

SUMMARY OF NORTHERN IRELAND RESPONSES TO THE CONSULTATION ON THE INTRODUCTION OF RESTRICTIONS ON THE LANDFILLING OF CERTAIN WASTES

(25 June – 8 October 2010)

Background

1. The Department of the Environment issued a consultation paper on 25 June 2010 inviting comments on the possible introduction of further restrictions on the landfilling of certain wastes.
2. The consultation document set out the policy drivers behind the Department's aim to divert recyclable and biodegradable wastes from landfill and presented the evidence from recent research on banning such wastes from landfill and how this could potentially contribute to furthering this aim. It listed a number of candidate waste types for which the evidence suggests the benefits of diversion from landfill in terms of green house gas and resource efficiency gains could outweigh the costs of diversion.
3. The consultation asked seven questions on the possible introduction of landfill bans on a number of candidate wastes and waste categories (paper/card, food, textiles, metals, wood, green (garden) waste, glass, plastics, waste electrical and electronic equipment (WEEE), biodegradable wastes and non-segregated wastes). The consultation also asked for views on the policy options of doing nothing, introducing landfill bans with or without a separate requirement to sort wastes, introducing sorting and pre-treatment of waste and introducing producer responsibility.
4. The consultation is considered a first stage consultation on the options under consideration for restricting wastes from landfill. It is intended to identify options which could be taken forward if desirable, practical and affordable. A similar consultation was issued earlier this year in England and Wales.

Overview

5. This document summarises the responses given to the seven questions asked in the consultation document. It considers in turn the responses given to each of the questions.
6. All of the district councils who responded endorsed or adopted the response of their respective waste management group. While each response has been collated on its own merit, it could be that such responses have changed the overall result one way or another. For this reason, and in light of best practice when analysing consultation responses in this manner, we have shown the number of responses to each question but we have provided qualitative analysis of the responses.

7. Each respondent was categorised according to which of the following broad groups they came from:

District Council or representative bodies

Respondents in this category (13): arc21, SWaMP2008, NMRWMG, LARAC, NILGA, Antrim Borough Council, Lisburn City Council, Belfast City Council, Castlereagh Borough Council, North Down Borough Council, Armagh City and District Council, Ballymena Borough Council and Larne Borough Council.

Professional and umbrella organisations, NGOs

Respondents in this category (6): WRAP (NI), Ulster Farmers Union (UFU); Ulster Society for the Protection of the Countryside (USPC); Council for Nature Conservation and the Countryside (CNCC); Northern Ireland Environment Link (NIEL) and Ulster Angling Federation (UAF).

8. This document is organised into sections relating to each question asked in the consultation paper. For each topic this document:
 - States the question asked in the consultation; and
 - Summarises the responses to the question.
9. While none of the respondents in the 'Professional and umbrella organisations, NGOs' grouping answered the specific consultation questions, where it was clearly applicable to do so, their comments have been included in the summary to the specific question.

Details of Responses Received

10. 19 responses were received to the consultation. 13 respondents were from District Councils and their representative bodies and 6 were from professional and umbrella organisations and NGOs.

SUMMARY OF RESPONSES TO CONSULTATION QUESTIONS

Support for Landfill Bans

Question 1: *Given the evidence available, do you think there is a case for a landfill ban on this waste type?*

(Respondents were asked to answer with regard to each of the candidate wastes they had an interest in.)

Who responded?

All respondents (19) to the consultation addressed this question. 13 of the respondents were District Councils or their representative bodies.

How they responded

18 of the 19 respondents thought there was a case for a ban on all or most of the waste types/categories proposed in the consultation document with 11 respondents supporting no accompanying requirement to sort and 4 respondents supportive of a requirement to sort. The vast majority of respondents were generally supportive of landfill bans subject to the establishment of suitable infrastructure and other supporting measures to enable the waste diverted from landfill to be sorted and treated. One respondent supported in principle the use of market incentives as policy instruments in preference to landfill bans.

District Council/representative bodies

12 of the 13 District Council/representative bodies were of the view that there was a case for a ban on all or most of the waste types/categories proposed in the consultation document and that there should be no accompanying requirement to sort (paper/card, food, wood, green waste, textiles, metals, plastics and glass; and the categories of biodegradable waste and non-segregated waste). In addition they stressed they were generally supportive of landfill bans subject to the establishment of suitable infrastructure and other supporting measures to enable the waste diverted from landfill to be sorted and treated – stressed that landfill bans should only be introduced if these supporting measures had been established in a timely fashion to enable the waste diverted from landfill to be treated. Complementary policy interventions such as those related to Landfill Tax, Producer Responsibility and Economic Incentives were to be considered in tandem with a landfill ban.

One respondent (NWRWMG) supported in principle the use of market incentives as policy instruments in preference to restrictions such as landfill bans. They encouraged evaluation and consideration of the effectiveness of other instruments, with landfill restrictions or bans to be used only where they can be shown to add value to incentives and contribute significantly to more sustainable waste management. Paper/card, green waste and food would be the waste streams they would be most likely to support, where there was further evidence to indicate that a ban was needed.

The majority of the respondents (11) in this category noted that any second stage consultation would consider more detailed proposals to evaluate if any such landfill bans could be introduced in practical terms and where the onus would be placed in terms of responsibility. They also called on the Department to review the existing Waste Management Strategy which was becoming increasingly out of date. A number of respondents also highlighted the need to address the potential for flytipping.

One respondent (arc21) referred to the recent Government response to the similar consultation in England stating that the Government was not minded to introduce material specific landfill restrictions in England at this time. Arc21 stated that they were not adverse to a similar conclusion for Northern Ireland.

Professional and umbrella organisations, NGOs

All respondents in this category (6), including WRAP NI and Northern Ireland Environment Link, were of the view that there is a case for a ban on all or most of the waste types/categories proposed in the consultation document. 4 of the respondents were also in favour of landfill bans being accompanied by a requirement to sort, the remaining 2 respondents did not comment. The vast majority of the respondents (5) were of the view that it was essential that landfill bans be considered in conjunction with establishment of suitable infrastructure and other supporting measures to enable the waste diverted from landfill to be sorted and treated. A number of the respondents stressed the importance of people being encouraged and educated about recycling, sorting and waste prevention. The WRAP campaign “Love Food, hate Waste” was recognised as a good start to this process.

Practical Difficulties

Question 2: What would be the practical difficulties and issues in implementing a landfill ban on this waste type?

(Respondents were asked to answer with regard to each of the candidate wastes they had an interest in.)

Who responded?

Of the 19 responses to the consultation, 16 responded to this question. 12 of the respondents were District Councils or their representative bodies.

How they responded

The common view from the vast majority of respondents was that there were a number of practical difficulties and issues in implementing landfill bans. These centred round issues concerning lack of infrastructure, planning, funding, market development, enforcement and education. A number of the respondents highlighted the possible problem of increased flytipping.

District Council/representative bodies

All of the respondents in this category (12) were of the common view that the practical difficulties centred round issues concerning lack of infrastructure, planning, funding, market development, enforcement and education. One of

the key practical difficulties expressed was in the planning, time and costs involved in the development and provision of suitable waste treatment and processing infrastructure, and in the development of strong and stable markets for materials (the example of the implementation of the Ozone Depleting Substances Regulations and the resultant fridge mountain was given as a good example of the effect that the introduction of measures in the absence of suitable arrangements can have).

A number of the respondents referred to the issues/problems of planning, funding and market development that had all been raised previously with the Department and were well documented. They also stressed the importance of the need to provide for the right mix of measures to move specific waste streams away from landfill.

All respondents in this category raised the potential for increased flytipping arising from any landfill ban(s) and the need for arrangements to be in place to deal with such a situation. They also stressed the importance of education and communication to a wide range of key stakeholders, including members of the general public, waste producers and landfill site operators and the need for the manner in which any landfill ban would be regulated to be considered.

None of the respondents had any comments to make on difficulties with any specific waste types.

Professional and umbrella organisations, NGOs

All of the respondents in this category were of a similar view to those given by District Councils/representative bodies regarding the practical difficulties and issues in implementing a landfill ban. One respondent (NIEL) commented on difficulties with regard to specific waste types – they can be summarised as follows:

Paper – The necessary infrastructure needs to be in place for ban to be implemented in a sustainable manner – also could be difficulty in implementing a ban on paper being deposited in landfill.

Food – need to have available infrastructure in place and communication mechanisms which are required to deliver a change in behaviour.

Wood – a ban depends on the development of a suitable incinerator with an energy recovery facility.

Plastics – while a complete ban may be difficult, steps should be made to encourage greater recycling of plastics and to reduce the plastic packaging which cannot be recycled. Manufacturers and packagers should be encouraged to develop more easily recycled packaging.

Proposed Solutions

Question 3: *What would be your proposed solutions in dealing with such difficulties and issues in implementing a landfill ban on this waste type?*

(Respondents were asked to answer with regard to each of the candidate wastes they had an interest in.)

Who responded?

17 of the 19 respondents addressed this question. 13 of the respondents were District Councils or their representative bodies.

How they responded

Most respondents reiterated comments made in response to the previous question – there was considerable overlap between the two questions. The majority of respondents (12) were of the view it was important to consider the issues of planning, funding and market development in a holistic way as they are intrinsically linked, and that in terms of regulation, the existing framework should be utilised as far as possible. One respondent suggested the provision of contingency plans where waste treatment technologies are temporarily not available.

District Council/representative bodies

The comments of the vast majority of respondents in this category (12 of 13) were of the view that any move towards a smooth introduction of landfill bans would not only require timely planning and funding consideration, but also consideration of the following:

- Support and incentives to stimulate strong markets for materials;
- Ensure that planning system is fit for purpose and is not the cause of undue delays to infrastructure development;
- Continued strong leadership from Assembly on waste management and planning;
- Clear education, communication, support and guidance on regulatory requirements for all stakeholders;
- Increased/extended producer responsibility requirements e.g packaging materials;
- Existing regulatory framework to be utilised as far as possible. Revision and modification of existing Duty of Care Waste/Pre-treatment requirements to reflect the introduction of landfill bans;
- Increase the resources available to deal with greater enforcement of existing pre-sorting requirements and the possible increase in fly-tipping.

One respondent was of the view that should markets for recyclates collapse or fall in demand occur as a result of economic downturn, there may be a need to make provision for some form of contingency arrangement that would require altering legislation or require a Ministerial direction. Also it may be prudent to provide for contingency plans (e.g. “de minimis” allowances based on plant capacity, etc) where waste treatment technologies are temporarily not available.

Professional and umbrella organisations, NGOs

All of the respondents (4) in this category were of a similar view to those given by District Councils/representative bodies. Their response to Q.2, to some extent, covers the same views.

Lead-in Times

Question 4: *If you support a ban on this type of waste what should the lead-in time be for a ban on this waste type, to allow time for the necessary infrastructure to develop?*

(Respondents were asked to answer with regard to each of the candidate wastes they had an interest in.)

Who responded?

Of the 19 responses to the consultation, 14 responded to the question. 13 of those who responded were District Councils or their representative bodies.

How they responded

The vast majority of the respondents (12) were of the view that there should be a lead-in time of no less than 7 years and no longer than 10 years. One respondent favoured a lead-in time of 10 -12 years. One respondent favoured a lead-in time of 4-7 years.

District Council/representative bodies

12 of the 13 respondents in this category advocated a lead-in time of no less than 7 years and no longer than 10 years and generally made the point this would particularly be required to facilitate the provision of appropriate waste infrastructure. The remaining respondent (NWRWMG) favoured a lead-in time of 10-12 for the same reasons.

Professional and umbrella organisations, NGOs

The one respondent in this category (WRAP NI) favoured a lead-in time of 4 - 7 years but added that they would prefer to see any landfill bans or restrictions be implemented only once they were fully enforceable.

Other measures to divert waste from landfill

Question 5: *If you do not support a ban on this waste type, do you think other measures should be used to divert it from landfill and if so what would they be?*

(Respondents were asked to answer with regard to each of the candidate wastes they had an interest in.)

Who responded?

Of the 19 respondents to the consultation 13 responded to this question, all 13 were District Councils or their representative bodies.

How they responded

The vast majority of respondents were in agreement with the proposal to introduce landfill bans though most felt that bans should be introduced in conjunction or in tandem with other complementary measures. One respondent favoured a more commonsense approach to the definition of certain waste streams and waste re-use while another felt preferred the market incentive option.

District Council/representative bodies

Suggestions offered as alternatives to landfill bans included the following: Landfill Tax; an extension of Producer Responsibility (some suggested this should be ring-fenced in law); economic incentives, eg to develop markets for recycled materials; more rigorous implementation of the Landfill Directive and other pre-existing sorting requirements; enhanced monitoring/reporting; greater integration with the management of municipal waste, effective enforcement of Duty of Care requirements, quality standards, economic support and education and communication.

Professional and umbrella organisations, NGOs

No professional/umbrella organisations or NGOs responded directly to this question.

Other possible approaches

Question 6: There may be other possible approaches to improve resource efficiency and reduce GHG emissions from this waste type (for example encouraging manufacturers and retailers to move away from using materials that are hard to recover or recycle). We would welcome observations and suggestions for each waste type.

Who responded?

Of the 19 respondents to the consultation 12 responded to this question, all 13 were District Councils or their representative bodies.

How they responded

The majority of respondents stated that they would welcome further detailed proposals in the second stage of the consultation process on the rationalisation of the range and type of materials and the co-fusion of materials that make it difficult to recycle in post-consumer waste streams.

District Council/representative bodies

LARAC suggested that the use of single type materials in the manufacture of plastic products, packaging and WEEE, and also that specified manufacturing standards in the production of furniture, mattresses and carpets would

improve resource efficiency and reduce GHG emissions, a view shared by arc21. SWaMP2008 felt that product design has a major role in improving resource efficiency. SWaMP2008 also felt that government should consider whether products that are not designed to facilitate, re-use, refurbishment or repair should be discouraged or penalised.

Professional and umbrella organisations, NGOs

No professional/umbrella organisations or NGOs responded directly to this question.

Other waste types that should be banned

Question 7: *Are there any other waste types which you think should be subject to a landfill ban?*

Who responded?

Of the 19 respondents to the consultation 15 responded to this question, 13 responses were from District Councils or their representative bodies and 2 were from professional/umbrella organisations and NGOs .

How they responded

The majority of respondents felt that due to the lack of compelling evidence they did not support the specific imposition of landfill bans of any other waste type.

District Council/representative bodies

The majority of respondents felt that due to the lack of compelling evidence they did not support the specific imposition of landfill bans of any other waste type. NWRWMG suggested that resource depletion and carbon sequestration as another possibility for bio-wastes and they also felt that more recycling options for plastics not simply landfilling, should be developed. These views were shared by Armagh C &D Council.

Professional and umbrella organisations, NGOs

NIEL suggested that bulky items such as household furniture should be banned from landfill and they cited the example of Dublin City council which is working with a number of private companies to re-use and re-cycle such furniture. They noted that similar small scale projects exist here and that these should be better funded and supported. NIEL's suggestions were echoed by the Ulster Angling Federation.