

**Minutes**  
**Strategic Waste Board Meeting**  
**13<sup>th</sup> February 2008**  
**Ballymena Showgrounds**

Present:

Arlene Foster MLA	Minister of the Environment (Chair)
Paul Simpson	Department of the Environment Deputy Secretary Local Government and Planning and Environmental Policy
Wesley Shannon	Department of the Environment Director Climate Change and Waste Management Division
Dr Roy Ramsay	Director, Environmental Protection, Environment & Heritage Service
Anthony McKay	Planning Service
Martin Darcy	Strategic Investment Board
Graham Byrne	Operational Director, Southern Waste Management Partnership (SWaMP)
John Briggs	Acting Chief Executive, Armagh City and District Council. (SWaMP)
Oonagh Warke	Planning and Environmental Policy Group, Department of the Environment
Joyce Rutherford	Department of Agriculture and Rural Development
Jim McCreesh	Department of Finance and Personnel
John Quinn	Chief Executive, arc21
Alderman Hubert Nicholl	Chairman, arc21 Joint Committee, Ballymena Borough Council
Councillor Winston Fulton	Deputy Chairman, arc21 Joint Committee, Larne Borough Council
Alan McVicker	Director, Programme Delivery Support Unit
Tim Walker	Chairman, Technical Advisers Group
Eamon Molloy	Development Officer, North West Region Waste Management Group (NWRWMG)

Councillor Robert McPherson	Coleraine Borough Council, NWRWMG
Councillor Patrick Groogan	Magherafelt District Council, NWRWMG
Councillor Shaun Gallagher	Chair of NILGA Waste Working Group, Derry City Council (Vice Chair)
Councillor Sean McGuigan	Vice Chair of NILGA Waste Working Group Dungannon and South Tyrone Borough Council
Professor Sue Christie	Director, Northern Ireland Environment Link
Dr Bryan Gregory	Director, RPS Consulting Engineers
Patrick Durkan	Managing Director, Urban Forest Ltd
Secretariat:	Karen McCambley, NILGA Andy McClenaghan, NILGA

### **1) Welcome and Introductions**

Alderman Maurice Mills, Mayor of Ballymena Borough Council, welcomed members of the Strategic Waste Board (SWB) to Ballymena. He stressed the importance of devolution in Northern Ireland for enabling progress to be made on environmental issues.

The Minister welcomed members to the meeting. She welcomed the newly appointed independent members to the board and asked board members to introduce themselves in a round table format for the benefit of the independent board members.

### **2) Apologies**

Apologies were received from:

Doreen Brown, DRD;

John Cole, DHSSPS;

David Ferguson, DOE Planning Service - to be represented by Anthony McKay, DOE Planning Service;

Ronnie Jordan, DARD - to be represented by Joyce Rutherford, DARD Environmental Policy Branch;

Philip Irwin, DFP - to be represented by Jim McCreesh, DFP Properties Division;

Graeme Hutchinson, DETI;

John McMillen, OFMDFM;

Councillor Francie Molloy (Chairman, SWaMP, Dungannon and South Tyrone Borough Council).

### **3) Minutes of Previous Meeting**

The minutes of the previous meeting were agreed.

#### **4) Matters Arising**

##### **4.1) Update on Learning and Communications Forum**

In the discussion the following points were made:

- (i) The scoping study for the Deloitte report on learning and communications will not be available for a further 2 months.
- (ii) A DOE workshop will be held on 20th February and will take into account responses to the consultation. The Deloitte report will take into account the outcome of the workshop and will be available in March or April.
- (iii) The final report will take into account all comments made on previous drafts.

The Minister noted that when the learning and communications report is finalised it will be tabled for discussion at a future SWB meeting.

DOE to table finalised learning and communications report at a future Strategic Waste Board Meeting

##### **4.2) Independent Members**

The Minister noted independent members had already been welcomed and asked if there were any comments from the board on the appointment process. No comments were made.

##### **4.3) Update on Programme Governance**

The Minister noted :

- (i) That the main change to the programme governance paper concerned the establishment of the Waste Infrastructure Programme Board (WIPB), highlighting the scrutiny role WIPB has over the PDSU.
- (ii) Establishment of the WIPB reflected Local Government calls for focus on infrastructure delivery.

Councillor Shaun Gallagher asked the Minister to allow the Board to consider agenda item 7 'NILGA Paper on Elected Member Representation' at this stage.

In the discussion it was noted:

- (i) 1 elected member from each of the regional waste management groups should attend meetings of the Waste Programme Steering Group (WPSG).
- (ii) Elected members should be able to send substitutes to attend WPSG meetings in their place.
- (iii) Elected members should be involved in an ad hoc basis on the WIPB and other delivery groups as required.

The Minister noted:

- (i) Paul Simpson as Senior Responsible Owner (SRO) would be responsible for flagging up when elected member involvement is necessary on the delivery groups.
- (ii) Political buy-in to strategy delivery is essential and elected member involvement in the programme delivery structures is important.

#### **4.4) Executive Cooperation letter**

Councillor Shaun Gallagher welcomed the Minister's letter and thanked her for urging support for delivery of the Waste Management Strategy across the NI Executive.

The Minister noted :

- (i) There had been concern at the last SWB meeting regarding commitment from the NI Executive to ensuring delivery of the Waste Management Strategy.
- (ii) She had sent a letter to her ministerial colleagues urging active cooperation in ensuring the delivery of the waste management strategy
- (iii) She had raised the issue of cross departmental cooperation in the NI Assembly the previous day in relation to illegal waste dumping.

#### **5 a) Report from last PDSU Steering Group meeting**

In the report the following points were made:

- (i) Planning announcements made in the Programme for Government and the Investment Strategy for Northern Ireland were discussed. Disappointment was expressed regarding the deadline for the proposed planning reform, as it would be helpful for local government if the reforms were made earlier.
- (ii) Local government await the proposals for a reform of the planning system which the Minister announced on 29<sup>th</sup> November 2007.
- (iii) Consideration was given to integrating the capital grant scheme with the Waste Management Group / Programme Delivery Support Unit (PDSU) service level agreement. This has not happened; the PDSU has been advised that the service level agreement and capital grants scheme should be kept separate. This issue is to be discussed further at officer level.
- (iv) The importance of a reciprocal working relationship between DOE and the Regional Waste Management Groups was stressed together with the need for timely allocation of departmental resources to enable delivery of the waste management strategy.
- (v) Alan McVicker has taken up post as Director of the PDSU.
- (vi) Attendees of the PEPG organised study visit to Frog Island Mechanical Biological Treatment plant in London found the exercise informative.

## **5 b) Report from first meeting of the Waste Infrastructure Programme Board (WIPB)**

Alan McVicker, Director PDSU thanked the Minister for his invitation to the meeting.

In the report the following points were made:

- (i) The WIPB has replaced the PDSU Steering Group and will focus on delivery of the infrastructure strand of the waste management strategy.
- (ii) First meeting of the Waste Infrastructure Programme Board took place on 8<sup>th</sup> February and all members attended. A monthly report will be provided by PDSU to WIPB.
- (iii) The terms of reference for the WIPB have been agreed.
- (iv) A meeting was planned for 15<sup>th</sup> February to be attended by PDSU, DOE and DETI at which the state aid issue would be discussed. Current indications are that there are mixed reports on whether there is an issue regarding state aid in NI. Reports from Scotland suggest there is no problem, but this is contraindicated by reports from England and Wales.
- (v) Gateway reviews are to be conducted at various levels of the programme.
- (vi) The Waste Management Groups are to produce strategic outline cases for infrastructure projects by April 2008 for review by DFP and DOE, prior to development of outline business cases.
- (vii) Three contracts for legal support for the Waste Management Groups and the PDSU have been put out to tender. Further contracts will be awarded in early and late March.
- (viii) Issues surrounding procurement vires and Planning Policy Statement 18 are also being addressed.
- (ix) The PDSU has moved to new offices in May Street, Belfast. Mr McVicker offered these premises as a potential venue for future SWB meetings.

The Minister noted it would be beneficial to have a formal opening of the new PDSU offices to raise the media profile of PDSU.

PDSU office formal opening to be planned for later in the year.

## **6) Update on Procurement Vires**

In the discussion it was noted:

- (i) Timeline in paper SWB 6(1/2008) is inaccurate. 'Normal option 1' states passage of legislation by accelerated process will be complete by May 2010, whereas the expected timeline for passage of legislation is March 2009.
- (ii) DOE is ahead of the timetable submitted to OFMDFM requesting accelerated passage and is in the process of drafting instructions for legislative draftsman.
- (iii) As accelerated procedure prevents scrutiny at committee stage, the Environment Committee must be made aware that OFMDFM has endorsed the use of accelerated procedure to

NILGA to write to Environment Committee members to lobby for

<p>avoid imposition of EU infraction fines and to allow local government to access the £197 million Strategic Waste Infrastructure Fund within the 3 year Comprehensive Spending Review period.</p> <p>(iv) Local Government is concerned to ensure the scope of the proposed legislation is sufficient. There is concern the legislation is orientated to be market-facing but local government require cover to ensure it can legally enter into contracts with private companies to deliver waste infrastructure. To ensure the scope of legislation is sufficient there is a need for DOE to engage in dialogue with local government legal representatives.</p> <p>The Minister noted:</p> <p>(i) The DOE has not used accelerated procedure to process legislation before.</p> <p>(ii) Broadening the scope of the legislation to cover all eventualities may reduce the likelihood of the legislation being passed by accelerated passage.</p> <p>The Minister agreed she would send a letter to all District councils explaining the scope of proposed legislation and how it would be made.</p> <p><b>8) Resources to support waste programme delivery</b></p> <p>In the discussion it was noted:</p> <p>(i) Resourcing for programme delivery is a concern for both the DOE and Local Government.</p> <p>(ii) The NI Programme for Government and Budget have both been agreed and central government staff saving targets have been set. In light of these developments the DOE business plan can be finalised and will go to the Minister for approval in a number of weeks.</p> <p>(iii) The Deloitte Gap Analysis indicated the DOE does not currently have enough available staff to shoulder the full workload required for strategy delivery. DOE will need to prioritise certain aspects of the strategy over others and as a result some aspects of strategy delivery may not be taken forward in the next two to three years.</p> <p>(iv) The budget has not enhanced resources for PEPG.</p> <p>(v) The budget has been settled but there remain opportunities for the department to receive additional funds from DFP. DFP have decided to take a more lenient view regarding transfer of funds within departments and will review the issue on a case by case basis. This may permit the DOE to transfer funds for outsourcing services in areas where there are departmental staff shortages.</p> <p>The Minister noted:</p> <p>(i) The issue of resourcing for strategy delivery both in terms of availability of finances and staff is a concern for local</p>	<p>committee support for accelerated passage.</p> <p>DOE to engage with Local Government legal advisors to ensure scope of legislation is sufficient.</p> <p>Minister to write to local councils explaining the proposed legislation will be subject to accelerated passage.</p>
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- government.
- (ii) The DOE has the option of bidding to DFP to request additional funds on specific issues.

### **9) Confirmation of 'Strategic' classification of Waste Infrastructure Projects**

During the discussion the following points were made:

- (i) Major waste Infrastructure projects will fall within the 'Strategic' classification for the 6 month application process.
- (ii) It is important that applications are properly prepared and include pre-application consultation. All consultees must agree to proposals prior to application and once proposals are submitted there will be no opportunity for amendment.
- (iii) Planning for waste management infrastructure is a significant concern for local government as infrastructure delivery could falter on this issue.
- (iv) Planning was considered a critical issue in establishing the PDSU and PDSU has been resourced to aid the regional waste groups in making planning applications.
- (v) Local government stressed it is important Planning Service communicate well with the Waste Management Groups and PDSU to highlight any problems with applications as they arise and to ensure planning applications are not held up as a result of unnecessary bureaucracy.
- (vi) Over the next number of months the PDSU intends to increase its communications work to minimise the impact of negative coverage regarding infrastructure planning applications.
- (vii) A message should be sent to other government departments explaining the importance of waste infrastructure planning applications to ensure departments as statutory consultees do not unduly impede the pre-planning consultation process.
- (viii) The WIPB will work to avoid delays in waste infrastructure planning applications.

The Minister noted:

- (i) If pre-application consultation has taken place and a good working relationship exists between the Waste Management Groups, PDSU and Planning Service it is unlikely planning applications will be held up as a result of unnecessary bureaucracy.
- (ii) A multi-disciplinary team has been set up to try to avoid or counter problems.
- (iii) The profile of waste management needs to be raised with the public. Citizens are largely unaware of the need for infrastructure development and often become interested only when development is proposed close to where they live.

The Minister agreed:

- (i) To explain the 'strategic' classification of waste infrastructure for planning applications in her letter to local councils concerning

Minister to include explanation of 'strategic' classification of waste

<p>the timetable for procurement vires legislation.</p> <p>(ii) To write to other departments and strategic consultees to raise awareness of the need for waste management infrastructure development and urge cooperation with the pre-application consultation.</p> <p><b>10) 'On Board' training proposal</b></p> <p>During the discussion the following points were made:</p> <p>(i) Local government proposed all members of the Strategic Waste Board participate in the 'On Board' training programme.</p> <p>(ii) Members of the Strategic Leadership Board who wish to participate in the 'On Board' training programme would be welcome to participate as the cost of the course remains the same despite the number of participants.</p> <p>(iii) NILGA will send the Minister a copy of the 'Councillor's Waste Management Reference Guide' which was developed to help elected members clarify the meaning of various waste management acronyms.</p> <p>The Minister agreed:</p> <p>(i) All members of the Strategic Waste Board who wish to participate in the 'On Board' training programme should take part in the course.</p> <p>(ii) Full terms rather than acronyms should be used in SWB papers and in discussion at meetings for the benefit of the newly appointed independent board members.</p> <p><b>11) Report from Waste Infrastructure Programme Board on Planning Policy Statement 18</b></p> <p>John Quinn advised that:</p> <p>(i) Planning Policy Statement 18 is currently out for consultation and NILGA and Arc21 propose to submit written comments on the draft planning policy statement.</p> <p>(ii) Local government is concerned the planning policy will fail to meet government objectives on climate change and renewable energy.</p> <p>(iii) The definition of renewable energy used in the planning policy statement is extremely narrow. It doesn't reflect the definition of renewable energy used by the UK government when reporting to the EU. The definition excludes some of Arc 21's renewable energy proposals relating to waste.</p> <p>(iv) Planning policy statement 18 is the first of its kind in Northern Ireland to articulate the concept of community gain. Committing to the concept of community gain is potentially beneficial,</p>	<p>infrastructure for planning applications in her letter to local councils concerning the timetable for procurement vires legislation.</p> <p>Minister to write to her executive colleagues to raise awareness of the need for waste management infrastructure development and urge cooperation with the pre-application consultation.</p> <p>NILGA to send the Minister a copy of the 'Councillor's Waste Management Reference Guide'</p> <p>NILGA to arrange 'On Board' training for Strategic Waste Board members.</p> <p>Full terms rather than acronyms to be used in future Strategic Waste Board papers and in discussion at meetings.</p>
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however work needs to be carried out regarding how the concept would be implemented.

- (v) The Strategic Waste Board should consider a report on Planning Policy Statement 18 following the consultation period.

The Minister noted the concern regarding the definition of renewable energy used in Planning Policy Statement 18.

## **12) Any Other Business**

The Minister noted:

- (i) Primary legislation containing provisions to allow District Councils to issue fixed penalties for misuse of waste receptacles was introduced in March 2007.
- (ii) She has decided that the legislation permitting District Councils to issue fixed penalty notices for misuse of waste receptacles should be commenced.
- (iii) Councils will still be able to prosecute through the courts for persistent offenders.

## **13) Date and Venue of Next Meeting**

The next meeting of the Strategic Waste Board will be hosted by North West Region Waste Management Group in either Magherafelt or Coleraine. The meeting will be held in either May or June 2008.

Paul Simpson to bring report on Planning Policy Statement 18 to Strategic Waste Board following consultation period.