

Consultation on the Proposal to Amend the Landfill Regulations
(Northern Ireland) 2003

Short Summary

19 Responses were received, (18 with comments, 7 received after deadline)

- 14 Councils (or council partnerships)
- 4 NGOs
- 1 Executive NDPB

NGO view is in support of the proposal as this increases the environmental protection afforded in the case of old landfills and will benefit biodiversity of Northern Ireland.

Councils (those affected by the proposal) view generally is that the proposed amendment is retrospective and thus ultra vires. They also note that the consultation does not recognise the Department's delay in implementing fully the Directive, and that the RIA does not reflect the true costs of compliance.

One Council (not affected directly by the proposal) has endorsed the proposal while requesting consideration from the Department for those affected by failing to transpose the Directive by the due date.

Three Council responses were received after the close of the consultation, and their comments reflected the general position adopted by Councils.

Consultation Responses Received

No./Date Rec'd	Name or Organisation	Comments
1. 25/6/10	NI Judicial Appointments Commission	No Comment to make
2. 7/9/10	SWaMP2008	<p>Response prepared on behalf of the 8 constituent Councils of SWaMP2008</p> <p>1. It is essential that the regulations provide clarity in respect of the obligations falling to landfill operators for the sites in question.</p> <p>2. The amendments will place unreasonable additional and substantive administrative and financial burdens on affected landfill operators.</p>
3. 9/9/10	Armagh City & District Council	Referred to the enclosed response prepared by SWaMP2008 above.
4. 13/9/10	N I Environment Link	<p>NIEL supports the proposed amendment as it:</p> <p>(i) Ensures that the conditions set out in the 2003 Regulations are adhered to for landfills that closed between 16 July 2001 and 6 January 2004.</p> <p>(ii) Gives ownership back to Councils and private operators and ensures that these former sites are managed more effectively.</p> <p>(iii) Strengthens regulations on landfill sites which will improve the effective management of former landfill sites.</p>

<p>5. 13/9/10</p>	<p>Antrim Borough Council</p>	<p>1. Consultation fails to recognise the Department's role in failing to properly transpose the Landfill Directives, and the consequences on innocent third parties who at all times have complied with national law</p> <p>2. Amended regulation is retrospective and ultra vires.</p> <p>3. RIA does not accurately identify the compliance costs involved is not a sound basis for proceeding with the proposed regulations.</p>
<p>6. 13/9/10</p>	<p>Castlereagh Borough Council</p>	<p>Castlereagh made the same comments as Antrim Borough Council</p>
<p>7. 14/9/10</p>	<p>Ballymoney Borough Council</p>	<p>Ballymoney raised the same points as Antrim and Castlereagh.</p>
<p>8. 14/9/10</p>	<p>North Down Borough Council</p>	<p>1. Council endorses the Department's proposal.</p> <p>2. Requests the Department to give consideration to those Councils directly affected by the failure to transpose the Directive into national law by 16/7/01</p>
<p>9. 14/9/10</p>	<p>Ulster Wildlife Trust</p>	<p>1. UWT fully supports the proposed amendment.</p> <p>2. This will ensure that DCs and Landfill Operators must regulate sites that closed between 16/7/01 and 6/1/04 in compliance with the Landfill Directive.</p> <p>3. This will significantly reduce the environmental risks to the natural environment at those locations.</p> <p>4. Remediation of these sites and their continued management will greatly benefit the general public, biodiversity and the natural environment of NI.</p>

10. 14/9/10	CNCC	CNCC fully supports the proposal to amend the legislation to apply the Landfill Directive to all landfills that closed after 16 July 2001.
11. 15/9/10	Limavady Boro' Council	Limavady made the same comments as Antrim Borough Council
12. 15/9/10	Fermanagh District Council	<ol style="list-style-type: none"> 1. Retrospective application of amended regulations will impose greater financial burden on those affected due to the failure of DoE to transpose on time; 2. This has an ultra vires affect on the imposition of the regulation; and 3. The Department does not appear to have adequately assessed the compliance costs and consequently proposes such imposition without proper RIA.

Responses Received After Close of Consultation

13. 15/9/10 (17.00)	Lisburn City Council	Lisburn made the same comments as Antrim Borough Council
14. 16/9/10	arc21	arc21 made the same comments as Antrim Borough Council.
15. 16/9/10	Down District Council	Down made the same comments as Antrim Borough Council.
16. 16/9/10	NILGA	NILGA made the same comments as Antrim Borough Council.
17. 17/9/10	Omagh District Council	Omagh made the same comments as Antrim Borough Council
18. 28/9/10	SWaMP2008	In addition to previous comments (2), SWaMP2008 made the same points as Antrim
19. 7/10/10	USPC	USPC fully supports the proposed amendment to the 2003 Regulations.

