

## **Northern Ireland Environment Agency – Draft Charging Policy 2010-2013**

### **arc21's Draft Response**

#### Introduction

Arc21 is a collaborative legal public sector entity embracing eleven Councils located along the Eastern Region of Northern Ireland which covers 25% of the land base, populated by 57% of the national population and accounts for 54% of the national municipal waste arisings.

The establishment of arc21 together with its functionality is enshrined in legislation with the original provision being The Local Government (Constituting a Joint Committee a Body Corporate) Order (NI) 2004.

In essence, it is primarily responsible for activities associated with the production, ongoing development and implementation of a Waste Management Plan within the Eastern Region Area.

The eleven constituent Councils of arc21 are Antrim Borough Council, Ards Borough Council, Ballymena Borough Council, Belfast City Council, Castlereagh Borough Council, Carrickfergus Borough Council, Down District Council, Larne Borough Council, Lisburn City Council, Newtownabbey Borough Council and North Down Borough Council.

#### Response

arc21 welcome the opportunity to respond to this consultation.

In commenting, attention is drawn to our response previously submitted at the same time last year to the consultation on Fees & Charges associated with Waste Licensing Activities. It is disappointing there has been little progress on some of the aspects outlined in that response and therefore some of the comments submitted then are equally pertinent to this consultation.

The aforementioned response covered four generic aspects and accordingly, this response is similarly structured. The four aspects being:

1. Transparency
2. Timing
3. Approach to Regulation
4. Level of Proposed Increase

#### 1. Transparency

Our response last year made the point that, *“the consultation documentation does not a sufficiently detailed breakdown of information in respect of the costs associated with the agencies activities to enable a meaningful response to be submitted. No current indication of the costs incurred by the agency in the various fee based elements or assumptions made are included in the document and this lack of transparency should be addressed in any future consultation, particularly given the suggestion that a more substantial increase in some charges will be required in subsequent years.”*

We would contend that this equally applicable to this consultation. The consultation does briefly outline the principles adopted in the setting of Fees and Charges but does not offer further detail. The absence of this detail is not consistent with transparency and prohibits any meaningful consideration and response with regard to efficiency. It is recognised that a comprehensive review of its structures and organisation is underway, however, there is no indication any timetable in regard to completion of the review and if applicable, implementation.

The commitment where new schemes are to be introduced or where substantial revisions to an existing scheme are required, consultation with stakeholders will be carried in tandem through single or parallel consultations papers is welcomed by arc21.

However it is noted that NIEA have undertaken an assessment of current fees and charges and that it revealed that some of the schemes require fuller investigation and interrogation of their function and applicability but that no list or further information was forthcoming. It would be helpful for stakeholders to learn of the schemes that are deemed to require such work and the nature of this work and consequently afforded the opportunity to comment accordingly.

## 2. Timing

Our response last year made the point that, *“the timing of the consultation is unfortunate in that any resultant outcome does not enable Council’s to take accurate account of any subsequent rise in the budgetary cycle. arc21 would advocate that any future consultation in this regard should be undertaken at a time that would be more conducive to the public budgetary cycle including that of the Agency.”*

It is regrettable that this consultation follows the same timetable for 2011/12. However it is recognised that the proposed policy covers a three period and that any proposed increase for the final two years will be known in November preceding each of these years with the publication in the Pre-Budget report which will contain the relevant GDP deflator level to be applied to the forthcoming scheme year.

## 3. Approach to Regulation

Our response last year made the point that, *“arc21 would suggest that the Agency adopt a scheme which reflects a more risk based approach to the regulation of activities/sites similar to that adopted by the Agencies in GB, which would appear to be a fairer approach.”*

We welcome the recognition of the merits of this approach by the NIEA and the commitment to move towards such. However we are disappointed in the anticipated timescale culminating in a full public consultation within the period of the Charging Policy i.e. by 2013. arc21 would encourage NIEA to address this as a matter of some priority with a view to bringing schemes following suitable public consultation during the period of this Charging Policy.

Finally, the Department should ensure that the funding of any future role by Councils in waste regulation should take similar and equivalent cognisance of the principles applied in this consultation.

## 4. Level of Proposed Increase

We are satisfied that the proposed GDP deflator would be an appropriate index or economic measure to link any proposed change in the level of fee or charge.

### **In addition to the arc21 comments above, the Council would like to make two further statements.**

1. The Council acknowledges the regulatory and enforcement role of NIEA and welcomes the compliance reassurance and information provided as a result of their inspections. The Council would request however that, as a minimum, a regular programme of inspection is delivered by the NIEA per annum.
2. The Council would also seek assurances from the NIEA that, when considering levels of charging, consideration would be given to recognising the low risk associated with the operation of facilities which have consistently performed well in NIEA compliance inspections and have received other external validations in the form of accreditations such as, for example, ISO14001. The NIEA should consider introducing a discounted fees and charges structure in these instances.