

**SUMMARY OF RESPONSES TO THE STAGE ONE CONSULTATION
ON THE REVISED WASTE FRAMEWORK DIRECTIVE (Directive
2008/98/EC)**



Department of the
Environment

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<p>malformations or increase their incidence;</p> <p>(b) Existing property H13 has been re-numbered to H15. This means that this property H15: Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics above” now also applies to “H14 Ecotoxic”. In other words, H14 (ecotoxicity) now has to be considered as a criterion for H15; and</p> <p>(c) Article 18(2) which allows mixing only where the permitted mixing operation conforms to best available techniques.</p>	
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1. Introduction

- 1.1. This document provides a summary of responses to the Stage One Consultation on the transposition of the revised Waste Framework Directive (WFD) (Directive 2008/98/EC) in Northern Ireland.
- 1.2. The consultation paper was issued by the Department of the Environment (the Department) and ran from 12 October 2009 to 4 January 2010. It asked readers a series of 25 questions covering a number of issues relating to the transposition of the revised Waste Framework Directive (WFD) with a focus on the following Articles of the Directive:
 - Article 4 The waste hierarchy;
 - Article 8 Extended producer responsibility;
 - Article 11 Re-use, recycling and collection;
 - Article 16 Principles of self-sufficiency and proximity;
 - Articles 17 to 20 Hazardous waste;
 - Article 21 Waste oil;
 - Article 22 Bio-waste;
 - Article 28 Waste management plans; and
 - Article 29 Waste prevention programmes
- 1.3. Stage Two of the consultation process is anticipated to take place in Spring 2010.
- 1.4. In total eight responses to the Stage One consultation were received. The responses are representative of Local Government, waste management groups, environmental lobby/representative groups and one response was from a private waste management company - a further breakdown can be found in Section 2.2.
- 1.5. This report aims to draw together and summarise all of the responses to each of the 24 questions as detailed in the consultation document. As the responses received sometimes represent disparate opinions, dependent of the nature of the response group, whilst allowing the key messages conveyed through the consultation to be separated into the various opinions, this report also seeks to provide an overall picture of the responses received, which it is hope will help to inform and direct the next steps.
- 1.6. This report does not contain the Department's direct answers to the responses to the Stage One consultation – these require further consideration/development which will be contained in the Stage Two consultation – however, feedback will be provided in certain instances.

2. Methodology

The Department provided a synopsis of the responses (Annex A) to the Environment Committee for discussion at its 4 February 2010 meeting as required. The Committee considered the synopsis and decided that it was content for the Department to proceed with the policy.

- 2.1. The breakdown of respondents is as follows:
 - **Public Sector** – includes district councils, the NI waste groups and the Northern Ireland Local Government Association.
 - **Private Sector** – private sector operators.
 - **Third Sector** – covers all not for profit organisations, campaign groups and individuals.
- 2.2. Whilst the number of respondents to the consultation was small, the responses received contained a lot of detailed information which is reflected within this paper. The Department wishes to formally express its appreciation to those groups who took the time to provide such comprehensive responses.
- 2.3. It was expected that, for a number of the issues explored in the consultation, some of the respondents within a group would have similar responses. It is, therefore, easier to examine the diversity of opinion in the group rather than examining all of the responses individually. It was also expected that for the Third Sector group the rationale for their responses would be different than that of the Public Bodies and Businesses groups. Therefore, the analysis undertaken for each question includes a separate Section for each of the sectors and a separate appraisal has been carried out for each question.
- 2.4. The responses have been grouped into a number of categories in order to aid understanding and provide clarity in both conducting and reviewing the analysis of responses. The categories have been chosen to reflect the fact that different types of organisations may have differing responses to the questions.
- 2.5. The categories, together with the number of responses falling into each category are presented in Table 1. As can be seen the largest group of respondents was from the public sector, followed by the third sector. Only one response was received from the private sector, representing a Hazardous Waste Management Company, with particular interest in the treatment of waste oils.
- 2.6. Table 2 shows how many responses have been made to each question, both in terms of total numbers (by group) and also by response rate.

Table 1: Responses by Group

Category	Number of Responses	% of Responses
Public Sector	5	62.5%
Private Sector	1	12.5%
Third Sector	2	25%
Individuals	0	0%
TOTAL	8	100%

Table 2: Responses by Question

Question	Overall		Public Sector						Private Sector		Third Sector	
	No of Responses	Response Rate %	District Councils		Waste Groups		Representative Group		Business			
			No	Rate	No	Rate	No	Rate	No	Rate	No	Rate
1	8	100	2		2		1		1		2	
2	8	100	2		2		1		1		2	
3	8	100	2		2		1		1		2	
4	8	100	2		2		1		1		2	
5	7	87.5	2		2		1		0		2	
6	7	87.5	2		2		1		0		2	
7	8	100	2		2		1		1		2	
8	7	87.5	2		2		1		0		2	
9	7	87.5	2		2		1		0		2	
10	7	87.5	2		2		1		0		2	
11	7	87.5	2		2		1		0		2	
12	7	87.5	2		2		1		0		2	
13	7	87.5	2		2		1		0		2	
14	7	87.5	2		2		1		0		2	
15	7	87.5	2		2		1		0		2	
16	8	100	2		2		1		1		0	
17	8	100	2		2		1		1		2	
18	8	100	2		2		1		1		2	
19	7	87.5	2		2		1		0		2	
20	7	87.5	2		2		1		0		2	
21	7	87.5	2		2		1		0		2	
22	7	87.5	2		2		1		0		2	
23	7	87.5	2		2		1		0		2	
24	2	25	0		1		0		1		0	

3. Analysis of Responses to Individual Questions

Article 4 – Waste Hierarchy

Question 1 – What steps do you consider the Department should take to apply the waste hierarchy set out in Article 4(1) of the revised WFD as a priority order in waste management legislation?

Who responded?

3.1.1. All 8 respondents provided an answer to this question.

How they responded

3.1.2. The vast majority of respondents who directly answered the question provided specific proposals for applying the waste hierarchy to legislation.

3.1.3. The clearest message arising from the responses was that the waste hierarchy should not be applied retrospectively and that facilities already in place should not be subject to any requirement to demonstrate alignment with the waste hierarchy for the duration of their licences/permits. The position should be reviewed as and when an operator applies to renew or change a permit.

3.1.4. Respondents also felt that the transposing legislation should provide for a transition period to allow operators to develop more compliant operations – particularly for those renewing licences/permits immediately after the transposition date.

3.1.5. There was broad consensus that a Northern Ireland (NI) Implementation Action Plan should be developed and supported by guidance.

3.1.6. There was a strong feeling that the Waste Management Strategy (WMS) should be revised immediately to give effect to the amendments to and statutory effect of the waste hierarchy.

3.1.7. The next most popular proposal was for the waste hierarchy to be reflected through planning requirements and that Planning Policy Statements (PPS) should be urgently revised. This was felt by most respondents to be the most appropriate place in which to ensure the waste hierarchy would be followed and that if this was carried out effectively then any subsequent waste facility licence applications would naturally fall into line with the priorities set out therein. However, some concern was raised that if the waste hierarchy was to be applied via the planning process it could lead to disproportionate costs, thus discouraging investment.

- 3.1.8. It was also widely felt that whilst the hierarchy could be embedded at planning stage, waste management licences/permits should include a requirement to demonstrate how the waste hierarchy is to be applied to operations.
- 3.1.9. The next most common proposal was that regulations similar to those that require site waste management plans for the construction industry should be applied across the entire commercial and industrial sector. In these waste management plans, organisations would be required to assess their intended waste management against the hierarchy and justify their choices of management methods where these depart from the hierarchy.
- 3.1.10. The Private Sector, in particular, suggested that financial incentives/disincentives (which should be market led) should be used to encourage compliance with the hierarchy. However, conversely, it was suggested that some legislative/fiscal drivers would prevent compliance with the hierarchy and that these should be removed.
- 3.1.11. While all respondents agreed that the waste hierarchy should be applied through waste management/planning legislation, they also felt strongly that this should be done in a flexible way so that exceptions could still be allowed. These exceptions could be justified on life-cycle analysis, cost benefit analysis or carbon assessment grounds bearing in mind the NI Sustainable Development Strategy and Climate Change Programme.
- 3.1.12. Other proposals suggested that consideration of the waste hierarchy should be added to Duty of Care requirements.
- 3.1.13. It was stated that the Department should ensure that waste infrastructure is adequate and geared towards compliance with the hierarchy.
- 3.1.14. The majority of respondents proposing these various methods to influence businesses did also suggest that a threshold was set, so that small businesses had less onerous requirements.
- 3.1.15. Queries were also raised in relation to how the Department would monitor compliance with the hierarchy and it was stated that currently the Department does not have sufficient resources to deliver this effectively and that it would be impracticable and costly to police and monitor small waste producers.

Public Sector

- 3.1.16. All of the Public Sector respondents gave a positive response to this question by proposing ways that the hierarchy could be included as a priority order in legislation. None responded negatively, ie stating that the waste hierarchy should not be incorporated in to waste management legislation.

- 3.1.17. All of the responses from public bodies indicated they would like to see the waste hierarchy incorporated, through legislation, into the planning process. Furthermore, it is suggested by most that PPS 11 should be revised and that the requirement to apply BPEO should be removed and replaced with compliance with the hierarchy.
- 3.1.18. Similarly, most public sector respondents agreed that the waste hierarchy should be incorporated into licensing/permitting decisions in some way.
- 3.1.19. It follows that those respondents also felt that the Department should provide guidance on the level of evidence required, which should outline the need to adopt a 'business case' type approach entailing due reference to the Waste Strategy.
- 3.1.20. However, one respondent stated that, on the grounds that if spatial planning is carried out correctly, the permitting process would not need to consider the waste hierarchy and that permit applications should be determined on criteria set out in Article 13 (protection of the environment and human health) and not the hierarchy.
- 3.1.21. Incorporating the waste hierarchy into legislation such as the Duty of Care Regulations, was seen as a way of encouraging waste producers, in particular the commercial and industrial sectors, to separate more waste for recycling.
- 3.1.22. In addition, all public sector respondents suggested that a statutory requirement should be placed on all industries that produce significant quantities of waste to have waste/resource management plans (or site waste management plans).
- 3.1.23. Respondents felt that the waste hierarchy should not be applied retrospectively but should only be applied if a permit renewal, or a change, is required. One respondent believed that the waste hierarchy should not be applied to existing facilities.
- 3.1.24. All bar one of the respondents suggested that the NI Waste Strategy should be revised to include the waste hierarchy from the revised WFD.

Private Sector

- 3.1.25. Whilst this respondent was broadly content that the hierarchy is '*in the correct position*' it expressed concerns that any measures that increase the cost to the waste producer are likely to reduce collection rates, particularly within the SME sector.
- 3.1.26. It was suggested that a project be started to provide a catalogue of menu driven commercial and industrial activities that have carbon equivalents and that recovery industries could then be able to net off their inputs and outputs and trade excess on the carbon market, a powerful incentive.

“The results of such thinking will drive the hierarchical options and in turn will stimulate a pressure from waste management companies on waste producers to produce less waste or pay more. In that way it is waste treatment companies that will influence behaviour particularly for SMEs.”

- 3.1.27. This respondent agreed that spatial planning has the priority over permitting of a specific site activity but that it is too simple an approach and could lead to poor decisions when a time dimension is added in (eg the emergence of new technologies should be taken into account).
- 3.1.28. There was also concerned that the planning process may lead to disproportionate application costs – discouraging investment.
- 3.1.29. The respondent felt that there should be a ‘cut-off’ date for issuing new permits once an approach involving life-cycle thinking is decided upon.

Third Sector

- 3.1.30. Some responses touched upon other areas, such as recycling rates. These comments will be included in the relevant sections.
- 3.1.31. Both respondents welcomed the waste hierarchy but stated that it is important to ensure that legislation, regulation, fiscal drivers and policy are clearly screened to avoid ‘perverse’ outcomes.
- 3.1.32. Barriers to recycling should be removed to ensure compliance with the hierarchy but it must be done in a way which safeguards against companies illegally using such exemptions to traffic waste.
- 3.1.33. It was also proposed that the Department should review and revise the Waste Strategy.
- 3.1.34. This sector proposed that the Department should develop a Hierarchy Action Plan which should be centrally co-ordinated and replicated across NI; involve stakeholders; integrate with other strategies and policies (including the NI Sustainable Development and Climate Change and Energy policies); and which should include reporting and audit mechanisms.
- 3.1.35. This sector also felt that the Department should develop guidance on what the hierarchy means in practice for various sectors.
- 3.1.36. It was again suggested that PPS11 should be reviewed and revised to ensure that reports on compliance with the hierarchy are submitted and assessed, with modification where necessary, in advance of planning permission being granted.

- 3.1.37. It was implied that the waste hierarchy should be incorporated into the permitting process but that it should be recognised that, particularly for existing operations, time and assistance will need to be provided. A transition period with an established date was recommended.
- 3.1.38. This sector would like to see producer responsibility legislation extended to take the waste hierarchy into account, so that design and manufacturing decisions were required to enable the use of higher levels of the hierarchy where possible.
- 3.1.39. *Possibly the most significant role of the Department would be to ensure that there are no structural impediments to delivering the hierarchy by ensuring that the infrastructure does not provide too much residual treatment capacity, be this waste disposal or energy recovery/MBT. While there is a role for energy recovery, this Directive clearly sets that below recycling and it is vital that the infrastructure provided for final disposal does not decrease the imperative to move up the hierarchy. The Department should take immediate steps to ensure that minimum guarantees in contracts being negotiated now do not create a situation where recyclable waste has to be contractually bound to be sent for energy recovery or disposal. When taking this calculation into account for the whole of Northern Ireland, the Department should take consider the recent historical trend of decreasing waste arisings, and assume that recycling will continue to improve beyond 50% in 2020, to around 70% by 2040 (and hopefully even faster than this). This is within the context of contracts that are likely to be let in the next couple of years to take us to around 2050.*

Question 2 – Are there specific waste streams where you believe that departing from the waste hierarchy would be justified by life-cycle thinking on the overall impacts of the generation and management of such wastes, in order to deliver the best overall environmental outcome?

Who Responded?

3.2.1. All respondents provided an answer to this question.

How they responded

3.2.2. Virtually all respondents agreed with the waste hierarchy as a default principle but that there were cases for valid exceptions. Wood waste was the most commonly noted material (which was regarded as being most appropriately dealt with through energy recovery). Other exceptions commonly noted included mixed plastics, non-reactive hazardous wastes, asbestos, tyres, inert wastes, oils, food waste and other bio-wastes. A majority of respondents who felt there could be exceptions mentioned 'life-cycle thinking' or LCA as the most appropriate basis on which to determine exceptions.

Public Sector

3.2.3. The vast majority of respondents in this category noted specific exceptions, broadly similar to those noted above.

Private Sector

3.2.4. The private sector response nominated the material relevant to its sector as an exception, namely:

- Waste oil (energy recovery preferred);

Third Sector

3.2.5. This sector felt that all waste streams should be addressed through the hierarchy, including life-cycle thinking, including carbon implications and recognising the increasing cost of energy.

3.2.6. An area of concern is 'co-disposal'; *"addition of relatively small amounts of one waste type may help to move another waste type 'up the hierarchy' thus allowing an overall improvement in delivery and that such additions should be allowed, subject to life-cycle analysis"*.

3.2.7. It was noted that some cases, such as contaminated mixed plastic film from households, present a challenge for recycling and that energy recovery would be a better option.

Question 3 – Are there any further steps stakeholders and members of the public would like the Department to take to ensure that the development of waste legislation and policy, to apply the waste hierarchy as a priority order, is a fully transparent process?

Who Responded?

3.3.1. All respondents provided an answer to this question.

How they responded

3.3.2. The majority of the respondents highlighted the need for open and wide consultation, detailed communication and awareness raising and making policy (and legislation) both simple and consistent as far as is possible and suggested the development of a Northern Ireland Communications Strategy on waste issues.

3.3.3. Responses also included suggestions in relation to reviewing the NI Waste Strategy in conjunction with a review of the existing Committee structure under the Strategic Waste Board: -

“the development of a ‘hierarchy committee; could be very useful, integrating all aspects of the hierarchy rather than (existing) committees concentrating on one level. This would help integrated thinking. The Hierarchy should be a prime goal of the SWB as a whole, across all of its committees.”

3.3.4. An integrated approach to waste streams was seen as vital as well as moving beyond looking at infrastructure and looking properly at the hierarchy in all its aspects and implications for all parts of government and all sectors.

3.3.5. There must be full accountability to the Assembly to ensure full backing.

Public Sector

3.3.6. By and large the public sector organisations lean heavily on the need to ensure that any proposals are communicated effectively and appropriately and they suggested that a NI Communication Strategy would be useful.

Private Sector

3.3.7. This response was broadly similar to that of the public sector organisations, stating the need for proper communications and specifying that communications should include details on how enforcement will apply

to ensure that waste producers can easily understand what is required of them, particularly SMEs.

- 3.3.8. Also commented upon was the need to ensure that adequate resources should be in place to allow the Department to deliver; that there is concern that lack of Departmental resources has resulted in illegal activities.

Third Sector

- 3.3.9. It was this sector that suggested both a review (and widening of scope) of the NI Waste Management Strategy and the structure under the Strategic Waste Board.
- 3.3.10. It also suggested that full implementation of the hierarchy must be seen as a high priority and that an integrated approach is vital, with those responsible for implementation being accountable to the Assembly.

Article 8 – Extended Producer Responsibility

Question 4 – Are there any specific waste streams which you consider should be the subject of a producer responsibility regime under Article 8? If so, please explain what the economic and environmental costs and benefits of such regimes would be.

Who Responded?

- 3.4.1. All respondents provided an answer to this question.

How they responded

- 3.4.2. The majority of respondents who answered Question 4 recommended waste streams that they consider to be suitable for future producer responsibility (PR) schemes. Typically, waste streams deemed as being hard to recycle, or deemed to having grown dramatically over the last decade, were highlighted by respondents. The most popular materials included:

- Household hazardous waste (e.g. paint);
- Tyres;
- Clothing/textiles; and
- Food packaging (particularly tetra-type packaging) – consider a possible ban

- 3.4.3. Nearly all those respondents who recommended waste streams for PR schemes also recommended that some sort of life-cycle assessment be undertaken to ascertain the environmental/financial costs and benefits. Many respondents highlighted the need for products to be designed/re-designed so that they could be more easily recycled and form part of producer responsibility schemes.
- 3.4.4. It was suggested that voluntary agreements should be developed for all waste streams with the ultimate goal of having full compliance ensured by regulations.
- 3.4.5. It was also suggested that PR should only be considered where collection rate for the subject waste stream is low and needs to be increased.

Public Sector

- 3.4.6. The majority of respondents from this sector believed that there was a need to introduce PR schemes for additional wastes, namely:-
- Household hazardous waste (e.g. paint);
 - Tyres; and
 - Clothing/Textiles.
- 3.4.7. The rationale for suggesting these waste streams was broadly consistent amongst respondents. The main reason given was that these items tended to be already quite prevalent, or increasingly so, in the household waste stream. Some also identified these waste streams as they were seen as being difficult to recycle.
- 3.4.8. All public sector respondents suggested that the best tool for assessing the environmental and financial implications of such schemes would be a life-cycle assessment. Respondents explained that the assessment would need to consider the impacts of the manufacture of the materials, alongside the disposal costs. In discussing the benefits of life-cycle assessment, some respondents noted that an assessment would enable manufacturers of goods to reduce the amount of waste generated more easily.

Private Sector

- 3.4.9. No specific waste streams were proposed from this sector. It felt that PR should only be considered where collection rates were low and it cautioned against increasing bureaucracy unless there is discernible and substantial benefit to the environment.

Third Sector

- 3.4.10. The responses received from this sector related specifically to food and food packaging waste, with particular concern expressed in relation to tetra-type waste.

“We are particularly concerned about the spread of tetra type cartons as their recovery requires a mixture of recycling and waste recovery. There is also evidence that a significant number become mixed with paper and end up as a contaminant in paper recycling, leading to an increased landfill at the reprocessing stage. Means of addressing types of packaging such as tetra should be explored, including publicity for the recyclability of different types of packaging to inform consumer choice, work with manufacturers and ultimately possible bans.”

- 3.4.11. This sector also agreed that voluntary agreements are an excellent first step but felt that regulation is required to ensure that all those involved comply with the goal. Accordingly, it is suggested that voluntary agreements should be developed for all waste streams with full compliance being ensured via regulations.

Article 11 – Re-use and Recycling

Article 11(1) – Re-use and Preparing for Re-use Activities, Article 11(1) – Separate Collections of Waste

Question 5 – Are there any further measures you consider it would be appropriate for the Department to take under the terms of Article 11(1) to promote the re-use of products or preparing for re-use activities?

Who Responded?

- 3.5.1. All but one of the respondents provided an answer to this question.

How they responded

- 3.5.2. Generally the respondents agreed that the reuse sector was worthy of increased support through the types of measures that Article 11(1) provides for. The reasons given for this were variations on these themes:
- Potentially significant contribution towards waste diversion;
 - Positive contributions made to society and community through greater co-ordination and collaboration between sectors to take advantage of economies of scale.

3.5.3. Areas where respondents felt that the Department could support re-use or preparation for re-use included:

- Financial incentives;
- Financial and practical support for the industry through a similar approach to that taken by WRAP towards recycling (awareness raising, market development, financial investment in to infrastructure, product design research, data and management);
- Facilitation of greater integration with Council services particularly collection of materials;
- Government Procurement;
- Revising other tools/regulations to remove barriers to re-use such as the WEEE Regulations and waste licensing requirements, and barriers to local authorities operating re-use centres;
- Re-use should receive 2 or 3 times recycling credit per tonne;
- Support for the third sector given the key role they are perceived to have in this area - boundary line between "charity" and commercial enterprise should be flexible but needs to be policed more closely to avoid rogue operators.
- Better communication, education and public awareness for driving attitudinal/behavioural change.

3.5.4. However, there may be a potential lack of understanding between the definitions of 'reuse' and 'preparing for reuse'. Concern was expressed about receiving credit for reuse schemes:-

"..... would like it noted that our constituent Councils are promoting reuse of 'waste' items but are not receiving credit for this in recycling figures. As reuse is further up the waste hierarchy than recycling itself, would propose that reuse should be receiving 2 or 3 times the recycling credit for every tonne of items reused (as opposed to none).

3.5.5. It should be noted that the revised WFD distinguishes between 'reuse' as an operation involving products/components that are not waste and, therefore, cannot be counted towards recycling targets. However, 'preparing for reuse' is an operation involving products/components that are waste and are being made ready to be reused as non-waste and may count towards the targets established under Article 11. Therefore, clarification will be sought in relation to the schemes referred to before any definitive advice can be provided to the respondent.

Public Sector

3.5.6. The public sector made up the majority of responses to this question.

3.5.7. The most common issue raised by local authorities was support for the work currently undertaken by WRAP in contributing to increasing reuse.

3.5.8. Concern was expressed about cohesion. All felt that current arrangements in NI are fragmented, lacking integration and suffering from uncertainty in terms of funding.

3.5.9. A need was expressed in relation to better public awareness.

Private Sector

3.5.10. No particular input to make.

Third Sector

3.5.11. All third sector groups identified procurement requirements as an area where the Department could strongly influence the re-use sector. *“It will help drive markets, influence attitudes and behaviours and help to develop necessary infrastructure and facilities as well as contribute very significantly to the waste being diverted.”*

3.5.12. Building upon the role of the third sector was encouraged and its benefits highlighted. However, it was also felt that a number of legislative, regulatory and fiscal barriers exist which will need to be removed to maximise the efficiency of the sector in contributing to this goal. It was also suggested that grants or loans would facilitate the rapid expansion of this sector into this area.

3.5.13. Yet again, this sector highlighted the need to strengthen the measures in WEEE legislation.

3.5.14. Lastly, this sector also reiterated strongly the need for better education and public awareness to bring about behavioural and attitudinal changes.

Question 6 - Do you agree with the proposed approach to implementing the requirements of Article 11(1) on separate collections? Please provide reasons for your answer including, if possible, the costs and benefits of your preferred approach.

Who Responded?

3.6.1. Seven respondents provided an answer to this question.

How they responded

3.6.2. There was a mixed response to this question with Public Sector organisations agreeing with the Department’s proposed approach and the Private Sector organisation stating that it does not agree with the proposed approach. Both responses are set out below.

Public Sector

- 3.6.3. All public sector respondents supported the Department's approach.
- 3.6.4. The most common statement amongst those agreeing with the Department's proposed approach is that it does not state a preference for any type of collection methodology which enables decisions to be made that suit local conditions and the clarification that both kerbside sorted collection and co-mingled collection have a role to play in the collection of recyclable material beyond 2015 is considered helpful.
- 3.6.5. Public bodies also queried the status of bring banks and household waste recycling centres. It was suggested that these methods of collecting recycling material is legitimate and consistent with Article 11 and have asked both for clarification and the Department's endorsement of this method of collection.
- 3.6.6. Other areas where clarification was required was how separate collection will apply to commercial and industrial waste. This is seen as problematic however, it was suggested that applying the application of the waste hierarchy to waste producers may prove a useful starting point.
- 3.6.7. The Department has sought advice and clarification from the Commission on the issues raised in paragraphs 3.6.5 and 3.6.6. It is hoped that a response will have been received by the Commission in time for publication in the Stage-Two consultation.

Private Sector

- 3.6.8. No particular input to make.

Third Sector

- 3.6.9. These respondents did not agree with the Department's proposal.
- 3.6.10. It was felt that the rather liberal interpretation of the revised Directive would not work. It was suggested that:-
- A central NI policy is necessary to enable a co-ordinated and consistent message across all group areas and councils;
 - NI should phase out MRF in favour of separate collections for all major recyclables, including food and biodegradable materials and that;
 - co-mingling should be phased out as it can no longer be shown to be economically beneficial, nor can it maintain the required quality standards.
- 3.6.11. It was stated that:-

"As an absolute minimum there should be an outright ban on single stream collections, including glass, for two reasons. It dramatically compromises the

quality of paper and other materials and the glass itself is not suitable for closed loop recycling and can only be used for aggregate type uses. This means that the carbon benefits are lost. There is an opportunity to enforce this now prior to the introduction of co-mingled glass collections.”

Question 7 - Do you consider that:

- (a) There are any measures that are technically, environmentally and economically practicable and appropriate to take in Northern Ireland, on the separate collection of household, commercial or industrial waste to meet the necessary quality standards for the relevant recycling sectors?; and**
- (b) If yes, which measures do you think should be introduced to achieve this?**

Who Responded?

- 3.7.1. All respondents provided an answer to this question. A number of them combined their answers to Questions 7 and 8, with referral back to Question 6.
- 3.7.2. Many respondents assumed that the implication of part (a) of this question was that source-segregated recycling collections were more likely to meet quality standards than a co-mingled collection, and so any proposals would look to make source-segregation compulsory. Therefore, rather than proposing measures as requested by the consultation question, many respondents set out their arguments as to why co-mingled collections could also achieve quality standards.
- 3.7.3. However, as also stated with regard to Question 6 it is clear from the consultation document that both source segregation and co-mingled collections are considered by the Department to fulfil the requirement of a ‘separate collection’ for the purposes of the WFD.

How they responded

- 3.7.4. Of the responses received, none answered ‘no’ to part (a) of this question. However, predictably each sector reiterated it’s viewpoint as expressed in Question 6.
- 3.7.5. A number of measures were proposed, however, as follows:
- Continued annual increases in the landfill tax escalator;
 - Ensure that the revenue received from landfill tax is wholly utilised to facilitate more sustainable waste management practices including establishing mature and proven collection systems and downstream reprocessing capacity;

- Strengthen the requirement for pre-treatment, under the last revision of the Landfill Regulations, requiring evidence that separate collections for recycling have been optimised as treatment options; promote the development of standards and End of Waste (EoW) criteria for secondary raw materials and energy products which would extend the applications and promote the use for these materials;
- Raise the targets for recycling of packaging waste under the Producer Responsibility Regulations and introduce initiatives and incentives to encourage integration with local council services;
- Strengthen planning guidance to ensure that new residential and commercial premises have sufficient and appropriate capacity to store a number of waste streams simultaneously and that there is sufficient access in developments for appropriate collection vehicles;
- Allow large organisations to gain credit for reductions in carbon dioxide emissions achieved through more sustainable management of their wastes in their reporting under the Carbon Reduction commitment;
- Provide more funding for national, regional and local communications campaigns aimed at householders and businesses;
- Waste oil collection at civic amenity sites has worked well and is a good practice for the household hazardous waste sector;
- Kerbside collections of all major waste streams;
- Phasing out of MRF;
- The approach pioneered by Bryson House represents a model for the future; and
- The development of a detailed NI Action Plan to devise mechanisms to assist councils and groups to make the transition.

Public Sector

3.7.6. All of the respondents in this group responded to the question, although a fifth of these responses were not directly relevant and instead only dealt with the issue of co-mingled collections versus source segregation.

3.7.7. The majority of the above suggestions was provided by the public sector organisations and quite a few of them highlighted the need to strengthen existing requirements.

3.7.8. Incentives could also be provided to encourage the use of recycling rather than landfill disposal, such as credits against obligations under the Carbon Reduction Commitment.

3.7.9. One respondent was concerned that councils will be expected to facilitate separate collections from commercial and industrial premises that would impact on waste management plans and targets and on NILAS.

Private Sector

- 3.7.10. The private sector respondent suggested that the waste oil collection at civic amenity sites is good practice. However, they also expressed some concern in relation to control at collection points which can lead to contamination with other liquids, which results in the production of a low quality fuel.

Third Sector

- 3.7.11. The third sector organisations suggested the Bryson House operation as a model for the future.
- 3.7.12. Again emphasis was placed on the need for separate kerbside collection.
- 3.7.13. It also supported the need for separate collection of commercial and industrial and whilst they agreed that commercial premises should pay for collection of waste materials, they suggested there should be immediate moves to ensure that this waste is collected for recycling and not bulk collected for landfill.
- 3.7.14. This sector also raised the issue of commercial and industrial waste being collected by councils. However, the main issue of concern was that this could lead to an overestimate of the amount of household waste being recycled.

Question 8 - Do you consider that:-

- (a) It will be technically, environmentally and economically practicable to set up by 2015, in Northern Ireland, separate collection for paper, metal, plastic and glass which is classified as household, commercial or industrial waste: Please give reasons for your answer; and**
- (b) If yes, which measures do you think should be introduced to achieve this?**

Who Responded?

- 3.8.1. Seven respondents provided an answer to this question.

How they responded

- 3.8.2. All respondents who addressed this question felt that whilst the attainment of its objective will be challenging it would, ultimately, be possible.
- 3.8.3. However, one respondent felt that whilst it would be possible, they could see no environmental or economic advantage in doing so.

- 3.8.4. Those that responded yes, but with concerns, largely raised issues around the commercial and industrial sectors.
- 3.8.5. The responses also included detail on the contributions that co-mingled collections and MRFs have made to recycling.
- 3.8.6. Another common issue raised was packaging, although the only suggestion as to how this area could be improved was to set targets for the packaging industry.
- 3.8.7. Other issues raised included the difficulties for rural businesses, particularly SMEs, to access cost-efficient services; landfill bans for the specific materials targeted; more bring bank facilities; reverse vending and deposit schemes; and strengthening standards and end of waste criteria.
- 3.8.8. It was also suggested that a strong policy lead from government will be required to drive this , supported by legislation, public awareness and an action campaign.

Public Sector

- 3.8.9. For the most part the public sector organisations felt that the setting up by 2015 of separate collection for paper, metal, plastic and glass would be achievable but challenging.
- 3.8.10. However, one organisation did have reservations as to whether it would be environmentally and economically beneficial to do so. Cost to councils was raised as well as calling for more funding for communications campaigns.
- 3.8.11. It was also suggested that to encourage SMEs to recycle rather than dispose of their waste a co-mingled approach would be most appropriate if space at the producer's premises is at a premium. However, they also stated that the Department needs to address the problem the recycling collections from commercial premises may not be economically viable in, for example, rural areas.
- 3.8.12. It was stated that Commercial and Industrial waste producers should be placed under legal obligation to separate their waste for collection, including a strengthening of the requirement for pre-treatment under the revision of landfill regulation. Combining this with a strengthening of planning policy and guidance would help ensure that new residential and commercial premises have sufficient physical capacity to store a number of waste streams simultaneously.
- 3.8.13. End of Waste Criteria to promote the use of these materials as well as a need to raise recycling targets for packaging waste and the need to introduce incentives were also raised.

Private Sector

3.8.14. No particular input to make.

Third Sector

3.8.15. This sector felt that not only would it be possible to introduce separate collection for the waste streams identified in Question 8 but that it should be extended to include other waste streams, which were listed.

3.8.16. It was felt that from a collection standpoint it may be necessary to co-mingle some commercial/industrial material to overcome space constraints.

3.8.17. Again the Department was called upon to provide a strong policy lead to drive this forward.

Article 11(2)(a) – Household Waste Recycling Target

Question 9 - Do you agree with the proposed approach to implementing the recycling target for household and similar waste required by Article 11(2)(a)?

Who Responded?

3.9.1. Seven respondents provided an answer to this question.

How they responded

3.9.2. There was a mixed bag on this question. Generally, the Public Sector and the Third Sector agreed with the proposed approach. However, the Public Sector qualified their agreement with caution, whilst the Third Sector felt the targets were un-ambitious.

Public Bodies

3.9.3. All supported the approach in general.

3.9.4. However, one respondent had reservations stating that neither the mechanism for applying the targets nor the body/bodies responsible for meeting the targets is clear.

Private Sector

3.9.5. No particular input to make.

Third Sector

3.9.6. This sector supported the approach in general but felt that the targets were un-ambitious and suggested a target of 70% by 2020. Possible 'sub-targets' for different materials may be advantageous in terms of driving action by particular sectors was also suggested.

3.9.7. As stated in the Introduction the Department will not be providing a full response until the second stage of implementation but where necessary will provide clarification. In response to this suggestion the Department would point out that the targets under discussion are those established by the Commission under the revised WFD. The purpose of this exercise is to ensure compliance with those requirements. To do anything further – through regulations which are designed purely to implement the statutory requirements of the Directive - would result in 'gold-plating'. Member States may set higher targets but this should not be presented as implementing the Directive. In relation to the suggestion to establish 'sub-targets', in it's Minute Statement to the Commission, the UK clarified that its position as follows:-

“ apply to the totality of household waste the requirement to increase, by 2020, to a minimum of overall 50% by weight, the preparing for re-use and the recycling of waste materials from households and, possibly, similar waste streams. The four waste streams specified in paragraph 2(a) of Article 11 (i.e. paper, metal, plastic and glass) would be included in that overall target where they originate from households but the 50% target would not apply individually to each of the specified wastes”

Question 10 - Given the significant increase in recycling rates for household waste in recent years, do you agree with the Department's preferred “no further measures” approach?

Who Responded?

3.10.1. Seven respondents provided an answer to this question.

How they responded

3.10.2. Of the seven respondents that answered this question there was a clear split with the five Public Sector respondents broadly in agreement with the preferred approach and the two Third Sector respondents disagreeing with the proposed approach.

3.10.3. Of the respondents that agreed with the proposal, the most common reason given was that the target is challenging but achievable and that it seems unnecessary to introduce additional measures that may add an economic burden.

3.10.4. The respondents that disagreed with the approach felt that new drivers were required:-

“Measures are required at legislative/regulation level, through fiscal drivers and those aimed at changing attitudes and behaviours. These should be targeted at all relevant sectors with messages in the appropriate language for each”

Public Sector

3.10.5. The Public Sector was broadly content with the approach and that the targets may be achievable but that it would be challenging as NI's infrastructure is not fully operational; in the medium to long-term, financial support for such infrastructure will decrease, which may affect achievement.

3.10.6. Again, importance was placed on the consistent communication of key messages to assist in increasing household recycling rates.

Private Sector

3.10.7. No particular input to make.

Third Sector

3.10.8. This sector did not agree with the preferred 'no further measures' approach as outlined in paragraph 3.10.4.

3.10.9. However, like the Public Sector, this sector noted the need for appropriate infrastructure and the need to take into account changes in thinking in relation to best approaches. It felt that lessons can be learned and adopted at relatively low cost that will result in step changes in recycling performance.

Question 11 - If you think the Department should introduce additional measures to ensure that the recycling target of 50% for household wastes is reached by 2020, do you have views about what these additional measures should be? If so, please specify.

Who Responded?

3.11.1. Seven respondents provided an answer to this question.

3.11.2. The responses provided to this question are broadly reflected in the responses to question 10.

How they responded

3.11.3. The Third Sector felt that additional measures were required and provided the reasons for its answers as outlined below.

Public Sector

3.11.4. Whilst this response was largely addressed in question 10, a number of respondents in this Sector stated that they would like to reserve position on this, as a number of aspects, such as guidance from the Commission on how recycling targets will be calculated and measured, could influence thinking.

Private Sector

3.11.5. No particular input to make.

Third Sector

3.11.6. This Sector felt that all the measures listed bar one are valid and would make a contribution to improving recycling rates. The measure it would omit is further investment in sorting facilities as it felt it is not likely to provide required results or be best value for money.

3.11.7. It strongly agreed with:-

*“Introduction of best practice collection systems, which should include a reduction in size of wheeled bins for residual waste.....
Schools and other promotional measures
Compulsory food waste collections”*

3.11.8. Whilst not opposed to the idea of landfill bans, it was felt that the materials listed in Article 11 of the Directive should all be targeted for weekly ‘single pass’ collections.

Question 12 - Do you have views about targeting any additional measures on specific materials? If so, please specify which materials you consider are high priority.

Who Responded?

3.12.1. Seven respondents provided an answer to this question.

How they responded

- 3.12.2. As this question was similar to the previous Question 11 a number of responses referred to their answer to that question.
- 3.12.3. In terms of specific materials mentioned, the only material for which additional measures were suggested was food waste. Most respondents, however, did not specify what additional measures should be taken.

Public Sector

- 3.12.4. Public sector responses did not advocate targeting any additional measures on specific materials at this juncture but recommended that the Department keep the situation under review.
- 3.12.5. However, one respondent did suggest that discussion is needed on how home composting is incorporated into waste management ensuring that focus is shifted away from landfill.

Private Sector

- 3.12.6. No particular input to make.

Third Sector

- 3.12.7. This Sector proposed Food Waste as a specific material and justified its response in terms of the need to reduce food waste in view of its highly polluting properties and also highlighted its value in that it offers significant opportunities for energy production through anaerobic digestion. It strongly urged a proactive, high profile campaign to encourage behavioural change and felt that this would be a perfect topic for 'first step' public awareness efforts.

Question 13 - Do you agree with our assessment of the extent to which we are already meeting this construction and demolition waste recovery target in Northern Ireland?

Who Responded?

- 3.13.1. Seven respondents provided an answer to this question.

How they responded

- 3.13.2. Most respondents indicated that they felt there is insufficient data to respond to this question as the focus of NI's Waste Management Strategy (WMS) to date has been on councils and the collection and disposal of household waste.

Public Bodies

- 3.13.3. As noted above, it was felt that there was insufficient data to agree or disagree with the assessment. However, it was noted that the Department is currently considering how best to obtain more meaningful, accurate and reliable data which will assist with monitoring progress towards the 2020 target.
- 3.13.4. As also stated above, it was noted that the NI WMS and Waste Management Plans (WMP) focus on household waste and that there is a need to revise the WMS to include construction and demolition waste.

Private Sector

- 3.13.5. No particular input to make.

Third Sector

- 3.13.6. This Sector commended progress to date but felt it was important not to be complacent as there is still a very long way to go before resource efficiency in the C&D sector is tackled effectively.
- 3.13.7. The setting of higher targets was suggested.
- 3.13.8. It was also suggested that the purchasing power of government should be used to increase standards by requiring high levels of resource efficiency and high quality Site Waste Management Plans.

Question 14 - Do you believe that any additional policy or legislative measures are necessary for us to guarantee that we are meeting this target in Northern Ireland?

Who Responded?

- 3.14.1. Seven respondents provided an answer to this question.

How they responded

- 3.14.2. All respondents to Question 14 believed that additional policy and legislative measures would be needed to meet the targets outlined in the revised Waste Framework Directive. This view was held across all sectors (with the exception of the Private Sector which did not provide a response) although most responses did not give a reason for their position.

Public Sector

3.14.3. This Sector's response was unanimous. All recognised that there is a legislative requirement under the Waste Management (Miscellaneous Provisions) Regulations (Northern Ireland) 2008¹ for councils to have regard to guidance on sustainable development. However, no adequate or meaningful guidance has been produced and it was suggested that this needs to be addressed.

Private Sector

3.14.4. No particular input to make.

Third Sector

3.14.5. All respondents from these sectors believed that additional regulatory and fiscal measures would be required. The measures suggested included:

- Increasing Landfill Tax and the aggregates levy; and
- A requirement for recycled content in all materials used for building.

Article 16 – Principles of Self-Sufficiency and Proximity

Question 15 - Do you agree that the UK is currently self-sufficient in installations for the recovery of mixed municipal waste from private households etc? If not, please (i) explain your reasons and (ii) the steps you consider need to be taken by the UK to achieve self-sufficiency in relation to such installations.

Who Responded?

3.15.1. Seven respondents provided an answer to this question.

How they responded

3.15.2. All disagreed that the UK is currently self-sufficient in installations for the recovery of mixed municipal waste from private households.

3.15.3. Overall, the key reasons cited in respect of why the UK is not self-sufficient relate to the high levels of waste currently landfilled and the fact that considerable quantities of waste are exported for reprocessing. A key barrier to self-sufficiency for NI is the fact that we are removed from the

¹ SR 2008 No. 18

mainland. However, the potential for working with adjoining neighbours in Ireland to develop island-wide facilities is noted.

Public Sector

- 3.15.4. All disagreed with this statement.
- 3.15.5. The measures and proposals already in place to facilitate the development of large scale infrastructure in NI and the improvements this will bring about were recognised but the need for more investment was highlighted in responses across the opinion spectrum, specifically for facilities to treat bio-waste, plastics and other packaging waste streams.
- 3.15.6. There was also the suggestion that Government has a part to play through introducing measures that can 'de-risk' the commercial environment when investment is considered for new facilities.
- 3.15.7. It was also stated that *"the debate that has started on landfill bans will, if translated into effective and enforceable policies, contribute to stimulating the investment needed for self-sufficiency in the longer term"*.

Private Sector

- 3.15.8. No particular input to make.

Third Sector

- 3.15.9. This group suggested that whilst there may be some legal difficulties working with another Member State, logically there may be more sensible solutions for recycling and reprocessing facilities to be based on an island of Ireland basis than across the sea.
- 3.15.10. It was felt that much work still needs to be done and that targets, legislation and fiscal drivers would all be required if the UK is to become self-sufficient.
- 3.15.11. *"The proximity principle should be applied to recyclables as well, not initially strictly, but as aspirational targets. This brings best environmental and economic benefits to NI and provides a strong case for selling the benefits of recycling to the public."*

Articles 17 to 20 – Hazardous Waste

Question 16 - Do you consider that the following changes will have an impact on the way in which hazardous waste is managed?

Please give reasons for your answer and, if yes, set out the implications that you consider the changes will have:-

- (a) The addition of a new property: “H13 (*) ‘Sensitizing’”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence”;**
- (b) Existing property H13 has been re-numbered to H15. This means that this property “H15: Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics above” now also applies to “H14 ‘Ecotoxic’”. In other words, H14 (ecotoxicity) now has to be considered as a criterion for H15; and**
- (c) Article 18(2) which allows mixing only where the permitted mixing operation conforms to best available techniques.**

Who Responded?

3.16.1. All eight respondents provided an answer to this question.

How they responded

- 3.16.2. All bar one of the respondents felt that there was insufficient information on the specific waste materials and streams that may be affected by these changes to enable any meaningful comment. However, all Public Sector organisations stated the continued existence of the Hazardous Waste Forum would have provided an appropriate mechanism to explore, discuss and facilitate enhanced understanding on this aspect.
- 3.16.3. The remaining respondent was representative of the Waste Oils industry and its comments are set out in paragraph 3.16.5.

Public Sector

3.16.4. See paragraph 3.16.2.

Private Sector

3.16.5. The responses from this sector were as follows:-

“16(a) It is for REACH and the CLP Regulations to guide us on hazard and risk but we can see no significant changes on the way we manage hazardous wastes in the oil and solvents trade.

16(b) We are inclined to believe this is not an issue for oils but its focus is on landfill.

16(c) We welcomed the segregation policies adopted within the current hazardous waste guidance as the approach that mixing is only permitted in pursuit of aiding recoveries.”

Third Sector

- 3.16.6. No specific comment except to stress that proper management of hazardous waste is vital and needs to be properly support by statute, information provision and fiscal drivers.

Article 21 – Waste Oils

Question 17 - Do you agree with the proposed approach to rely on the measures adopted to transpose and implement the waste hierarchy (and related measures) and not to prescribe under Article 21(3) that waste oils must be regenerated if technically feasible? If not, please provide reasons for your answer and, if possible, explain the economic and environmental costs and benefits of your preferred approach.

Who Responded?

- 3.17.1. All respondents provided an answer to this question.

How they responded

- 3.17.2. The vast majority of respondents to this question agreed with the proposal to rely on the measures adopted to transpose and implement the waste hierarchy and not to prescribe that waste oils must be regenerated if technically feasible.
- 3.17.3. The Third Sector felt that there should be a move to prescription as soon as feasible to support regeneration of waste oils.

Public Sector

3.17.4. All of the Public Sector organisations agreed with the proposal.

Private Sector

3.17.5. This respondent stated that it does not see oil recycling (ie regeneration) and oil recovery (ie Processed Fuel Oil (PFO) production) as mutually exclusive approaches and, therefore, agree with the Department's proposal that justification under the waste hierarchy and science based lifecycle thinking is the way forward.

3.17.6. It further supported the recent UK proposal to develop a protocol for waste derived fuels places a focus on using waste lubricants as a fuel that are no more polluting than comparable virgin fuels.

3.17.7. If recycling to lubricating base oil is to achieve viability in NI as a priority basis then very substantial investment is necessary and that will only occur if the associated economics are judged by the market as acceptable, however, in terms of economies of scale NI would not enjoy the benefit compared to major oil refineries.

3.17.8. As NI and Ireland has no lube base oil plants, technical, economic and organisational constraints prevail. Accordingly, PFO is the most logical progression, particularly in NI. However, the respondent stressed the importance that regulations are rigorously enforceable:-

“Oil encapsulated energy is a readily tradable commodity, easily movable and untraceable while barriers to entry to collect and distribute low quality outputs are low.”

3.17.9. The respondent also stressed that it felt that the adverse impact of Small Waste Oil Burners in undermining the hazardous waste treatment hierarchy and the polluter pays principle by encouraging diffuse pollution through the burning of hazardous waste in numerous small appliances.

Third Sector

3.17.10. This Sector felt that there should be a move to prescription as soon as feasible to support regeneration of waste oils and further stated that voluntary codes are a good start but ultimately legislation is required to ensure compliance.

Article 22 – Bio-waste

Question 18 - Do you agree that sufficient measures are already being taken in Northern Ireland to encourage bio-waste treatment etc as envisaged in Article 22? If not, please (i) explain your reasons and (ii) the measures you consider need to be taken in Northern Ireland to encourage bio-waste treatment etc as envisaged in Article 22?

Who Responded?

3.18.1. Eight respondents provided an answer to this question.

How they responded

3.18.2. Responses to this question varied with some respondents stating that they broadly agreed that sufficient measures are already being taken to encourage bio-waste treatment and others believing that greater effort is needed particularly in the areas of information and separation at source. Food waste was seen as a priority.

Public Bodies

3.18.3. All but one of the respondents from this sector agreed that sufficient measures were currently in place and did not recommend any additional measures. Most of these respondents believed that there were already enough policies to encourage bio-waste treatment.

3.18.4. However, the issue of infrastructure was again raised and it was felt that the current planning system is not conducive to the expedient delivery of new facilities and that this will continue to potentially have a negative effect on investment in such facilities.

3.18.5. Further tools are needed to identify when outputs arising from bio-waste treatment ceases to be waste. PAS100 and PAS110 exist but this portfolio requires expansion to match the potential range of useful outputs from bio-waste treatment.

3.18.6. One respondent believed that greater effort should be directed towards disseminating information about the collection, processing and treatment of bio-waste, particularly regarding the importance of separation at source.

Private Sector

3.18.7. Whilst this Sector stated that it had no particular comment to make it did wish it noted that in the case of waste derived bio-fuels it did not believe

that it would be helpful to see preferential rates on duty or taxes to be introduced as special considerations under hazardous waste regulations.

Third Sector

- 3.18.8. All of the respondents from this sector disagreed that sufficient measures were already being taken in Northern Ireland. Unlike the other sector organisations, all of the respondents focused their responses on household food waste.
- 3.18.9. The respondents highlighted the current lack of collections of source separated food waste and suggested that it should be Departmental policy to move to separate food collection and treatment, with voluntary moves encouraged followed by mandatory separate collection by a specified date.

Article 28 – Waste Management Plans

Question 19 - What revisions do you consider the Department should make to the existing arrangements for waste management plans to transpose the requirements of Articles 28(1), (2) and (3)(a)-(e) of the revised WFD?

Who Responded?

- 3.19.1. Seven respondents provided an answer to this question.

How they responded

- 3.19.2. The majority of respondents believed that current legislative provisions are sufficient to ensure compliance with the requirements of Article 28.
- 3.19.3. However, all who responded to this question felt that there is a need to revise the existing WMS to take into account the requirements of the revised Directive and that it should be widened to include non-municipal waste streams.

Public Sector

- 3.19.4. One Public Sector organisation opened by stating that because Member States have an obligation to transpose the terms of the revised WFD, then to the extent that precise obligations need to be made into law, these should be enshrined in law rather than implemented by merely changing waste management plans.

- 3.19.5. However, in keeping with the rest of the Public Sector responses it then went on to say that it believed that no revisions to the legislative provisions are considered necessary.
- 3.19.6. All of the Public Sector organisation would advocate the following:-
- Continued move towards a more holistic approach to waste and energy;
 - An immediate revision to the national waste strategy to ensure it is contemporary, particularly with regard to the utilisation of carbon, etc;
 - An immediate revision of PPS11;
 - The withdrawal of the Department's BPEO guidance for NI; and
 - The production of a NI Hazardous Waste Strategy similar to that being developed in England.
- 3.19.7. A number of the respondents stated that, consistent with their support for a NI single waste disposal authority, they would support a natural progression towards one regional waste management plan to augment and underpin the national waste strategy.

Private Sector

- 3.19.8. No particular input to make.

Third Sector

- 3.19.9. Whilst this Sector did not suggest that any legislative change is required it did feel that the WMS and all three Plans need to be updated in response to the revised Directive, specifically with regard to definitions and increased emphasis on the Waste Hierarchy and greater ambition for recycling.

Question 20 - Which, if any, of the discretionary issues set out in Articles 28(4)(a)-(d) of the revised WFD do you consider the Department should address in the arrangements for waste management plans adopted in response to Question 19?

Who Responded?

- 3.20.1. Seven respondents provided an answer to this question.

How they responded

- 3.20.2. In general the responses received for Question 19 were regarded in part as responding to question 20. Only two respondents actually stated that

they felt that all four of the discretionary issues set out in Articles 28(4)(a)-(d) should be addressed in the revised Strategy and Plans.

Public Sector

3.20.3. This Sector's responses are reflected in the response to question 19.

Private Sector

3.20.4. No particular input to make.

Third Sector

3.20.5. This Sector considered that all four of the proposed issues should be addressed in the revised Strategy and Plans and that, in addition, integrated solutions (across waste streams and waste sectors) whole life and carbon costings are likely to deliver the best overall results and need to be considered.

Article 29 – Waste Prevention Programmes

**Question 21 - What are your views on the merits of either:
(i) freestanding national waste prevention programmes in Northern Ireland or (ii) a more dispersed approach which would involve introducing a requirement for local authorities to draw up their own waste prevention programmes?**

Who Responded?

3.21.1. Seven respondents provided an answer to this question.

How they responded

3.21.2. There was broad agreement among respondents regarding the preferred approach in respect of Waste Prevention Programmes (WPP). The majority (around 85%) indicated that they favoured a national approach in some form and only 15% (1 respondent) preferred a dispersed local approach.

Public Sector

- 3.21.3. All but one of the Public Sector respondents considered that a freestanding national WPP would be highly preferable.
- 3.21.4. They also stated that in addition and taking into account the nature of the subject, it would also be preferable for any programmes developed in each of the UK administrations to be broadly similar, allowing for some tailoring to reflect specific regional circumstances.
- 3.21.5. One Public Sector organisation disagreed and stated that there already exists a tiered system for implementing Articles 7 and 28 of the revised WFD and that this should be used to implement the waste prevention programmes required by Article 29. It further went on to state that it believes the WPPs are more likely to be successful if they are developed at council and waste management group level within a national policy framework rather than being set as high-level national policies and that it, therefore, favours a more dispersed approach.
- 3.21.6. All Public Sector organisations felt that it will be vital to ensure that adequate resources are provided for communication of the required operational and behavioural changes required to successfully act on waste prevention.

Private Sector

- 3.21.7. No particular input to make.

Third Sector

- 3.21.8. The third sector stated that a central, freestanding WPP is required throughout NI, with councils and other groups fully playing their part. It felt that having a number of systems leads to confusion and lack of responsiveness by the public and that a central campaign should take place to overcome this. It also felt that full use should be made of the expertise developed by the 'not for profit' sector as design and delivery partners.

Question 22 - What are your views on the integration of waste prevention programmes into the waste management plans required by Article 28 of the revised WFD, their integration into other environmental policy programmes or their functioning as separate programmes?

Who Responded?

3.22.1. Seven respondents provided an answer to this question.

How they responded

3.22.2. Most respondents referred to their response to the previous question but some elaborated further as set out below.

Public Sector

3.22.3. It was suggested that consideration should be given to collaboration with DETI to how waste prevention should be best integrated with the NI strategies for business development and skills, using the 16 examples provided in Annex IV to the Directive. It also suggested that the House of Lords Science and Technology Committee Report on Waste Reduction (2007/08) gives some important leads as to how this could be approached.

3.22.4. One respondent stated that it cannot see how a waste management plan can be complete without including a WPP.

Private Sector

3.22.5. No particular input to make.

Third Sector

3.22.6. Respondents felt that all of these policies need to be integrated and work together within the overall framework of the NI Sustainable Development Strategy which is then delivered through the tri-annual Programme for Government. The challenge is to link waste minimisation with, for example, local economic policy and climate.

“Northern Ireland is some way away from having such a system fully in place but waste is a good area to begin such integrated working”.

Question 23 - Member States must evaluate the usefulness of – but not necessarily adopt - the 16 examples of waste prevention measures in Annex IV to the revised WFD. Do you have views on the usefulness of any of these examples as waste prevention measures? If so, please specify the measures.

Who Responded?

3.23.1. Seven respondents provided an answer to this question.

How they responded

- 3.23.2. The question asks for views on the usefulness of specific waste prevention measures. Most responses did not give such specific views but commented more generally. Many responses expressed the view that all of the measures are useful, with no clear pattern emerging between responses.

Public Sector

- 3.23.3. One respondent believed that, to be effective, waste prevention measures need to be considered in the light of behavioural change across the life of a product and in terms of resource efficiency.
- 3.23.4. The promotion of eco-design is particularly useful as a waste prevention measure. Eco-design requirements are also an effective legal mechanism for reducing waste as they tackle the problem at source by 'designing out' waste.

Private Sector

- 3.23.5. No particular input to make.

Third Sector

- 3.23.6. As with the Public Sector, none of the individuals and third sector organisations discounted any specific initiative. Indeed, a number of organisations stated that they all had merit but an integrated approach using many is likely to be the most successful.

Initial Impact Assessment

Question 24 – Based on the England and Wales initial Impact Assessment (Appendix 4), do you consider that the costs and benefits of the transposition and implementation of the provisions of the revised WFD that are the subject to the Stage One consultation exercise have been accurately assessed? If not, please provide whatever evidence you can to enable a more accurate assessment to be made in the Impact Assessment that will form part of the Stage Two consultation exercise.

Who Responded?

- 3.24.1. Six respondents provided an answer to this question.

How they responded

3.24.2. Most respondents noted that there was insufficient evidence in the initial Impact Assessment for them to offer meaningful comment. However, a few general observations were made and these are reflected below.

Public Sector

3.24.3. All respondents stated there is insufficient information to offer meaningful comment. However, they noted that although the policies being consulted upon do not materially differ from that in England and Wales there are some significant difference which may impact on an assessment. Examples include:-

- Administrative arrangements;
- Actual costs

This was further explained that councils in NI have a much narrower functional base, equally it is widely recognised that landfill costs in NI are amongst the highest in the UK.

Private Sector

3.24.4. The single Private Sector respondent noted that many of the costs and benefits of treating wastes further up the waste hierarchy were not calculated.

“We believe that the impact analysis has not taken into account the differences that the moving up in the waste hierarchy would make. To increase the rates of recycling or indeed energy recovery much investment is deemed necessary.”

3.24.5. It also stated that to estimate the net benefits carbon equivalence charting and quantified material flows resulting from any implementation policies are needed and that without that it is premature to judge.

Third Sector

3.24.6. No particular comment to make.

Other Issues Raised

3.26.1. No other issues were raised.

List of Respondents

Antrim Borough Council

arc21

Belfast City Council

B9 Organic Energy Limited

ENVA NI Ltd

NIEL

NILGA

SWaMP2008

Ulster Angling Federation