waste Management Strategy” for Northern Ireland embraces this principle: “The use of economic instruments and the wider application of the polluter pays principle will be used as necessary to ensure progress towards the targets in the Strategy.”

3.4 Turning waste services into a priced product is the most effective way of bringing the population to adopt a responsible attitude toward waste production.

3.5 Variable charging leads to a reduction of waste all the way up the production chain. Consumers will not take to unnecessary packaging if they have to pay to dispose of it. This will in time feed back to manufacturers who will seek to reduce the amount of potential waste in order to respond to the changed demand.

3.6 Weight-based charging schemes encourage households to recycle. Significant decreases in the amount of waste being sent to landfill have been recorded where variable charging schemes are operated. The incentives to recycle can be increased through charging lower rates for the disposal of recyclable waste or through a “credit scheme” for the recycled amount.

3.7 According to the Government’s Strategy Unit “Waste Not, Want Not” report, variable charging schemes in EU communities have helped reduce the average amount of waste to 150 kg per inhabitant, compared to an average of around 400 kg in the UK.

3.8 Currently, legislation makes direct variable charging impossible in Northern Ireland. Statutory Instrument 2778 (N119) 1997 rules that “No charge shall be made for the collection of household waste . . .” (Section 20, 3).

4. Charging by Weight

4.1 The weight of waste is the most reasonable, most accurate and most effective measure for direct variable charging schemes. All data concerning waste is recorded in terms of weight. Equally, weight is the standard measure for waste in statistics and Government targets.

4.2 A study by KPMG, in the Netherlands in 2001, found that among the different types of direct variable charging schemes—weight-based, sack-based, volume-based and volume and frequency-based—weight-based schemes are the most effective, particularly at reducing residual waste.

5. On Board Waste Weighing Systems

5.1 Dustbins are equipped with microchips containing the owner’s identity and address. The information, together with the weight of waste collected, is recorded when the bin is connected to a hoist on the refuse collection vehicle. Upon return, it is transmitted to a central computer, which sends individual invoices to the customers.

5.2 The chip is not affected by wetness or dirt, and can be installed on existing and new equipment. The software for the system can be installed on any existing computer network.
6. **Cost of the Binweigh System**

6.1 Some local authorities worry about the potential cost of implementing variable weighing schemes.

6.2 Experience shows that savings on refuse collection and disposal outweigh the cost of introducing the scheme. The authorities’ worries can be explained by the fact that “the static costs of implementing the new system are much more apparent than the savings that are made over a long period of time”, as the “Waste not, Want not” report points out.

6.3 Purchase and installation of a bin chip costs between £1.25 and £3 (dependent upon the specification of chip). Fitting the weighing equipment and the IT to the vehicles costs approximately £15,000 per vehicle. The software—including account database modules for the customer account details, bin database modules for bin allocation, a module for the creation and management of vehicle route information—is around £6,000.

6.4 The estimated total cost for a fleet size of 20 vehicles, servicing 280,000 people, is £350,000.

6.5 Savings generated by the greater efficiency of service on running the vehicles outweighs the implementation costs of the scheme. Moreover, the significantly reduced amount of waste going to landfill results in less council expense on landfill tax (which is set to rise dramatically over the coming years). The capital costs should be recouped after seven years.

6.6 Financial assistance or incentives linked to performance could be given to local authorities. In Belgium, Holland and Germany government grants to authorities have helped pay for the implementation of weight-based charging schemes.

7. **Cost Recovery**

7.1 Households pay for waste disposal through variable fees, rather than through the Council Tax.

7.2 This makes the costs of waste management transparent for both the authorities and customers. It allows authorities to analyse and improve the efficiency of their services, and to tailor prices according to their expenses. It allows voters to judge whether the service represents value for money.

7.3 On the other hand, a dynamic response on the part of householders might lead to revenue instability. The amount of material collected is likely to drop, and therefore also the amount charged. If the incentives to reduce waste and increase recycling are too strong, fees may not cover costs, at least initially until authorities are able to adjust their cost base to meet the new situation. Through a balance of fixed fees and variable fees, the right level can be struck thus guaranteeing income to cover costs whilst retaining an incentive.

8. **Cost to the Public**

8.1 The public will be concerned that direct variable charging means “double taxation”.

8.2 Such concerns are understandable but unfounded. Waste charges are not added to the Council Tax, but partly replace it. They do not constitute an additional revenue source for councils.

The Environment, Food and Rural Affairs Select Committee points out in its report “The Future of Waste Management”: “Few people know how much of their council tax is spent on waste.”

8.3 Experience in other countries shows that only those failing to manage their waste are likely to face extra cost.

8.4 A Brook Lyndhurst/MORI survey, 52% of the interviewees agreed that people need a financial incentive to make them create less rubbish and recycle more. Only 26% disagreed.

8.5 The balance between the variable element of a collection charge and a fixed element is an important element of the scheme. The right balance ensures that incentives are effective, costs are recovered and the charges on households fair.

8.6 In order to acclimatise residents, billing systems could be operated with a fixed fee system for the first two years.

8.7 Charge by weight is fairer than general taxation as it means, for example, that an elderly couple with minimal waste will not have to pay as much as a large family.

9. **Addressing Concerns**

9.1 *Fly Tipping*

Evidence from the Continent suggests that if the opportunity to recycle is provided, fly tipping is not likely to rise significantly over the medium term. Many of the weighing schemes highlighted below reported an increase in fly tipping in the short-term, but that after a year when individuals had become used to the options available to them, tipping normalised.
9.2 The Transfer of Refuse

Some people may seek to transfer their refuse to other households in order to reduce or avoid payments. Communities in which the scheme is already implemented do not report a significant problem with transfer of waste. Bin locks can be provided in order to avert transfer where it seems likely to happen.

9.3 Multi Occupancy Units and Community bins

Multi occupancy units and community bins can be dealt with through share initiatives—as in some Irish authorities where weight-based waste charges are divided among the occupants.

9.4 Large Households, Low Incomes

Socially disadvantaged individuals benefit from rebates or adjustments in local taxes to compensate them, or, as with energy bills, through adjustments by way of the social welfare system. In some local authorities in Ireland, a waiver system exists in which disadvantaged householders (eg elderly or unemployed citizens) have their collection fee paid for or subsidised.

10. Political Endorsement

10.1 In Ireland, Martin Cullen, the Environment Minister, has ordered all local authorities to introduce direct variable weighing schemes by the beginning of 2005. He says: “The incentive to reduce, reuse and recycle makes people think about how they manage their waste. Pay-by-use adds some equity to the system because people know they are charged only for what they throw out. It makes good common sense, and works under that same analogy as gas and electric bills—the less you use, the less you pay”.

10.2 The Strategy Unit writes in its “Waste Not, Want Not” report that “the Government should secure an early legislative opportunity to grant local authorities powers to implement incentive and charging schemes for waste if they want to do so.”

10.3 The Environment, Food and Rural Affairs Select Committee (“Future of Waste Management”; Session 2002–03) agrees: “Waste minimisation, producer responsibility, and the ‘polluter pays’ principle are all at the heart of a sustainable waste management policy and there is no reason why the householder should be exempt . . . we agree with the Local Government Association that variable charging for household waste collection should . . . be regarded . . . primarily as a means of changing householders’ behaviour.”

10.4 Addressing a meeting of the Associate Parliamentary Sustainable Waste Group in January, Elliot Morley MP, the Environment Minister, indicated his support for household waste incentive schemes: “Differential charges on waste—this is not extra taxes on waste, but financial advantages for good behaviour. People should not only feel good for doing what they can for the environment, but also in being financially rewarded . . . ”

11. Case Studies

11.1 Waste Reduction

— Ireland—Cork council reports a drop of 40% of the waste going to landfill from 2002 to 2003 after introducing a weight-based charging scheme in January 2003.

— Isle of Man—In one Isle of Man authority the amount of waste collected was down by 13% after the first four months of operating a weight-based scheme. In another authority the amount of waste was down by 30% within one month.

— Denmark—Around 20 Danish municipalities currently operate weight-based schemes for domestic waste. Many have been in operation for over a decade. The amount of domestic waste collected annually from each household is on average 359 kg less than in non-weight based reference areas.

— The Netherlands—A study conducted in the Netherlands in 1997 found that, where weight-based systems were in operation, total waste production had fallen between 12 and 30%.

— Germany—Garmisch-Partenkirchen has seen waste disposal amounts reduce by 40% from 1995, while recycling has increased by 90%.

11.2 Recycling

— Ireland—In County Monaghan, Ireland, the total amount of waste dropped by 30–40%. Half of this reduction can be accounted for by increased recycling levels.

— Denmark—In Denmark, studies demonstrated a higher level of recycling, especially paper and cardboard, and a higher level of home composting (59%) in areas operating weighing systems.
11.3 Cost to the Public

— Ireland—In County Monaghan, after the introduction of a weight-based scheme in January 2003, the average annual waste going to landfill dropped from 1.25 tonnes to 770 kg per household. This has ensured households are generally paying the same or less (an average of £270 (£181) a year) than they did under the fixed rate, even though landfill costs have almost doubled in that time.

— Denmark—A 1996 study in Denmark investigated 10 regions, two of which had introduced weight-based systems. The study concluded that on average, in one of these, Bogense, residents paid £123.31 less a year for the collection and disposal of their waste than areas that were not weight based. The fee-schemes are usually operated with a basic fee of £73–£160 (£49–£107) per household per year. This includes 130–350 kg of mixed waste and additional “free” services. For waste exceeding the basic amount, the fee is £0.2–£0.67 (13–45 pence) per kilogram.

6 August 2004