



**Mr Tim Walker**  
**Belfast City Council**  
**Health and Environmental Services Department**  
**The Cecil Ward Building**  
**4-10 Linenhall Street**  
**Belfast**  
**BT2 8BP**

**Your Ref: KM/TW**

**Our Ref:**

**Date: 8 July 2014**

Dear Tim,

Thank you for your letter dated 24 June on the future site options for the Cutts CA site, Derriagh. With regard to the specific issues you raised:

1. There is no precedent for a waste licence to be jointly held by two separate entities. This would make it difficult for NIEA to regulate the site, as there would not be one legal entity clearly accountable for compliance.

2(a). EPD have advised that currently there is no legislative or policy impediment to councils sharing tonnages from a CA site that is operated by one of them. The Department would require the two Councils to make a formal legal agreement to share tonnages between them. This would include an annually calculated percentage apportionment based on the tonnage of the waste entering the site from waste originating in each of the council's respective areas. This is likely to require an annual survey of the users of the site or another study which is fit for purpose and provides a statistical measure of the confidence of this apportionment.

2(b). NIEA would require both the Councils to have copies of the incoming and outgoing Waste Transfer Notes to show they have control over the waste they are claiming for recycling, recovery or landfill. If Councils are using different contractors / facilities which result in different outcomes e.g. wood recovery versus recycling, then this detail would need to be captured in Waste Dataflow to demonstrate compliance with NILAS regulation 10. The same would apply if Councils are sending waste to different end destinations e.g. paper recycling in NI versus UK or abroad.

EPD have advised that should legally binding individual district council recycling targets come into operation, this type of arrangement may not be possible but this detailed policy consideration has not happened yet.

To conclude, NIEA's view is that the current situation where the operator of the CA site is solely responsible for the waste is straightforward and clear. CA sites already exist near council borders that will be receiving waste from residents from different council areas and this has just been accepted by all parties. The proposed approach would introduce a great deal of complexity into the system and increase the potential for errors for no obvious environmental benefit.

Regards

A handwritten signature in black ink, appearing to read 'Mark Livingstone', with a stylized flourish at the end.

**Mark Livingstone**  
**Head of Waste Management**

**Cc Noeleen O'Malley, Lisburn CC**

# Health and Environmental Services Department Waste Management



Your reference

Our reference

Date

KM / TW

24 June 2014

Mr Mark Livingstone  
Director  
NIEA  
Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
Belfast  
BT7 2JA

Dear Mark,

Re: Future Site Options – The Cutts CA Site, Derriaghy LN/07/34/V2

The Local Government Reform (LGR) programme brings new functions and boundaries to the eleven emerging Local Authorities. As part of the Service convergence process we have engaged with our colleagues in Lisburn City Council and initiated scoping discussions regarding the future provision of recycling facilities in respect of the Cutts Civic Amenity Site in Derriaghy.

We are keen to explore the options available in terms of future ownership and operating models. In order for us to carry out this feasibility study we are seeking input from NIEA in terms of compliance with the various aspects of waste legislation and also from a practical perspective such as auditing of the facility, on site and through the WasteDataFlow monitoring system.

Specifically the Council is keen to establish the following;

1. Can the site licence be held jointly by two Local Authorities?
2. Should site operations be "shared", what would the NIEA require in terms of evidence to (a) show the overall tonnage allocation between the two Councils and (b) satisfy the auditing requirements.

Based on our initial research we are not aware of any such arrangements locally and understand that this enquiry may require careful consideration and input from a legal perspective. However this type of operating model may have merit going forward as Local Authorities look to make further efficiency savings.

I look forward to hearing from you in the near future but if you should require any further information or clarification on the above please do not hesitate to contact me.

Yours sincerely

  
Tim Walker

Cc Noeleen O'Malley

Acting Assistant Director of Environmental Services, Technical – Lisburn City Council

Tim Walker MInstWM FCIWEM FIEMA CEnv

Head of Waste Management

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