

Southern Waste Management Partnership
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27th October 2006

For the attention of Mr Robert Gray

Department of the Environment
Environmental Policy Division
20-24 Donegal Street
Belfast
BT1 2GP

Dear Sir

**PUBLIC CONSULTATION ON THE DRAFT WASTE (AMENDMENT)
(NORTHERN IRELAND) ORDER 2006**

This response has been prepared on behalf of the group of councils that make up the Southern Waste Management Partnership (SWaMP) in relation to the above consultation. The following comments represent an amalgam of the views of the eight Councils making up the Partnership, namely:

Armagh City & District Council
Banbridge District Council
Cookstown District Council
Craigavon Borough Council
Dungannon & South Tyrone Borough Council
Fermanagh District Council
Newry & Mourne District Council
Omagh District Council

Individual councils within the Partnership may make separate responses.

In principle the Southern Waste Management Partnership welcomes the Department's proposals for dealing with the illegal treating, keeping and deposit of waste within Northern Ireland. More specific comments relating to the Draft Order are detailed below:

Offences Relating to Deposit and Disposal of waste

The Partnership acknowledges the increase in penalty for illegal disposal of waste from £20,000 to £50,000 and the increased prison sentence on conviction but are of the opinion that the penalties issued should be in accordance with the scale of the crime committed and that these penalties may be very small in relation to the potential revenue generated by illegal waste activity. There is a concern therefore that the potential penalties may not be a sufficient deterrent for this activity.

The Partnership welcomes the requirement for offenders to pay clean up costs for this offence but would have concerns as to how this can be implemented from the point of view of apportionment of blame. This is especially prevalent for sites with a historical record of illegal waste activity.

Waste Collection and Disposal

The Partnership welcomes the proposals to enable District Council Officers to issue fixed penalty notices to householders who commit offences relating to waste receptacles as a means for encouraging recycling and to allow District Councils to use these amounts to exercise functions under Part II of the Waste and Contaminated Land (Northern Ireland) Order, 1997. There is concern however that householders would need to be fully aware of, and understand, their obligations before fixed penalty notices are served. There is therefore a need to ensure that this is coupled with an effective education and communications campaign.

The Partnership would have some concern over the insertion of Article 28A into the Order, enabling notice to be served on the owner of the land requiring him to clear waste in circumstances where there is no occupier of the land or the occupier cannot be traced. The Partnership is of the opinion that the Polluter Pays Principle should be maintained wherever possible and that Article 28A should only be instigated as a method of last resort.

Transport of waste

The Partnership recognises the need for the more stringent controls on waste transport and in particular unregistered transport, but believe that there is a need to couple this with further education and awareness in order to ensure that all levels of staff involved in the transport of waste within businesses are aware of their responsibilities and legislative requirements. The Partnership would question the level of charging being considered for Certificates of Registration as it is imperative that legitimate companies are not discouraged from continued legislative compliance.

The Partnership welcomes the new powers of enforcement afforded on constables or authorised officers in relation to unregistered vehicles and contents, although, as previously mentioned, we would have concerns that the fixed penalty of £300 for offences relating to this is not sufficient to act as an effective deterrent.

Site Waste Management Plans

The Partnership welcomes the requirement within the Order for developers and contractors of construction and demolition projects to prepare site waste management

plans as there is a firm belief that all sectors have a responsibility to plan for the sustainable management of their wastes.

Enforcement

The amendments to the powers of enforcing authorities and the power to stop vehicles are recognised and commended by the Partnership.

If we can be of further assistance please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G Byrne', with a small horizontal line at the end.

Graham Byrne
Operational Director
Southern Waste Management Partnership.