

Appendix N



Consultation on the Introduction of Restrictions on Landfilling of Certain Wastes

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

This consultation sets out the policy drivers behind the Department's aim to divert recyclable and biodegradable wastes from landfill and presents the evidence from recent research on banning such wastes from landfill and how this could potentially contribute to furthering this aim. It lists a number of candidate waste types for which the evidence suggests the benefits of diversion from landfill in terms of GHG and resource efficiency gains could outweigh the costs of diversion. It stresses the affordability in public finances terms of introducing restrictions would need to be carefully considered before a decision to proceed with any form of restriction could be taken.

It acknowledges the relative importance of clearly assessing the likely impact of landfill bans for different materials in the context of the full package of instruments in place to deliver their waste objectives, and to identify what additional net benefit a ban would add in combination with or instead of other instruments, including the impact on businesses.

The following options for introducing new policy measures to restrict biodegradable and recyclable wastes from landfill in Northern Ireland are as outlined:

- Do nothing
- Introduce landfill bans either a) on their own or b) accompanied by a requirement to sort
- Introduce a sorting or tougher pre-treatment requirement but without a landfill ban
- Introduce producer responsibility systems linked to recycling targets

The consultation identifies a number of candidate waste types taken forward into a cost benefit analysis stage and these were:

- Metals
- Glass
- Food
- Wood
- Textiles
- Paper/Card
- Plastics
- Green (garden) waste
- WEEE

This is a first stage consultation on the principle of introducing landfill restrictions.

Responses from this consultation will inform the Department's consideration of whether it is desirable, practical and affordable to bring forward restrictions. Should the Department conclude to introduce restrictions the specific proposals would be the subject of a separate second stage consultation on the chosen options including draft Regulations for implementing them and a full regulatory impact assessment.

Executive Summary

arc21 is generally supportive of landfill bans for all the proposed materials with no accompanying requirement to sort. Other complementary policy interventions such as that related to Landfill Tax, Producer Responsibility and Economic Incentives should also be considered in tandem with a landfill ban.

arc21 would again reiterate the need for the Department to conduct a review of the existing Northern Ireland Waste Management Strategy. The timely development of alternative treatment infrastructure will be required to facilitate a well managed transition away from landfill. It is suggested that a suitable lead in time for the introduction of a landfill ban should be between 7 and 10 years. Well documented issues with planning, funding and market development will require to be addressed to facilitate a well managed transition.

arc21 would also recommend the existing regulatory framework, in particular the "Duty of Care" and waste permitting regimes, be used as much as possible in terms of relevant enforcement measures associated with implementation.

Finally it will be important to ensure adequate resource is available to address the potential for an increasing in fly-tipping.

Response

arc21 is generally supportive of landfill bans or restrictions particularly given it represents a clear signal that landfill of wastes which are biodegradable or have intrinsic materials/energy value should be reduced and, as far as is practicable, stopped.

arc21 would contend that landfill bans should not be the only instrument to reduce reliance on landfill and improve resource efficiency. Other measures could be complementary to landfill bans and some of the desired effect could be achieved with due regard to further considerations of these measures including:

- Landfill tax
- Producer Responsibility
- Economic Incentives
- More rigorous implementation of the Landfill Directive pre-treatment requirement
- Enhanced monitoring and reporting especially under the “Duty of Care” regime.

Attempts to simply “push” material out of landfill are unlikely to be effective in the absence of proper measures that will also “pull” resources into the economy. In advance of wastes being banned or discouraged from landfill, there needs to be a clear view, based on careful sustainability analysis of the current position, of what objectives Northern Ireland wishes to achieve. Examples of this should include:

- Application of the waste hierarchy as defined in the revised Waste Framework Directive as far as is practicable
- Minimise climate change impact
- Maximise renewable energy generation
- Optimise recycling and recovery of materials
- Introduction of Strategies that offer best affordability or economic development and “green” jobs

To maximise the value of secondary materials recovered from our wastes, we will also need further stimulation of secondary reprocessing capacity plus further stimulation of industry demand for these materials and energy recovered from the wastes. Available finance is an important constraint in the provision of new waste treatment capacity. Private sector investment in treatment capacity can be encouraged through reduced technology risk and reduced planning risk. The last budget mentioned the creation of a “Green Investment Bank” and further details from Government are awaited. The creation of this Bank, if introduced in a timely manner with suitable operating arrangements, could represent a step forward in de-risking investment in appropriate waste technologies.

In view of the above, currently the policy option presented in the consultation which arc21 would be most supportive of is the introduction of landfill bans on their own and not accompanied by a requirement to sort. However, greater clarity is needed to demonstrate how the Department would use landfill bans or restrictions, in concert with other controls, to tangibly move the management of wastes into an era of resource management. Accordingly

arc21 would again call on the Department to review the existing Northern Ireland Waste Management Strategy which is generally acknowledged as being outdated.

Taking into account the above, arc21 would comment on the specific questions as follows:

Q1. Given the evidence available, do you think there is a case for a landfill ban on this waste type?

A1. Based on the carbon savings identified, there would appear to be adequate evidence to show there is scope and justification to prevent the following materials from being landfilled:

- Paper / Card
- Food
- Green (garden)Waste
- Wood
- Textiles

arc21 agree that the carbon savings are likely to be achieved through the introduction of landfill bans supported by other policy interventions. Carbon savings are also likely to accrue from these other interventions in the absence of landfill bans.

In the case of the remaining materials i.e. metals, plastics and glass (WEEE being a combination of all three) there is evidence to support landfill bans on an energy basis.

Accordingly, arc21 are generally supportive of landfill bans in regards to the listed materials.

arc21 acknowledge that the department have declared that any second stage consultation would consider more detailed proposals to evaluate if any such landfill bans could be introduced in practical terms and where the onus would be placed in terms of responsibility, accountability and funding.

Q2. What would be the practical difficulties and issues in implementing a landfill ban on this waste type?

A2. The practical difficulties which are likely to arise are primarily that associated with the provision and timing of alternative waste treatment/reprocessing infrastructure. The implementation of the Ozone Depleting Substances Regulations and the resultant fridge mountain is a good example of the effect that the introduction of measures in the absence of suitable arrangements can have.

Issues with planning, funding and market development have all been raised previously by arc21 and are well documented.

The manner in which any landfill ban will be regulated will also have to be considered as will the potential for dealing with any fly-tipping which may arise as a consequence of any landfill bans.

Q3. What would be your proposed solutions in dealing with such difficulties and issues in implementing a landfill ban on this waste type?

A3. It is important to consider the issues of planning, funding and market development in a holistic way as they are intrinsically linked. Encouraging innovation through a progressive market development programme with appropriate incentives allied to a planning system that is fit for purpose will help engender the confidence required by all stakeholders to enable the requisite level of progress to be made. These issues are not new and have been well documented previously.

In terms of regulation, as much use of the existing framework should be utilised. Clearly, any landfill permit would have to be suitably modified to reflect any landfill bans. arc21 advocated using the “Duty of Care” regime to address waste hierarchy requirements flowing from the revised Waste Framework Directive and it would also be appropriate to link this into the monitoring and regulation of any landfill bans. This would primarily entail a suitably worded declaration being incorporated into the transfer note.

It will be important to ensure that the regulators have sufficient funding to be proactive in the field of fly-tipping and to carry out enforcement of fly-tipping incidents.

Q4. If you support a ban on this type of waste what should the lead-in time be for a ban on this waste type, to allow time for the necessary infrastructure to develop?

A4. Lead-in times for newly developed waste treatment infrastructure can be highly variable particularly given the current vagaries with the planning system.

This is recognised in the two pieces of research associated with this consultation. In the case studies considered in the Green Alliance study, timescales of between 2 and 12 years are quoted. Eunomia suggest that it would be difficult to implement landfill restrictions in less than five years.

arc21 would advocate that the lead in time should be no less than seven years and no more than ten years.

Q5. If you do not support a ban on this waste type, do you think other measures should be used to divert it from landfill and if so what would they be?

A5. As indicated above, arc21 believe that landfill ban should support other complementary measures.

arc21 would 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 municipal waste (as in the current UK interpretation). arc21 have 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.

A similar case could be made in the case of batteries and WEEE (with the emphasis on small WEEE) as more stretching targets are on the horizon.

Q6. There may be other possible approaches to improve resource efficiency and reduce GHG emissions from this waste type (for example encouraging manufacturers and retailers to move away from using materials that are hard to recover or recycle). We would welcome observations and suggestions for each waste type.

A6. arc21 would welcome any further detailed proposals in any second stage consultation on the rationalisation of the range and type of materials (e.g. reducing the number of available plastic polymers for use in packaging) and the co-fusion of materials (e.g. wood and plastic) that makes it difficult to recycle in post-consumer waste streams.

It might be of particular interest to evaluate the benefits of specifying standards for the manufacturing and recycling of textiles, mattresses and carpets.

Q7. Are there any other waste types which you think should be subject to a landfill ban?

A7. arc21 are not aware of any compelling evidence which would support the specific imposition of a landfill ban for any other waste type.

arc21
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