

POLICY POSITION ON THE FUTURE OF THE NORTHERN IRELAND LANDFILL ALLOWANCE SCHEME (NILAS)

The Department of the Environment recently concluded a Northern Ireland consultation on the implications of changing the UK's approach to meeting the landfill diversion targets as outlined in the EU Landfill Directive (1999/31/EC).

It addressed the changes necessary to enable the UK to report to the European Commission on a revised approach to meeting the landfill diversion targets which involves much more commercial and industrial waste falling within the scope of municipal waste i.e. not just waste collected by District Councils.

Following this consultation the Department will bring forward proposals later this year, in parallel with Defra and the other devolved administrations, to give legislative effect to this new approach. In effect this will introduce new definitions to differentiate between biodegradable municipal waste (BMW) which will count towards new EU landfill diversion targets and the proportion of BMW dealt with under the existing NILAS. It is essential that Northern Ireland diverts sufficient BMW from landfill in order to meet its share of the new UK landfill diversion targets for 2013 and 2020 in order to avoid EU fines.

NILAS has proven to be highly effective in driving action by District Councils to promote recycling and re-use and to divert BMW from landfill in order to meet the original EU landfill diversion targets. It has also driven the development of proposals for waste treatment facilities through co-operation with neighbouring Councils. The Department remains of the view that NILAS has an important part to play in contributing to reductions in BMW to landfill in line with the new EU landfill diversion targets and in continuing to drive the development of proposals for appropriate treatment facilities.

It is accepted that existing policy instruments, notably the Landfill Tax, will increasingly become the dominant fiscal driver in encouraging diversion from landfill. In addition to this future policy initiatives, which could for example

include statutory recycling targets or landfill bans, may negate the need for NILAS to continue until 2020 as originally envisaged. However, the Department would need these instruments and initiatives to be put in place and to have sufficient confidence that continued reductions in BMW to landfill can be achieved through them before considering the discontinuation of NILAS.

In light of these factors the Department proposes that NILAS continue until at least 2012/13. Its termination after that date would be dependant on alternative policy and legislative instruments being in place which can achieve the continued diversion of BMW from landfill in the absence of NILAS.

**Environmental Policy Division
DOE
February 2011**