

Title of Report:	RESPONSE TO THE DAERA CONSULTATION ON THE WASTE MANAGEMENT PLAN FOR NORTHERN IRELAND
Committee Report Submitted To:	ENVIRONMENTAL SERVICES
Date of Meeting:	12th November 2019
For Decision or For Information	FOR DECISION

Linkage to Council Strategy (2019-23)	
Strategic Theme	Protecting and enhancing or environment and assets
Outcome	Provide consultation response.
Lead Officer	Director of Environmental Services

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No N/A	Date:
	EQIA Required and Completed:	Yes/No N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No N/A	Date:
	RNA Required and Completed:	Yes/No N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No N/A	Date:
	DPIA Required and Completed:	Yes/No N/A	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to advise Members on the Department of Agriculture, Environment & Rural Affairs (DAERA) consultation on the Waste Management Plan for Northern Ireland and to provide a Causeway Coast and Glens Borough Council response to the consultation.

2.0 Background

- 2.1 DAERA issued a consultation on 16 October 2019 in relation to the Waste Management Plan for Northern Ireland (WMPNI). The consultation is open for eight weeks until 4pm on Wednesday 11 December 2019.
- 2.2 The revised Waste Framework Directive 2008/1 (rWFD) requires Member States to produce one or more waste management plans which cover, alone or in combination, the geographical territory of the Member State concerned. As waste is a devolved matter, the other UK devolved administrations and Gibraltar are preparing their own waste management plans which cover their geographical territories and which, together with this plan, are needed to meet the requirements of the rWFD.
- 2.3 This consultation is on a Waste Management Plan for Northern Ireland (WMPNI). On 1 May 2019 the Board of the Department of Agriculture, Environment and Rural Affairs (DAERA) agreed to consult on a waste management plan for Northern Ireland by 31 December 2019.
- 2.4 Appendix 1 encloses a copy of the letter to Consultees from DAERA and dated 16 October 2019.

3.0 Proposals

- 3.1 The content of the WMPNI is determined by the requirements of the rWFD especially Article 28 of the Directive.
- 3.2 The **mandatory requirements of Article 28 of the rWFD** specify that the WMPNI should be established in accordance with Articles 1 (Subject matter and scope), 4 (Waste hierarchy), 13 (Protection of human health and environment) and 16 (Principles of self-sufficiency and proximity) of the rWFD and should contain the following information:

An analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this rWFD.

As appropriate, take account the geographical level and coverage of the planning area:

- the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
- existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;
- an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16 (on the proximity principle), and, if necessary, the investments related thereto;
- sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

In addition, **Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997**, as amended, sets out other obligations for the WMPNI which have been transposed from the rWFD. These other obligations include:

- a chapter on the management of packaging and packaging waste, including measures taken pursuant to Articles 4 (prevention) and 5 (re-use) of the Packaging Waste Directive²;
- measures to promote high quality recycling including the setting up of separate collections of waste where technically, environmentally and economically practicable;
- measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste;
- measures to be taken to promote the re-use of products and preparation for re-use activities, in particular—
 - measures to encourage the establishment and support of re-use and repair networks; the use of economic instruments;
 - the use of procurement criteria; and
 - the setting of quantitative objectives.
- Policies in relation to preparing for re-use, recovery and recycling targets including—

- measures to be taken to ensure that by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled;
 - measures to be taken to ensure that by 2020, at least 70% by weight of construction and demolition waste excluding—
 - hazardous waste; and
 - [F2naturally occurring material falling within code 17 05 04 in the Annex to the List of Wastes,] is subjected to material recovery.
- 3.3 Officer discussions have taken place on the consultation of the WMPNI through the Technical Advisors Group for Northern Ireland.
- 3.4 As the WMPNI clearly sets out the core aim of the Plan is to bring current waste management policies under the umbrella of one national plan; it is not the intention of the WMPNI to introduce new policies or to change the landscape of how waste is managed in Northern Ireland.
- 3.5 As such the officer view is that this is essentially a technical consultation as can be seen from the Consultation Question posed by the Department and one which is necessitated merely by compliance with EU timescales;
- Will the Waste Management Plan for Northern Ireland (WMPNI), including its constituent parts (detailed on page 5 of the WMPNI), when combined with the location specific guidance in the waste planning policy - meet the requirements of Article 28 of the revised Waste Framework Directive and the additional requirements as detailed in Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997 (see Appendix 1)? If not, what else is, in your view, needed?*
- 3.6 As a consequence, the considered Officer View is that while the WMPNI does appear to meet the requirements of Article 28 of the rWFD it is merely delaying the process for review of the Northern Ireland Waste Management Strategy; “Delivering Resource Efficiency”.
- 3.7 The Consultation Response attached express concerns that the Department has yet to publish a timescale for the review of the Waste Management Strategy for Northern Ireland as it is believed that the review and update of “Delivering Resource Efficiency” is critical to setting the overall strategy which should then underpin the Councils Waste Management Plan.

4.0 Recommendation

It is recommended that the Environmental Services Committee approves to Council the Draft Response (as set out at Appendix 2) of this report to the DAERA Waste Management Plan for Northern Ireland.



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Malone Lower
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BT7 2JA
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Email: wslpr@daera-ni.gov.uk

16 October 2019

Dear Consultee,

RE: CONSULTATION ON THE WASTE MANAGEMENT PLAN FOR NORTHERN IRELAND

This letter seeks your views on a draft Waste Management Plan for Northern Ireland.

The revised Waste Framework Directive 2008¹ (rWFD) requires Member States to produce one or more waste management plans which cover, alone or in combination, the geographical territory of the Member State concerned. As waste is a devolved matter, the other UK devolved administrations and Gibraltar are preparing their own waste management plans which cover their geographical territories and which, together with this plan, are needed to meet the requirements of the rWFD.

This consultation is on a Waste Management Plan for Northern Ireland (WMPNI). On 1 May 2019 the Board of the Department of Agriculture, Environment and Rural Affairs (DAERA) agreed to consult on a waste management plan for Northern Ireland by 31 December 2019. The content of the WMPNI is determined by the requirements of the rWFD (which are attached in Appendix 1 to this letter), especially Article 28 of the Directive.

There are waste management policies in Northern Ireland which taken together deliver the objectives of the rWFD: to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use. It is not, therefore, the intention of the WMPNI to introduce new policies or to change the landscape of how waste is managed in Northern Ireland. Its core aim is to bring current waste management policies under the umbrella of one national plan.

¹ [OJ L 312, 22.11.2008, p. 3–30](#)

The WMPNI is a compilation of existing waste management information, plans and policies, including “Delivering Resource Efficiency” – Northern Ireland Waste Management Strategy and the three council waste management plans.

The WMPNI is complemented by waste planning policy, including the [PPS 11 Planning and Waste Management](#) which sets out considerations relating to the location of waste infrastructure.

The WMPNI does not introduce new waste management measures. The purpose of this consultation, therefore, is to seek views on whether the WMPNI – when combined with waste planning policy– will fulfil the obligations of the rWFD, especially Article 28 of the Directive, as far as Northern Ireland is concerned.

The WMPNI and waste planning policy will be used by planning authorities who must have regard to these documents when deciding waste planning applications under the Planning Act (Northern Ireland) 2011. Local councils must also have regard to the WMPNI when producing local council waste management plans that establish how they will manage waste within their areas.

In line with the approach outlined, the Department will make a technical amendment to the Waste and Contaminated Land (Northern Ireland) Order 1997: substituting the references to “strategy” with “plan”; aligning Northern Ireland with European legislation and the rest of the UK.

This consultation is presented by the Department of Agriculture, Environment and Rural Affairs (DAERA). It can be found on the DAERA website: <https://www.daera-ni.gov.uk/consultations/Waste-Management-Plan-for-Northern-Ireland>

We should be grateful for your views on the following question:-

Question:

Will the Waste Management Plan for Northern Ireland (WMPNI), including its constituent parts (detailed on page 5 of the WMPNI), when combined with the location specific guidance in the waste planning policy - meet the requirements of Article 28 of the revised Waste Framework Directive and the additional requirements as detailed in Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997 (see Appendix 1)? If not, what else is, in your view, needed?

The following documents relating to this consultation can be found on DAERA’s website at: <https://www.daera-ni.gov.uk/consultations/Waste-Management-Plan-for-Northern-Ireland>

- a copy of this letter
- the draft Waste Management Plan for Northern Ireland

Responding to the consultation

The consultation will start on 16 October 2019 **and run for 8 weeks**. If you would like to comment on this consultation, please reply by the closing date/time of **4.00pm on Wednesday 11 December 2019**. You may respond by e-mail to wslpr@daera-ni.gov.uk or alternatively you can post your response for receipt by the closing date/time to:

Waste Strategy, Landfill and Producer Responsibility Team
Environmental Policy Division
Department of Agriculture, Environment and Rural Affairs (DAERA)
2nd Floor, Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast
BT7 2JA

Tel: 028 905 69372

Email: wslpr@daera-ni.gov.uk

Please make sure that any responses are clearly marked:-

- Waste Management Plan for Northern Ireland consultation response.

In your response, please explain who you are and, where relevant, whom you represent and give your name and appropriate contact details. Please feel free to draw this consultation to the attention of others who you feel should be offered the opportunity to comment.

The Department will publish a synopsis of responses to this consultation and the Departmental response on the DAERA website.

Freedom of Information

Members of the public may ask for a copy of a response under freedom of information legislation. If you do not want your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep your details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential.

For further information about confidentiality of responses, please contact the Information Commissioner's Office: Tel: (028) 9027 8757; Email: ni@ico.org.uk ; Website: <https://ico.org.uk/>

Impact Assessments

The assessment of the need for a Strategic Environmental Assessment (SEA) was carried out. The assessment concluded that the proposals in this consultation do not require a SEA (see the SEA section in the Waste Management Plan for Northern Ireland).

The findings of a Habitats Regulation Assessment screening exercise indicate that the proposals in this consultation are unlikely to have any significant [detrimental] effects (either alone or in combination with other plans or projects) on Natura 2000 sites. On the basis of this screening it can be objectively concluded that the introduction of the Waste Management Plan for Northern Ireland is not likely to have significant effects on the site selection features of any Natura 2000 site.

Equality screening of the proposals in this consultation has concluded that it does not impact on equality of opportunity on any of the groups specified in Section 75. The Equality Commission will receive copies of the consultation documents as part of this consultation exercise and any comments received from the Commission will be taken into account.

A Rural Needs Impact Assessment has also been carried out as part of this consultation and has not identified any differential impact on rural areas.

The Human Rights Act 1998 implements the European Convention on Human Rights. The 1998 Act makes it unlawful for any public authority to act in a way that is incompatible with these rights. We believe that the proposals in this consultation are compatible with the Human Rights Act, but would welcome any views that you might have. The Human Rights Commission will receive copies of the consultation document as part of this consultation exercise and any comments received from the Commission will be taken into account.

Regulatory Impact Assessment screening has been carried out and concluded that the proposals in this consultation will not have a direct or indirect impact on businesses, the voluntary sector or community sector (including charities and social economy sector).

Copies of this consultation can be requested by telephone (028 905 69372), or in writing from the above address.

Yours faithfully

Wendy Lindsay

Wendy Lindsay
Environmental Policy Division

Appendix 1

This Waste Management Plan for Northern Ireland (WMPNI) provides an overview of waste management in Northern Ireland and fulfils the requirements of Article 28 (mandatory requirements) of the revised Waste Framework Directive (rWFD), and other required content as set out in Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997.

The **mandatory requirements of Article 28 of the rWFD** specify that the WMPNI should be established in accordance with Articles 1 (Subject matter and scope), 4 (Waste hierarchy), 13 (Protection of human health and environment) and 16 (Principles of self-sufficiency and proximity) of the rWFD and should contain the following information:

- An analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this rWFD.
- As appropriate, take account the geographical level and coverage of the planning area:
 - the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
 - existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;
 - an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16 (on the proximity principle), and, if necessary, the investments related thereto;
 - sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
 - general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.

In addition, **Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997**, as amended, sets out other obligations for the WMPNI which have been transposed from the rWFD. These other obligations include:

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- measures to promote high quality recycling including the setting up of separate collections of waste where technically, environmentally and economically practicable;
- measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste;
- measures to be taken to promote the re-use of products and preparation for re-use activities, in particular—
 - measures to encourage the establishment and support of re-use and repair networks;
 - the use of economic instruments;
 - the use of procurement criteria; and
 - the setting of quantitative objectives.
- Policies in relation to preparing for re-use, recovery and recycling targets including—
 - measures to be taken to ensure that by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled;
 - measures to be taken to ensure that by 2020, at least 70% by weight of construction and demolition waste excluding—
 - hazardous waste; and
 - [F²naturally occurring material falling within code 17 05 04 in the Annex to the List of Wastes,] is subjected to material recovery.

² [OJ L 365, 31.12.1994, p. 10](#)

Appendix 2

Consultation on the Waste Management Plan for Northern Ireland

Closing Date 11 December 2019

Response from Causeway Coast and Glens Borough Council

Question:

Will the Waste Management Plan for Northern Ireland (WMPNI), including its constituent parts (detailed on page 5 of the WMPNI), when combined with the location specific guidance in the waste planning policy - meet the requirements of Article 28 of the revised Waste Framework Directive and the additional requirements as detailed in Schedule 3 to the Waste and Contaminated Land (Northern Ireland) Order 1997 (see Appendix 1)? If not, what else is, in your view, needed?

The **mandatory requirements of Article 28 of the rWFD** specify that the WMPNI should be established in accordance with Articles 1 (Subject matter and scope), 4 (Waste hierarchy), 13 (Protection of human health and environment) and 16 (Principles of self-sufficiency and proximity) of the rWFD and should contain the following information:

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- As appropriate, take account the geographical level and coverage of the planning area:
 - the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;
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 - measures to be taken to ensure that by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled;
 - measures to be taken to ensure that by 2020, at least 70% by weight of construction and demolition waste excluding—
 - hazardous waste; and
 - [F2naturally occurring material falling within code 17 05 04 in the Annex to the List of Wastes,] is subjected to material recovery.

The core aim of the Waste Management Plan for Northern Ireland as set out at Page 6 of the Plan is;
 “to bring current waste management policies under the umbrella of one national plan”.

The Plan therefore essentially provides only a review of the current position in relation to waste management arrangements (plans and policies) within Northern Ireland and as it states (again at P6);

“It is not, therefore the intention of the WMPNI to introduce new policies or to change the landscape of how waste is managed in Northern Ireland”.

The consultation question posed by the Department seeks consultees to comment on whether the Plan meets the requirements of Article 28 of the revised Waste Framework Directive.

Technically and on the basis of the core aims of the Plan and the references to other Plans and Policies within the Plan it is believed that the WMPNI does meet the requirements of Article 28.

However, in terms of progressing the strategic management of waste within Northern Ireland the WMPNI provides little or no strategic direction. Waste Management within Northern Ireland, in particular municipal waste, has developed significantly since “Delivering Resource Efficiency” (Northern Ireland Waste Management Strategy) was published over six years ago in October 2013. With regards to the two key drivers of Landfill Diversion as set out in the Northern Ireland Landfill Allowance Scheme and the 50% EU composting and recycling target; both of these are now in their final target years of 2019/2020 and both are set to be exceeded.

The lead in times in achieving these significant milestones are probably better measured in decades than in months and years; changes in public attitudes to waste, as set out in the wider environmental, circular economy and sustainable development agenda take time to change as do the required changes in waste reduction, collection, treatment and disposal approaches. As recent history has demonstrated these changes can be achieved but only through strong central government leadership backed up and supported by appropriate legislation and levels of subvention.

Given the level of change that has taken place since “Delivering Resource Efficiency” was published in 2013 what is now required is a new Waste Management Strategy for Northern Ireland rather than a gathering together of pre-existing and to some extent outdated plans and policies under the umbrella of a WMPNI.

It is therefore of concern that the Department have chosen to adopt this approach of an umbrella document and whilst there may be mitigating circumstances related to the lack of a sitting Assembly, Brexit and EU timelines it is surely incumbent on the Department to at the very least set out its timetable for the production of a new Waste Management Strategy for Northern Ireland. If Councils are to produce meaningful Waste Management Plans then these need to be developed against the background of a revised and updated Waste Management Strategy for Northern Ireland.