

Appendix O



Consultation on Meeting EU Landfill Diversion Targets

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 approximately 57% of the national population and accounts for approximately 54% of the national municipal waste (as currently defined) 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.

Background

The Landfill Directive set challenging targets for Member States to reduce the amount of biodegradable municipal waste sent to landfill – the “landfill diversion targets.” Following discussions with the European Commission, it has been agreed that the UK’s approach to meeting these targets should be changed. The consultation addresses the implications of changing the UK’s approach to meeting these targets in relation to Northern Ireland. It is intended to be the first of two consultations, with specific proposals being presented in the second consultation.

At this stage, the Department are seeking the views of stakeholders on the proposed approach in a number of areas to inform the further development of policy and legislation. This includes setting out the new interpretation of the definition of municipal waste; revisions to the 1995 baseline and targets; and the reporting and monitoring obligations necessary to enable robust reporting against the targets to the European Commission.

It also seeks views on the future of the Northern Ireland Landfill Allowance Scheme (NILAS) in addressing both the District Council and private sector elements of municipal waste and providing the necessary confidence that Northern Ireland meets its targets.

Response

To assist with replies the Department have encouraged responses through answering nine questions covering three aspects. Accordingly and consistent with this format, arc21 would respond as follows:

Reporting and Monitoring Obligations

Q1. Which of the possible approaches to reporting on the amount of Biodegradable Municipal Waste (BMW) sent to landfill should the Department develop further? Is it right to favour measuring a landfill target at the point of landfill, provided a robust and credible method can be determined?

A1. arc21 recognises the rationale and is supportive of the proposal to broaden the definition of municipal waste for the purposes of reporting against the targets set out in the EU landfill Directive. The result means, regardless of the source of the waste, its environmental impacts can be monitored and managed in a consistent manner. However this must enable a robust and credible monitoring methodology to be determined.

arc21 notes that the revised baseline 1995 figures have been modelled and that this has been shared with the European Commission who has confirmed acceptability. Also noted is the consequent change to each of the four administrations targets which in essence have approximately doubled.

The Department outlines three distinct approaches:

- 1) Extending the existing “ mass balance” approach
- 2) Returns made by landfill operators with an assessment of the biodegradable content of mixed EWC codes made by either the Department or the Landfill Operator or by other operators of specified facilities
- 3) Some form of transitional or composite reporting.

Provisionally, the Department have indicated their preference for the second approach with the assessment of the biodegradable content of the mixed EWC codes being undertaken by the Department. arc21 would agree with the Department’s preference in terms of simplicity, expediency and not adding any additional burden on top of existing reporting obligations.

In order to address any potential risk for a wide range of individual interpretations of the identification and classification of the appropriate EWC codes, the Department may wish to consider appropriate and targeted education and awareness activities with particular attention to landfill operators.

arc21 further notes the Department's intention to continue with Wastedataflow as it serves to deliver robust reporting mechanism acting as a valuable and comprehensive data source and management tool for waste managed by Councils.

There is no current robust system that addresses commercial and industrial waste streams and arc21 would encourage the Department to derive and implement a suitably robust system which offers comparable information to record the flows of commercial and industrial waste streams.

arc21 are content that the NIEA continues as the monitoring authority in regard to the introduction of revised arrangements.

Q2. Are there alternative approaches the Department should be considering?

A2. No.

Policies to divert biodegradable waste from landfill

Q3. Do you consider that NILAS is an effective policy to assist NI in meeting its share of the UK landfill diversion target in:

- a) 2013
- b) 2020

Please provide evidence to support your views if possible. In particular it would be useful to know the role NILAS plays in future planning by District Councils/waste management groups to divert waste from landfill.

A3. The introduction of NILAS did help to focus minds and did encourage councils to take action to divert waste from landfill. It had galvanised efforts to increase recycling rates, helped councils to develop business cases for procurement, delivered new infrastructure and resulted in a greatly improved means of consistently capturing data through Wastedataflow. It has been successful historically but it has been superseded as a prime driver for councils in diverting waste from landfill.

The wider financial landscape and costs associated with landfill is and will be the key factor in this area. Government's commitment to the continuation of the landfill tax escalator only serves to reinforce this. The impact of NILAS as a driver is likely to be further diminished in the future with the introduction of waste prevention programmes, landfill bans and recycling targets.

arc21 is aware the usefulness of a Local Authority Allowances Schemes is also under scrutiny in other UK administrations. Indeed Scotland has currently suspended its scheme and in England there is a growing consensus that their scheme should not continue after 2013.

The continuation of NILAS has the potential to militate against cohesive working arrangements and put collective efforts at risk. Such working arrangements have delivered significant efficiency gains as evidenced in the arc21 Annual Report for the year ending 31st March 2009 which points towards an amount in excess of £4m that year. There is a clear imperative and expectation for public services to deliver efficiency gains and the lessening of an unnecessary burden which serves to protect and enhance current working arrangements which are delivering efficiency gains should be encouraged.

The prognosis for progress against the revised diversion targets under the proposed wider interpretation is optimistic for 2013, albeit with an element of caution. This is based on reasonable assumptions which suggest that if the position in 2009 as outlined in paras 5.5 to 5.10 in the consultation paper remains unchanged until 2013, Northern Ireland is likely to meet the 2013 target. The indications are that between 2009 and 2013, the situation is more likely to improve rather than stand still or deteriorate as waste arisings appear to be reducing and recycling rates are increasing.

However, at this point the situation in respect of meeting the 2020 target is more difficult to predict with the same degree of confidence. As mentioned earlier, there is a number of additional policy drivers likely to be introduced in the future which will enhance any incentive towards landfill diversion and this should be borne in mind.

Councils have well established kerbside collection schemes for dry recyclables with kerbside collection of organics becoming more common. The procurement of residual waste treatment facilities is at a relatively advanced stage in all three Waste Management groups. Councils will continue to make progress with the implementation of their Waste Management Plans with NILAS having become much less of a driver.

Accordingly, we would recommend the Department considers a balanced approach to the future role for NILAS through the introduction of a facility to suspend the scheme whilst retaining the capability of quickly reverting to it with minimum legislative effort. Careful monitoring of the prevailing situation over the forthcoming years should be employed to measure progress against the targets and enable a more meaningful view to be formulated in terms of the prognosis for 2020.

This offers a balanced and prudent approach which:

- Acknowledges the prime incentive for landfill diversion is economic and financial drivers
- Will not unduly affect continuing progress with landfill diversion
- Reinforces collective working arrangements delivering efficiency gains
- Allows greater flexibility for introducing other administrative arrangements i.e. single waste disposal authority
- Retains the capability for the imposition of sanctions and punitive measures

The revised targets are split almost 50/50 between the waste managed by councils and commercial and industrial waste managed by the private sector and therefore it will require equal efforts by both sectors to meet the targets. This equity should also be a feature in any policy measures. The suspension of NILAS would be a step towards a more equitable approach in this regard.

Q.4. What policy instruments should the Department consider in its assessment of those necessary to meet the landfill diversion targets in 2013 and 2020? Please provide evidence to support your response if possible.

A4. As previously mentioned, there are a number of policy instruments that the Department are already considering which will help improve landfill diversion performance. In this regard, arc21 has submitted a response to the first consultation on the implementation of the revised Waste Framework Directive and will be submitting a response to the consultation on landfill bans which is running in parallel to this consultation.

arc21 have previously argued that a significant proportion of revenue from landfill tax should be ring-fenced for projects which are able to contribute to landfill diversion with particular emphasis on council projects and would continue to advocate such.

arc21 would also like to see the introduction of measures through producer responsibility obligations for packaging which results in a greater degree of integration with the management of waste collected by councils. arc21 has consistently argued for the establishment of measures that takes advantage of the synergies and reduces the burden on the public purse as a progressive step forward.

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

A5. In principle, arc21 supports measures that could encourage more sustainable treatment of biodegradable wastes, including landfill bans. However, it is important that any such measures do not unduly increase costs to councils without any commensurate environmental gain.

Amending the existing legislation

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

A6. As indicated earlier, arc21 has suggested that NILAS in its current form should be suspended. However, there is a rationale in differentiating, monitoring and reporting on wastes managed by councils separate to commercial and industrial waste managed by the private sector.

Q.7. Is “Collected Waste” the best term, or is there a better alternative?

A7. As indicated earlier there is a rationale to differentiate between wastes managed by councils separate to commercial and industrial waste. However arc21 would suggest that the term “Collected Waste” does not offer sufficient clarity and could still create possible confusion. Accordingly arc21 would suggest that the term “Council Waste” or Council Managed Waste” should be considered.

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

A8. As indicated earlier, arc21 has suggested that NILAS in its current form should be suspended. However, if it is retained or indeed if it is reintroduced following suspension, the current framework of allocations would appear to be appropriate.

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

A9. arc21 would not currently support the application of statutory targets in non target years. However, it will be important to monitor and report progress towards the target years and for that purpose the use of indicative targets may be useful.

Again, arc21 would suggest that equity of approach should be applied to wastes managed by councils and to commercial and industrial wastes managed by the private sector.

arc21
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