

SUMMARY OF RESPONSES TO THE NORTHERN IRELAND CONSULTATION ON MEETING EU LANDFILL DIVERSION TARGETS

(25 June – 8 October 2010)

Background

1. The Department of the Environment issued a consultation paper on 25 June 2010 inviting comments on the implications of changing the UK's approach to meeting the landfill diversion targets as outlined in the Landfill Directive (1999/31/EC).
2. The Landfill Directive set challenging targets for Member States to reduce the amount of biodegradable municipal waste sent to landfill – the “landfill diversion targets”. Following discussions with the European Commission, it was agreed that the UK's approach to meeting these targets should be changed. The consultation addressed the implications of meeting these targets in relation to Northern Ireland.
3. The consultation addressed the changes necessary to enable the UK to report to the European Commission on a revised approach to the landfill diversion targets. This included: setting out the new interpretation of the definition of municipal waste; revisions to the 1995 baseline and targets; and the reporting and monitoring obligations necessary to enable robust reporting against the targets to the European Commission. The consultation paper also sought views on the future of the Northern Ireland Landfill Allowance Scheme, and the most effective combination of policies the Department should pursue, to address both the District Council and private sector elements of municipal waste, to provide the necessary confidence that Northern Ireland meets its targets.
4. The consultation asked nine questions on the areas of reporting and monitoring obligations, policies to divert biodegradable waste from landfill and amending existing legislation. The consultation was considered to be the first of two consultations, with specific proposals being presented in the second consultation. A similar consultation was issued in England and Wales earlier this year.

Overview

5. This summary is a presentation of the key issues highlighted by different groups who responded to the consultation. The following sections provide greater detail on the views expressed for each of the 9 questions posed in the consultation.
6. The majority of district councils endorsed or adopted the response of their representative bodies. 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

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

District Councils or representative bodies

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

Professional and umbrella organisations, NGOs

Respondents in this category (5): Invest NI, Northern Ireland Environment Link (NIEL), Council for Nature Conservation and the Countryside (CNCC), Ulster Society for the Protection of the Countryside (USPC) and Ulster Farmers Union (UFU)

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. A number of the respondents in the 'Professional and umbrella organisations, NGOs' grouping did not answer the specific consultation questions. However, 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. 18 responses were received to the consultation. 13 respondents were from District Councils and their representative bodies and 5 were from professional and umbrella organisations and NGO's.

SUMMARY OF RESPONSES TO CONSULTATION QUESTIONS

Reporting and Monitoring Obligations

Question 1: *Which of the possible approaches to reporting on the amount of Biodegradable Municipal Waste (BMW) sent to landfill should the Department develop further? Is it right to favour measuring a landfill target at the point of landfill, provided a robust and credible method can be determined?*

Who responded?

Of the 17 responses to the consultation, 16 responded to this question. 13 of these respondents were District Councils or their representative bodies.

How they responded

The vast majority of those who responded to this question were in favour of measuring the amount of biodegradable municipal waste at landfill.

District Councils/representative bodies

All of the District Councils/representative bodies (13) were in favour of measuring the amount of biodegradable municipal waste at landfill. The vast majority also were of the view that there was a need for further composition analysis for commercial waste, training and awareness training for, in particular, landfill operators, and a need for synergy between public/private sector reporting obligations in order to prevent missed loads or double counting. All were in favour of WasteDataFlow being retained for District Councils.

Professional and umbrella organisations, NGOs

2 of the 5 respondents in this category were in favour of measuring BMW at landfill, 1 was in favour of the existing 'mass balance' approach, with the remaining 2 giving no response.

Question 2: *Are there alternative approaches the Department should be considering?*

Who responded?

Of the 17 responses to the consultation, 15 responded to the question. 13 of those who responded were District Councils or their representative bodies.

How they responded

The vast majority of respondents said that they not consider there to be any viable alternative or stated that the question was not applicable.

District Councils/representative bodies

All of the District Council/representative bodies said that they did not consider there to be any viable alternatives or the question was not applicable.

Professional and umbrella organisations, NGOs

2 of the 5 respondents in this category responded to this question. One suggested that consideration be given to potential diversion activities such as anaerobic digestion etc. One was of the view that the methods proposed in the consultation appeared to be the most feasible in the short to medium terms.

Policies to divert biodegradable waste from landfill

Question 3: Do you consider that NILAS is an effective policy to assist NI in meeting its share of the UK landfill diversion target in (a) 2013 and (b) 2020?

Respondents were asked to provide, if possible, evidence to support their views. In particular respondents were asked for their views on what future role NILAS might play in planning by District Councils/Waste Management Groups to divert waste from landfill.

Who responded?

Of the 17 responses to the consultation received, 16 responded to this question. 13 of these respondents were District Councils or their representative bodies.

How they responded

The vast majority of those who responded to this question considered that NILAS had been an important driver, but that Landfill Tax has become more important or has superseded NILAS (13 out of 15). 12 of the respondents were of the view that NILAS should be suspended with the capability of being reintroduced quickly if needed. One District Council disagreed with these views.

District Councils/representative bodies

12 of the 13 District Councils/representative bodies who responded to this question considered that NILAS has been an important driver, but the landfill tax has become more important. In addition planned initiatives such as planned waste prevention programmes, increased recycling targets and proposed landfill bans could provide the incentives required to further divert biodegradable wastes from landfill, and further diminish the need for NILAS. They were also of the view that NILAS should be suspended (no date given as to when it should be suspended) with the capability of being reintroduced quickly if needed (it was noted that Scotland had suspended their LATS scheme and that the future of LATS in other administrations was under scrutiny and may not continue beyond 2013). This includes key groups representing District Councils – the three regional Waste Management Groups, Northern Ireland Local Government Association (NILGA) and the Local Authority Recycling Advisory Committee (LARAC). Respondents believed NILAS did help focus minds and encouraged councils to take action to divert waste from landfill and had galvanised efforts to increase recycling rates and deliver new infrastructure but the main driver for reaching targets is now the wider financial landscape and the costs associated with landfill. One District Council (Magherafelt) disagreed with these views and favoured the retention

of NILAS with legislation introduced to allow overachieving councils to sell their surplus landfill allowance to underachieving councils. The Council is of the view that Councils will see any abolition of NILAS as a relaxation of targets and some will continue to pass on to the ratepayer the increasing cost of landfill rather than being proactive in moving to resource recovery rather than waste disposal.

Several respondents were of the strong view that more Landfill Tax needs to come back to local government e.g through a scheme similar to BREW in GB or to fund waste minimisation projects similar to the old category C projects of the LTCS. Again, several respondents were of the view that NILAS has the potential to be divisive, and to continue with the scheme was at odds with the move towards collaborative working in local government.

Professional and umbrella organisations, NGOs

There were 3 respondents in this category. Northern Ireland Environment Link (NIEL) and the Council for Nature Conservation and the Countryside (CNCC) acknowledged that NILAS had been effective in meeting landfill diversion targets to date but may not play as significant role in the future due to Landfill Tax increases and other options of landfill diversion being focused on by District Councils e.g waste to energy facilities. More effort is needed in education and encouragement for the reduction of food waste. Invest NI consider NILAS to be an appropriate policy particularly for 2013 but for 2020 the policy must be integrated with other policies aimed at diverting waste from landfill.

Question 4: What policy instruments should the Department consider in its assessment of those necessary to meet the landfill diversion targets in 2013 and 2020?

Respondents were asked to provide evidence in support of their response.

Who responded?

All respondents to the consultation addressed this question (18). 13 of these respondents were District Councils or their representative bodies.

How they responded

The vast majority (13) of the respondents said that the Department should consider landfill bans, return of Landfill Tax monies for use in contributing to landfill diversion, producer responsibility for packaging and increased policy integration.

District Councils/representative bodies

12 of the 13 District Councils/representative bodies referred to their response to the "Consultation on the introduction of restrictions on the landfilling of certain waste". They generally favoured landfill bans or restrictions on certain types of material.

The same number are of the strong view that a significant amount of Landfill Tax monies should be ring-fenced and returned for projects for use in contributing to landfill diversion, with particular emphasis on council projects. In addition, respondents in this category were of the view that greater emphasis be placed on the polluter pays principle and extended producer responsibility, particularly for packaging materials. In order to cut down on packaging it was vital that there was more policy integration and that the 'polluter pays' principle became paramount, particularly in the retail sector. Several respondents were of the view that training and guidance was needed for waste producers.

One respondent favoured the introduction of fines for Councils that did not meet their targets regardless of the overall performance of the three Waste Management Groups or Northern Ireland as a whole, the trading of landfill permits therefore rewarding good performance, and the introduction of statutory recycling targets.

Professional and umbrella organisations, NGOs

The respondents in this category held a range of views. Several of the respondents favoured the use of further policy instruments, particularly bans or restrictions on certain wastes, producer responsibility, anaerobic digestion and Landfill Tax. 2 respondents wanted to see greater focus further up the waste hierarchy, looking at preventing biodegradable waste and reducing food wastage. They also stressed the importance and need for more education and encouragement for the reduction of food waste and the importance of composting.

Question 5: Are there other policy options specifically to divert biodegradable municipal waste from landfill that the Department should be considering?

Who responded?

17 of the 18 respondents to the consultation addressed this question. 13 of these respondents were District Councils or their representative bodies.

How they responded

The vast majority (14) of the respondents supported, in principle, measures that encouraged more sustainable treatment of biodegradable waste, including landfill bans.

District Councils/representative bodies

All of the respondents (13) in this category clearly indicated that they supported measures that encouraged more sustainable treatment of biodegradable wastes, including landfill bans. However they also emphasised that it was important that any such measures did not unduly increase costs to councils without any commensurate environmental gain.

Professional and umbrella organisations, NGOs

There were four respondents in this category. DETI NI suggested that NI consider best practice from other EU members where landfill is much greater to establish potential solutions. The Council for Nature Conservation and the Countryside encouraged further research and development into new technologies being developed to deal with some of the more difficult biodegradable material, such as wastes containing very high levels of nitrogen. The Ulster Farmers Union is of the view that the Department should be seeking to consult with stakeholders to clarify/review obstacles to reuse, or recycling of waste. This had proved valuable in relation to the sustainable use of topsoil and in the reduction of the amount of topsoil going to landfill, and guidance on the use of waste in construction.

Amending the existing legislation

Question 6: Do you agree with the proposal to create the concept of “Collected Waste” as a means of NILAS continuing in its current form as a policy addressing waste collected by District Councils?

Question 7: Is “Collected Waste” the best term or is there a better alternative?

The responses to these questions are being taken together as the majority of respondents grouped them together and gave a composite response.

Who responded?

Of the 18 responses to the consultation, 15 responded to the questions. 13 of these respondents were from District Councils or their representative bodies.

How they responded

The majority view was that if NILAS was to continue (some made with the caveat that NILAS should be suspended) then a term was needed to differentiate between the waste collected by District Councils and that collected by the private sector. 13 of the responses were composite replies to questions 6 and 7. The majority view was that the term “collected waste” could cause confusion over waste entering Civic Amenity Sites/Household Waste Recycling Centres.

District Councils/representative bodies

All of the District Council/representative bodies respondents (13) agreed that there was a need to differentiate between the waste collected by local authorities and that collected by private waste companies. However there were concerns that the term suggested by the Department in the consultation “collected waste” would cause possible confusion over waste entering Civic Amenity Sites/Household Waste Recycling Centres.

In the responses a number of other terms were suggested to mark the difference between the waste collected by District Councils and private companies. These were:

- “Local Authority Waste” or “community waste” (SWaMP2008) – if “collected waste” used there would be a need to provide greater clarity on how this is defined to avoid misinterpretation or misuse
- “Council waste” or “Council managed waste” (ARC21)
- “Local Authority Waste” or “Community waste” (NWRWVG)
- “Council waste” (NILGA)
- “Council waste” (LARAC)
- “Council collected waste” (Magherafelt DC)

The view was also expressed that there needed to be clarity about what is and what is not included as well as keeping definitions as simple as possible.

Professional and umbrella organisations, NGOs

The 2 responses from these organisations agreed with the term collected waste.

Question 8: Do you agree that allocations of landfill allowances to District Councils should be retained as currently allocated for each NILAS scheme year?

Who responded?

Of the 18 responses to the consultation, 15 responded to the question. 13 of these respondents were from District Councils or their representative bodies.

How they responded

14 of the 15 respondents considered that the current framework of allocations was appropriate. 1 respondent stated that the current allocation should be reviewed and used their response to highlight in their view deficiencies in the system e.g. increases in housing numbers or changes in boundaries.

District Councils/representative bodies

If NILAS is retained then the vast majority agreed that NILAS current framework of allocations was appropriate. 1 respondent, the North West Region Waste Management Group (NWRWVG), was of the view that if NILAS was retained, current allocations needed to be reviewed as it did not take into account such factors as increases in housing numbers or changes in boundaries.

Professional and umbrella organisations, NGOs

Respondents in this category (2) agreed that allowances should be retained. They had no additional comments.

Question 9: Do you think targets for BMW to landfill should be set in non-target years, and if so, on what basis?

Who responded?

Of the 18 responses to the consultation, 15 responded to the question. 13 of these respondents were from District Councils or their representative bodies.

How they responded

13 of the 15 respondents were not in favour of the application of statutory targets in non target years. They were also of the view that equity of approach should be applied to wastes managed by councils and to wastes managed by the private sector. 11 of those respondents were of the view that indicative targets may be useful. 2 respondents were in favour of statutory targets in non target years.

District Councils/representative bodies

The vast majority (12 out of 13) of respondents in this category were not in favour of the application of statutory targets in non target years. However in view of the importance of monitoring and reporting progress towards the target years were of the view that indicative targets for non target years may be useful. Some saw statutory targets for non target years as an unnecessary complication. One District Council was in favour of statutory targets in non target years and was of the view this should be on a straight line reduction basis between the preceding and succeeding target years.

11 of the 13 respondents were also keen to ensure that there was equity of approach applied to wastes managed by councils and commercial and industrial wastes managed by the private sector.

Professional and umbrella organisations, NGOs

Of the two respondents in this category, 1 was in favour and 1 was not in favour of statutory targets. The respondent in favour was of the view that it was essential to have targets for non target years to drive changes in a gradual manner and to ensure that targets were met.