

## APPENDIX 2

***We have also included within our response that the impact of the administration and application of any new changes for which District Councils would have a role need to be formally appraised and evaluated and further consulted on. The economic impact of the roll out of this future strategy would need to be determined to ensure there is no additional burden on the rate payers within the Belfast City Council area.***

### **Strategic Environmental Outcome 1 relates to Excellent air, water, land & neighbourhood quality**

From the DAERA Draft Environment Strategy:

Engaging with people of all ages, communities, business, local and central government and the third sector will be crucial to the delivery and success of the Environment Strategy. This includes both physically engaging people with the natural and historic environment - through the provision of quality natural spaces and opportunities for outdoor recreation & learning - and engaging people and organisations with the processes al Outcome covers key elements of our environment including: air quality; water quality; land quality and local environment quality. For many people, these environmental issues represent their day-to-day experience of ‘the environment’ - from the air they breathe, to the quality of their drinking water and the condition of their local

Belfast City Council draft responses:

General comments

Firstly, it is noted that the draft document represents a “*high level strategy setting the Executive’s direction of travel*” and that there will be greater detail on specific actions and targets over time. This being the case, the Environment Strategy will, in effect, be an umbrella strategy, under which there will be more detailed/sectoral strategies, action plans and programmes. In this respect, it is noted that most of the draft action/targets at this stage are fairly generic and many relate to further strategies or policy review. Therefore our comments at this stage are in response the general direction of travel of the draft Strategy, insofar as that is stated or known, and we may provide further comments in future as more detailed action plans or strategies emerge.

In relation to land use planning, the draft Environment Strategy generally recognises the role of the district councils as planning authorities and it is noted that there are references to partnership working, including in relation to the preparation of Local Development Plans (LDPs) (Tables 4, 6 and 12). In this regard, the draft Environment Strategy should acknowledge that the 11 councils are at different stages in the LDP preparation process and for some councils the time for stakeholder engagement on the policy approach has long passed. Belfast City Council has produced its LDP draft Plan Strategy and, following an independent examination, the Planning Appeals Commission submitted its report of recommendations to DfI in September 2021. Therefore it is envisaged that the LDP Plan Strategy will be adopted early in 2022 and this will set the land use planning policy framework for Belfast City up to 2035, subject to periodic review as necessary or statutorily required. The stated commitment to be involved in the LDP process is welcome and, indeed, various government departments have participated in thematic working groups and other discussions in the development of our draft Plan Strategy. A positive working relationship is essential to ensure that the various strands of the draft Environment Strategy are delivered at all levels. Government departments will continue to have statutory responsibilities

and are consultees who will continue to participate in the working groups in the preparation of the Belfast Local Policies Plan when site specific proposals are developed, as well as any future review of the LDP.

There are some references to potential changes to legislation and regional planning policy/guidance (eg: Table 7 – Landscape/AoNBs; Table 8 – Open Space; Table 13 – Biodiversity). Again, whilst it is acknowledged that the regional context may change over time, it is important that planning authorities are properly involved in the process in order that any implications for LDPs and development management decision-making can be duly assessed and actioned as required.

### **Strategic Environmental Outcome 1 : 1 Air Quality**

The UK Air Quality Strategy for England, Scotland Wales and Northern Ireland and Part III of the Environment (Northern Ireland) Order 2002 place a duty on Northern Ireland councils to periodically review and assess ambient air quality within their districts against a series of health-based objectives. In order to address the few remaining transport related nitrogen dioxide (NO<sub>2</sub>) hotspots within our Air Quality Management Areas and to improve ambient air quality generally for the city, the council and our partner organisations have recently completed development of a new 5-year Belfast City Air Quality Action Plan (2021-2026).

In addition, DAERA is advised that the council is presently proactively undertaking a detail review and assessment for the city in order to quantify concentrations of fine particulate matter (PM<sub>2.5</sub>) and to determine if mitigation measures will be necessary to achieve national and European standards as well as World Health Organisation (WHO) guideline values.

The council therefore welcomes that excellent ambient air quality has been identified as a strategic environmental outcome within the draft Environment Strategy and provides the following comments on the proposed actions and targets:

➤ **2022: Publish NI's first Clean Air Strategy and develop new SMART targets and actions.**

Belfast City Council welcomes the commitment by DAERA to the publication of a Clean Air Strategy specifically for Northern Ireland and refers the Department to the council's detailed consultation response, provided as part of the November 2020 Public Discussion into a Clean Air Strategy for Northern Ireland.

In addition, the council would again highlight to DAERA that at the People and Communities Committee meeting of 8<sup>th</sup> October 2019, the Committee agreed that recommendations regarding the adoption of WHO air quality standards and Clean Air Zone / Low Emission Zone legislation should be formally provided to DAERA and the Department for Infrastructure (DfI) as part of the council's consultation response to the forthcoming DAERA Air Quality Strategy for Northern Ireland.

The council notes that DAERA has proposed new SMART targets and actions as components of the Clean Air Strategy and would therefore recommend that the above matters be considered in the development of such Smart targets and actions.

➤ **Improve traffic data on which to base modelling and projections.**

Belfast City Council welcomes the proposed action to improve the collection of road traffic data on which to base modelling and projections.

It is considered that the availability of up to date road traffic data is critical in assisting the council to complete its various reviews and assessments of ambient air quality for the city and in the development of mitigation measures. Atmospheric dispersion modelling has increasingly become a more significant part of the local air quality management review and assessment process, alongside ambient monitoring, for deriving spatial and temporal projections of ambient air quality.

Unfortunately, due to a reduction in road traffic census points across Belfast and indeed Northern Ireland over recent years, the air quality impacts of some major roads across Belfast have had to be inferred on the basis of historical traffic counts and limited fleet composition data, dating from 2010. Moreover, due to the gradual introduction of a revised vehicular classification system, fleet composition assumptions typically have to be employed within air quality analyses. This lack of data makes it challenging for the council to draw accurate conclusions about the air quality impact of road transport sources, due to the historical and limited nature of the data. For clarity, Defra and the Devolved Administrations have published the Emissions Factors Toolkit (EFT) to assist local authorities in carrying out their various review and assessments of local air quality. The toolkit contains data to calculate road vehicle pollutant emission rates for NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub> and CO<sub>2</sub> for a specified year, road type, vehicle speed and vehicle fleet composition. The toolkit also includes data on both conventional and alternative vehicle types and fuels. It would greatly assist the council's various atmospheric dispersion modelling studies and reviews and assessments if future transport data for Belfast could be captured and collated on this basis.

The council would therefore encourage the Department to take into consideration the type of traffic data that is appropriate for ambient air quality dispersion modelling and reporting when progressing this action, to ensure that future fleet and traffic census data can be utilised by the Department for Infrastructure for roads engineering activities, as well as by DAERA and councils for local air quality management purposes.

➤ **Continue funding improvements in local air quality and explore further funding available.**

Belfast City Council welcomes the proposed action to *Continue funding improvements in local air quality and explore further funding available.*

It should be noted that the council's local air quality management work is presently supported through the DAERA LAQM Grant Scheme, as part of the wider Environment Fund, which assists the council in undertaking its various statutory local air quality management functions, including air quality monitoring, emission inventory work, dispersion modelling and fuel use surveys.

The council would advise however, that additional local air quality monitoring and detailed assessments, together with the development and implementation of associated mitigation measures may be necessary in coming years, particularly in the case of fine particulate matter (PM<sub>2.5</sub>), if WHO guideline values are adopted as air quality standards for Northern Ireland and if the Department's proposed enhanced approach to air quality monitoring, as detailed within the November 2020 Clean Air Strategy for Northern Ireland Public Discussion Document, is implemented.

By way of a funding comparator, the council would highlight the Defra Air Quality Grant Scheme 2021-2022, which is available to local authorities in England. Defra has made at least £9 million in funding available to English local councils for projects to improve ambient air quality, public awareness and for projects that include measures to deal with particulate matter, which is currently the main pollutant of concern. Defra has advised that at least £1 million of the £9 million available this year will be dedicated to projects to improve public awareness in local communities about the risks of air

pollution. Local authorities are also able to bid for a portion of the fund for a wide range of other projects to improve ambient air quality and create cleaner and healthier environments. The criteria for this year's grant period prioritise the following three areas:

- Projects which reduce air pollutant exceedances, especially in those areas that are projected to remain in exceedance of the UK's legal targets;
- Projects that will improve knowledge and information about air quality and steps individuals can take to reduce their exposure to air pollution; and
- Projects that include measures to deal with particulate matter, which is the pollutant most harmful to human health.

The council would welcome the development and introduction of a similar grant scheme for Northern Ireland, to better support local air quality management projects, to raise public awareness of air quality matters and to improve ambient air quality.

➤ **Address ammonia emissions and their impacts through the forthcoming Ammonia Strategy.**

Whilst ammonia is not identified as a local air quality management pollutant, it nevertheless contributes to the formation of secondary particulate matter, which the council is currently assessing as part of the Detailed Assessment project for PM<sub>2.5</sub>. Ammonia is also a cross-boundary pollutant, meaning that although there are no significant agricultural ammonia sources located within the city, agricultural activities from surrounding lands can nevertheless have an impact on particulate matter concentrations within the city boundary. Therefore, given the large scale and economic value of Northern Ireland's agriculture sector, it is vital that both ammonia and particulate matter are appropriately monitored and managed, whilst the agricultural sector continues to grow, to ensure that measures can be put in place when required, to reduce human health risks, as well as provide environmental safeguards.

Air Quality Expert Group (AQEG) and other air pollution reports have highlighted that reductions in agricultural emissions can have significant beneficial impacts on PM<sub>2.5</sub> concentrations, which can in turn help to prevent mortality attributable to air pollution by up to 19% in Europe. Therefore, whilst the discussion around ammonia tends to focus principally on the ecological implications of the agriculture industry, it essential that measures and actions put in place to mitigate impacts on the environment also provide protection for human health. The council therefore welcomes that the forthcoming Ammonia Strategy is included as an action within the draft Environment Strategy.

➤ **Develop improved monitoring and data collection to allow us to measure the impacts of energy decarbonisation policies on air quality.**

We note that although this action relates specifically to the measurement of impacts of energy decarbonisation policies on air quality, improvements to the ambient air quality monitoring network within Belfast and across Northern Ireland may be required in future if changes to pollutant objective concentrations are introduced via the Environment Act 2021 or through adoption of World Health Organisation guideline values.

As stated previously in this response, in addition to NO<sub>2</sub> reduction measures, fine particulate matter (PM<sub>2.5</sub>) has recently emerged as an additional ambient air pollutant of concern for Belfast city.

Moreover, the recently introduced Environment Act 2021 (passed on 9<sup>th</sup> November 2021) includes specific targets on PM<sub>2.5</sub>, which may eventually be implemented nationwide. These targets will likely have implications for local air quality monitoring network requirements.

The current Belfast air quality monitoring network has been developed over recent years to ensure those pollutants of concern, such as nitrogen dioxide, that are giving rise to exceedances within our Air Quality Management Areas are monitored at relevant receptor locations across the city. However, if more stringent or new thresholds, including for fine particulate PM<sub>2.5</sub> are introduced over coming years, expansion of the current monitoring network will likely be necessary to ensure that monitoring is undertaken at relevant monitoring locations and that reductions in ambient air pollution are achieved, in accordance with objective concentrations. The council would therefore welcome improvements to the monitoring network in relation to fine particulate matter (PM<sub>2.5</sub>), as well as for any other emerging pollutants of concern, which are identified in the future.

➤ **Fewer pollutants released by home heating systems.**

The council welcomes the Department's stated outcome of reducing pollution released by home heating systems, as recent evidence indicates that domestic combustion contributes more than previously thought to particulate matter emissions. It is anticipated that the council's Detailed Assessment project will provide a greater understanding of source apportionment for PM<sub>2.5</sub> emissions from domestic and other emission sources within the city and may also provide data that can assist the Department in the determination of mitigation measures to help reduce home heating emissions.

The council additionally welcomes the forthcoming Energy Strategy (as highlighted within Section 17 of the draft Environment Strategy), which includes the principles of replacing fossil fuels with renewable energy and creating a flexible, resilient and integrated energy system. It is considered that the Energy Strategy will help to facilitate a reduction in emissions associated with home heating, thereby reducing ambient air pollution from domestic sources.

➤ **Increased public awareness of health effects of poor air quality and sources of pollution.**

During the recent 12-week public consultation on the new Belfast City Air Quality Action plan 2021-2026, the council noted that a range of respondents had recommended a greater number of local public awareness and educational campaigns should be provided in relation to ambient air quality, to include the provision of real-time pollution information and more information on the health effects of ambient air pollution.

The council therefore welcomes DAERA's commitment to a future vision or outcome of increased public awareness of the health effects of poor air quality and sources of pollution, as a consequence of the various air quality actions detailed within the draft Environment Strategy.

The council has already highlighted earlier in this consultation response that Defra has provided a £9 million fund for English local authorities to tackle air pollution during the 2021-2022 grant year and that at least £1 million of the £9 million available will be dedicated to projects to improve public awareness in local communities about the risks of air pollution. It is considered that DAERA should give consideration to the establishment and funding of a similar awareness raising campaign for ambient air quality within Northern Ireland.

Moreover, as part of the November 2020 Public Discussion into a Clean Air Strategy for Northern Ireland, DAERA proposed the establishment of an Air Quality Forum for Northern Ireland, which was intended to, among other things, oversee measures associated with improving the air quality indicator, as well as discussing any reforms coming from the review of air quality policy. The Department indicated at the time that the Forum would also be the ideal place to discuss, with stakeholders, the more effective communication of air quality impacts and the role that individuals can play in reducing air pollutant emissions.

The council provided detailed comments as part of its consultation response concerning the role and function of the proposed Air Quality Forum, together with recommendations for membership. It is considered that the Department should now give consideration to the formation of an Air Quality Forum for Northern Ireland in order to address the Environment Strategy stated vision of increased public awareness of the health effects of poor air quality and the sources of air pollution.

### **Strategic Environmental Outcome 1 : 4 Sustainable Drainage & Wastewater Management**

The references (primarily Table 4) to sustainable drainage systems (SuDS) are welcome and are supported by the City Council. Indeed, our draft Plan Strategy includes a policy requiring SuDS measures in all new built development proposals, taking account of the multiple benefits in particular of soft-SuDS measures and the potential to add such measures to a wide range of development types and scales. Therefore, it is considered imperative that government projects also incorporate SuDS measures where appropriate – including to lead by example and showcase best practice across a range of capital projects. We are also preparing supplementary planning guidance to complement our SuDS policy and it will cover the general principles and typologies around SuDS. This aligns with our Green and Blue Infrastructure Plan (GBIP), which was adopted by the City Council early in 2020, following wide stakeholder engagement and public consultation. In this regard, the GBIP recognises the multiple benefits and roles of our green and blue infrastructure, including for climate resilience, environmental quality, biodiversity and human health & wellbeing. The GBIP also focusses on SuDS interventions and, in particular, soft SuDS measures and seeks to ensure that they are incorporated into new physical projects at all scales.

Continuing on the matter of SuDS, it is acknowledged that there has long been discussion around adoption and maintenance of proposals, as well as technical advice on their performance, including as part of planning application considerations. Again this is specifically mentioned in Table 4. It is our opinion that SuDS measures form part of surface water drainage and, whether hard or soft, the relevant statutory body should provide advice to planning, both at the pre-application/design stage and during the formal planning application consultation stage. In addition, any approval and inspection regime should also be within the role of the statutory drainage authority. This is consistent with the current approach to drainage matters and also takes account of the relatively small size of NI and the need not to provide and duplicate technical expertise in each of the 11 local authorities. Councils remain the planning authority and are the decision-maker for planning applications in most instances, with the benefit of technical advice from statutory consultees. In terms of maintenance, hard SuDS should continue to be adopted by NIW, unless the developer/owner agrees an alternative approach that is acceptable to NIW. This may also be the case with many soft SuDS measures, although it is acknowledged that many of these should simply be maintained as part of the building or landscape maintenance – which is normally the responsibility of the owner/occupier.

### **Strategic Environmental Outcome 1 : 5 Neighbourhood Environment Quality**

#### **1. Introduce a Deposit Return Scheme for Drinks Containers in 2024.**

In principle the Council is supportive of this proposal, and has previously responded to the DAERA consultation on this. In addition, from a littering perspective, we highlight the following which the following points should be considered:

- Need to consider the scheme and how this will be implemented for example it may reduce litter on streets as there is a return on the bottle cost however may result in householders/commercial premises accumulating bottles on land to return in bulk which may have storage implications resulting in complaints.

- In some areas, it may encourage bin hoking activity with people searching through bins looking for bottles as a way to make money which again may result in decreased drink containers but increase in fly tipping/littering.
- Also, if there are to be reserve vending machines like in some of Scotland's proposals – where are these to be located, who regulates these and how well would they be regulated and managed – to avoid associated issues such as fly-tipping.

## **2. Increase the maximum Fixed Penalty Notice for litter and dog fouling offences to £200 by 2023**

The Council welcomes the option to increase the maximum fixed penalty notices for litter to £200 however the Council would like the option to determine the maximum fine amount within a threshold between £100 and £200, so that a graduated approach to increasing the fine can be applied.

- Increasing the fine to £200 may act as a deterrent and prevent littering offences, however it's a steep jump from £80 to £200 for littering in relation to other fines associated with breaches of legislation/env. Crime). This may result in less fines being paid and therefore have an impact on administration and increased costs to prosecute for non-payment of fines with increased in legal and associated court costs.
- Increasing in the FPN amount to £200 will lead to increased administration as a result of disputes, as public will be less willing to pay a larger fine. This will impact on the resources required to administer the service.
- Fines in court upon conviction would need to be increased to ensure prosecution and outcome of court fines are beneficial and act as a deterrent.
- The early payment option of a reduced rate should be available within the legislation to encourage payment rates.

## **3. Publish Northern Ireland's first Litter Strategy by 2024.**

The Council believes that a Litter Strategy would be beneficial to improve local environmental quality for all residents and communities. The Council looks forward to further engagement on the details of the Strategy to gain an understanding of how this could impact on time and resources required to implement the strategy.

The Council is interested to know what requirements will be placed on BCC and other Councils to implement the strategy? This element of the draft strategy should thus include funding and resources for local councils including education and awareness; from working with local communities and groups, schools and business so they can best address the local needs (as opposed all resources to NI wide campaigns) to wider scale advertising campaigns. What is vital is that the council can be responsive the local needs whilst being cognisant of the local authority needs. These relationships built on mutual understanding of the local community, business and environmental educational needs of the area and the bigger picture. It helps build connections with the local government organisation and lead into other areas and connections in the sphere of the environment. City issues, very different from the rural experience and needs to be a nuanced approach.

Continued grant support – Local knowledge of need, programmes and areas with potential, mean council involvement in this is vital.

### **Strategic Environmental Outcome 1 : 6 Dilapidated Buildings and Neglected Sites**

In relation to point 6 within Strategic Environmental Outcome One (Dilapidated Buildings and Neglected Sites), Belfast City Council, through the Building Control Service had been in discussions

with the then DoE since 2012 and latterly with DAERA in 2016/17, about the key aspects of proposed new legislation to deal with dangerous and dilapidated buildings and neglected sites. We went as far as completing a detailed exercise in 2017 to calculate the estimated costs to the council of enforcing more effective legislation than that which we currently have at our disposal. The process was not progressed beyond 2017. We also provided a comprehensive response to the document *Environmental Legislation Dilapidated/Dangerous Buildings and Neglected Sites – a DoE Discussion Document* (responses to that consultation closed on 30 June 2014).

In Belfast we have two pieces of legislation which allow us to take enforcement against the owners of dangerous structures and dangerous places – Sections 116 & 117 of the Belfast Improvement Act of 1878 and Section 30 of the Public Health Acts Amendment Act of 1907 respectively. Through the 1911 Belfast Corporation Act, we can act in cases where the owner of the structure identified as enforceable under the 1878 Act is unknown or cannot be found. Frequently, dangerous structures are also dilapidated or ruinous.

We also use Article 66 of the Pollution Control and Local Government (Northern Ireland) Order 1978 in the case of dilapidated or ruinous buildings [66 (1)] or sites containing material resulting from demolition of a building [66 (2)] (not necessarily arising from a building on that particular site). This applies to situations where we contend that the state of the site due to either the presence of a ruinous building(s), or rubble, is seriously detrimental to the amenities of the neighbourhood.

These three (the 1911 Act effectively only being a postscript to the 1878 Act permitting enforcement in the case of an unknown owner) all have weaknesses which means that many cases of nuisance from ruinous/dangerous buildings/structures and neglected sites cannot be effectively (and cost-effectively) – or at all - remedied through the enforcement process.

In the case of the Belfast Improvement Act, the building owner is not fined when the case comes to court but ordered to make the building safe. If the owner fails to comply with the court order made, the council may legally step in and carry out the works to make safe in default of the owner. At that point only can the owner be fined (for failure to comply with a court order). Fines are not imposed at a level that provides a significant deterrent. Sections 118 & 120 -123 of the Act make provision for the council to recover costs incurred in carry out works in default, if necessary by selling the building or site, but we have had advice on this issue from counsel who was of the opinion that to sell a building or site in these circumstances would be in contravention of the Human Rights Act of 1998 (the First Protocol, Article 1 – Protection of Property).

The result of this is that the Belfast ratepayer funds the making safe of a building if the recovery of costs from the owner is unsuccessful. A charge can be made against the land, but this is no guarantee of recovery. In the case of the unknown owner, the council must obtain an order from the Magistrates' Court after presenting the relevant evidence, and then advertise the intention to carry out the works in three newspapers at significant expense. In this case, the costs fall once again to the ratepayer.

The council has a reasonably good record of successful enforcement using the 1878 Act but also, we have had repeated issues with the proving of ownership, and of incurring significant unrecovered costs of work carried out by the council in default.

Significantly, there is no provision in the 1878 Act for emergency works, whereby if for instance a structure is severely damaged by storm, fire, or sudden collapse and requires immediate action to safeguard the public, and the owner cannot be identified or contacted, the council has no vires to undertake any work to make the situation safe without first obtaining a court order. We have undertaken such emergency works from time to time after consulting with our Legal Services section, but in a least one case the building owner tried to claim compensation for the council's demolition of a not-salvageable, ruinous, dangerous building which was posing a very serious risk to public safety due to being on the brink of collapse and used as a play area by children.



The ability of the council to legally carry out works in default of the owner in an emergency, where the owner cannot be found or contacted would be very useful in any new piece of legislation.

Although there is a (protracted, and expensive in terms of advertising) mechanism for acting on a dangerous building with an unknown/unfounded owner - via the 1878 and 1911 Acts, the 1978 Pollution Control Order does not allow any action to be taken unless the owner can be identified and ownership proved by production of relevant documentation (e.g. Landweb documents). This is to a degree understandable, as legislation exists for dangerous buildings already, and ruinous or dilapidated buildings which are not dangerous (otherwise we would have used the 1878 Act), are not a risk to public safety - but they have a nuisance value in terms of aesthetics primarily, but also perhaps in terms of ASB, pests, damage to attached properties and so on. The other (than Belfast) councils, except for Derry and Strabane, have a more restrictive Act (Towns Improvement Clauses Act 1847) which requires the dangerous structure to pose a danger to by-passers or occupiers. Derry and Strabane Council has the Londonderry Corporation Act 1918, which is less restrictive than the Towns Improvement Clauses Act 1847.

The proportion of dilapidated and ruinous buildings for which it is not possible to prove ownership to the extent that it will satisfy a court is significant. The degree of dilapidation required to make the case that a building or structure is seriously detrimental to the amenities of the neighbourhood is high.

A case (Liverpool City Council – v- Derwent Holdings Ltd) that was heard in the Administrative Court in Liverpool in 2008 as an appeal to a decision made by the Crown Court found that a site on which rubble from a demolished public house had sat for four years was not seriously detrimental to the amenities of the neighbourhood, serves to illustrate this. The council claimed the site was in contravention of Section 79 of the 1984 Building Act but the appeal judges held that as it was in an area (Edge Lane) that was ‘ripe for development’ and that the condition of the site was that of ‘going through a usual stage of redevelopment’ and overturned the Crown Court decision. A judge in this case stated that ‘pleasantness’ is a reasonable simile for ‘amenity’ in the case of the terminology of the Building Act (the wording is the same as in our Pollution Control Order).

This means that councils in Northern Ireland, in order to act successfully under Art. 66 of the Pollution Control Order, must be able to provide enough evidence to contend that the building or structure is seriously detrimental to the amenities of the neighbourhood and must also prove ownership (and have a summons successfully served on the owner at his/her home address). Hence only the worst sites are acted on and action is impossible if ownership cannot be proved.

Even if the Art. 66 case gets to court, and is found in favour of the council, the judge can only impose a fine; he or she cannot order the owner to do the work required to address the dereliction (unlike the 1878 Act where an ‘order’ is made for the danger to be removed).

Once an owner is convicted under Art. 66 of the Pollution Control Order, the council may step in and carry out the required works in default; however, in practice it can be difficult to recover costs for a variety of reasons. The council understandably has a finite budget for these scenarios.

In the case of a piece of vacant land which is for example attracting ASB or an unsightly mothballed building site, the council can take no action. There is no law that requires a vacant piece of land to be secured. Similarly, with ‘mothballed’ building sites which might be dangerous to trespassing children, we have no powers to require them to be secured, or if unsightly, cleaned up.

In summary, what we would like to have is legislation which would allow the council to act on any type of building, structure or site within the city which is causing a problem. We would like much better cost recovery measures than exist currently, with the option of selling a building or site to recover costs where necessary. In the case of owners who have gone into administration or bankruptcy, we would like the council’s cost recovery to be prioritised over other persons/bodies who are owed money by the site/building owner. We would like to have the power to act immediately in an

emergency (danger) situation, and to have clear powers to recoup costs from the owner in such circumstances. We would like powers to deal with low-level dereliction such as vacant plots attracting ASB or other nuisance which are currently not covered by legislation – whether we are able to identify the owner or not (after all reasonable avenues of enquiry have been exhausted). Currently, we receive hundreds of complaints per year about problem derelict sites which fall outside the scope of the current legislation. These are the low-level-of-dereliction sites, which collectively have a seriously detrimental impact on the city, even if they do not do so individually.

For all cases of dereliction/danger/ nuisance from vacant buildings or neglected sites, the magistrate should have the power to order the owner to carry out the works, with fines for failure to comply of a level that provides a powerful deterrent.

There exists good legislation in the form of two acts already in force in England – the Building Act 1984, sections 76 – 79 & 121: and the Town and Country Planning Act 1990, sections 215-219. This could form the basis of new legislation but are not perfect – it is important that the good parts of the existing legislation in Northern Ireland are not discarded.

Tighter legislation on the registering of land would be helpful – many buildings/sites are not registered with Landweb and this proves problematic in establishing ownership.

Powers to serve notices on financial institutions, administrators and receivers would be of great benefit where relevant.

Non-prescriptive guidance written by the Department would be of benefit.

The council should have power to act in default of an unknown owner or a non-cooperating owner for all types of problem sites with excellent prospect of recovering costs, not just in the case of dangerous buildings.

Further to the point raised above about collaborating with councils in the LDP process, the draft Environment Strategy specifically references LDPs in relation to dilapidations and dereliction (Table 6). Whilst the statutory remit for derelict land and premises generally falls outside the scope of land use planning, it is accepted that the LDP can help identify locations for renewal and redevelopment. The existence of clusters of dereliction is a matter that will help inform our future approach to identifying potential Development Opportunity Areas in the new Local Policies Plan. It is also something that government departments and councils may wish to address by other means, including through capital projects and incentive programmes.

### **Vacancy Grant Programme**

Council recognise dilapidated buildings can ruin the appearance of an area with negative impacts on business, property values, anti-social behaviour, tourism potential and civic pride. Council have carried out a vast intelligence and research exercise in relation to vacancy within the city centre, its impact on ASB, business, and the look and feel – vitality of the area.

Council commissioned a Retail Analysis report on Belfast City Centre which was undertaken by Pragma Consulting in 2019. This identified a number of challenges facing the city centre, with management and reduction of vacancy rates and dereliction as key themes. This work informed the development of the Future City Centre (FCC) Programme, which is aimed at the diversification of uses in the city centre with a focus on 6 interrelated pillars across Regeneration/Connectivity; Business/Employment; Vibrancy; Innovation/Digital; Positioning the City to Compete and Clean Green & Safe. ‘Re-Imagining the High Street & Addressing Vacancies’ is a key project within this overall FCC Programme. The FCC Programme recognises the complex nature of vacancy as an issue that is informed by a blend of global,

local, and individual factors, and can be both a cause and an effect of urban decay.

A Vacancy Toolkit has been developed that sets out a range of possible responses to different vacancy types, drawing on case studies but tailored to local circumstances. The toolkit comprises several forms of potential intervention, including a mix of Council-led or delivered projects (such as targeted acquisition of property) alongside a proposal for grant support to third parties. It is envisaged that a programme of measures will ultimately be necessary, with intervention at a number of levels, ranging from relatively low cost, high impact schemes to bring vibrancy and promote short term vacant space, through to larger scale physical improvements to enable reuse, to more strategic investment to reverse decline and promote diversification of uses within targeted properties as catalysts for wider regeneration. The measures proposed include physical and non-physical interventions and will require collaboration across a number of teams within Council to ensure alignment of existing and proposed initiatives, including across business support programmes and known space requirements within the cultural and creative sectors.

In terms of priority, in line with planning and regeneration policy and strategy regarding the primacy of the city centre, from the RDS, through the SPPS, and reflected in the Belfast Agenda and BCCRIS, a sequential approach is considered appropriate, with the Primary Retail Core the initial focus. Further areas of particular need have also been identified where vacancy and associated issues have taken hold e.g. arterial routes, and can be considered as work continues.

Research has shown that the cost of bringing vacant property into use and undertaking necessary upgrades/improvements and fitting out works is a clear barrier to occupiers taking up space. For property owners there is also often a viability issue in undertaking such works when measured against the likely rental return. Research into initiatives deployed by other cities/towns has also shown the importance of striking a balance between direct Council intervention and third-party support. While grant programmes delivered elsewhere have varied in purpose and scale depending on local circumstances, they have formed a central element of efforts to address vacancy. Lisburn and Castlereagh City Council and Armagh City, Banbridge & Craigavon Borough Council have both run grant programmes during the last 12 months, providing capital funding to support occupation of vacant premises.

Based on local evidence and data and informed by engagement with local property agents and other city stakeholders, Belfast City Council have developed a tailored grant programme combined with a wraparound business support service. The two year pilot programme will deliver a range of capital grants, business wrap around support and a matchmaking service. It is hoped the programme will close the viability gap for property owners to bring vacant and derelict properties back into use and incentivise the uptake of vacant space for local businesses and organisations. The pilot will be an opportunity to further our understanding of the vacancy picture and inform future investment decisions aimed at addressing the issue of vacant premises within the city.

The pilot scheme will support both external and internal improvements to buildings, expansions or repurposing of premises, and other associated set-up costs, and will support both property owners and occupiers to bring vacant space in the city centre back into use. In addition to supporting occupation of vacant premises and diversifying uses, external improvements to properties will help to activate street frontages, improving individual properties and streets, and generally contributing to streetscape quality and wider city centre vibrancy. Activation of the streetscape will act as one lever to help address issues of anti-social behaviour. There will also be direct and indirect economic benefits as a result of previously vacant space being occupied, including job creation and the diversification of uses with the potential to create opportunities in a range of sectors.

Based on evidence of need and potential impact, the scheme is operating as a pilot within the city centre boundary. Whilst this approach is being proposed for the city centre, bespoke proposals are also being brought forward for arterial routes / neighbourhood centres. The city centre pilot scheme is an opportunity for Council to gather additional intelligence (including via an Expression of Interest process) regarding issues faced by occupiers and property owners, which could then be used to inform the development of future targeted forms of support.

The nature and level of grant will serve as a stimulus, as opposed to a comprehensive funding package, supporting businesses/occupiers and property owners to bridge the apparent viability gap. While the grant would be conditional upon 10% match funding by the applicant, it is also expected that additional investment would be required by a property owner and/or occupier. The scheme will involve property owners or businesses/occupiers applying for a grant. Detailed eligibility criteria has been developed to ensure the scheme targets need and maximises impact, ensuring additionality in proposed schemes and avoiding displacement of existing businesses, e.g. grants would not be awarded to businesses closing an existing unit to open in alternative premises.

To support this work, a Vacancy Task and Finish Group has been established within Council comprising of officers from City Regeneration and Development, Economic Development, Local Development Plan, Building Control, Finance and Investment and City Innovation Team. The group recognise that high quality data is at the core of the Vacancy Programme, and work is ongoing to align multiple existing data sources (e.g. LDP survey info and LPS Valuation lists) within Council, and to explore the potential to add value through analytical tools such as the emerging 'Economic Analyser' tool which has the capacity to overlay multiple data sets related to city centre performance. The group will also provide oversight to the emerging pilot programme.

## **Strategic Environmental Outcome 2 - Healthy & accessible environment & landscapes everyone can connect with & enjoy.**

From the DAERA Draft Environment Strategy:

There is no debating that fact that our environment is our single greatest asset. It is key to our well-being, both in an economic sense and in terms of our general physical, mental and social health - as individuals and as a society.

Engaging with people of all ages, communities, business, local and central government and the third sector will be crucial to the delivery and success of the Environment Strategy. This includes both physically engaging people with the natural and historic environment - through the provision of quality natural spaces and opportunities for outdoor recreation & learning - and engaging people and organisations with the processes and interventions that will improve our environment in the coming years and decades.

Belfast City Council draft responses:

### **Strategic Environmental Outcome 2 : 7, 8 & 10 Connecting People to the Environment, and The Next Generation**

Covid has brought new ways of working. One area for us is changing our environmental education visits from classroom based to outdoor based. Environmental education delivered by the council has been vital to our council environmental strategy -250 visits the year prior to the pandemic. Improved funding for outdoor classroom activities led by local gov- using schools' outdoor space and council parks as the setting for a fuller and more rounded approach to environmental learning would be welcome. We as a council are at the early stages now, but this has potential and has garnered much positive feedback from schools. This approach also has lots of opportunities to evolve with the community sector and take advantage of shared green spaces and environmental awareness. Currently we provide the support year on year to every year group from nursery to 3<sup>rd</sup> level.

As a council we do our own school programming that complements eco-schools and enables schools to go deeper, focus on their areas of interest and link in locally which otherwise would be lost with the eco-schools programme. We have concerns around the eco-schools award schools lapsing once they have the flag, this is a live ongoing process and schools need supported through it which is something we do with annual visits.

Resources for local councils to respond to their local challenges and needs and to respond to the community's requests e.g. we had 138 clean-ups/ community activities the year prior to covid and even more requests so far this year. This not only has positive environmental impacts but further builds on community relations and inroads into meaningful engagement; it is really important the Council can resource this and build relationships in this way.

### **Strategic Environmental Outcome 2 : 11 Sustainable Settlements**

Perhaps one of the key areas that planning can assist with is the creation of sustainable settlements (Table 11) and wider place-making measures. In this context, Table 11 appears to focus on specific interventions, such as town centre masterplans and greenway projects that may be led by government departments. Whilst it is not disputed that there are many interests involved in the creation of sustainable settlements, it is suggested that the role of councils generally, and LDPs specifically, should be clearly referenced in this section. In addition, whilst the key issues mentioned are of significant importance, perhaps there is also a wider, more strategic, aspect that should be acknowledged here – the focussing of all new development at sustainable and accessible locations within existing settlements and avoiding sporadic/dispersed development. This is a region-wide issue and is clearly connected to all three pillars of sustainable development and the creation of places where people want to live, work, visit and invest.

### **Strategic Environmental Outcome 3 - Thriving, resilient & connected nature and wildlife.**

From the DAERA Draft Environment Strategy:

We are an integral part of nature, and reliant on nature to sustain life. We can positively impact nature as we engage with it, protecting, maintaining and enhancing a clean and healthy environment as we live, work and play. However we can also cause harm to the environment, and this negative engagement is increasingly causing impacts to health, well-being and future sustainability.

Belfast City Council draft responses:

#### **Strategic Environmental Outcome 3 : 13 Protecting Nature on Land**

Currently the Council only has remit in terms of Local Nature Reserves and SLNCIs as identified within the LDP. This target is especially difficult within an Urban context given existing pressures and competing interests and demands in terms of land use and ecosystem services such as flood attenuation and carbon storage all from a finite land resource.

BCC would welcome the opportunity to work with the Department to investigate opportunities, constraints and mechanisms in how the 30x30 target may be achievable equitably, especially within an urbanised Council Area.

## **Strategic Environmental Outcome 4 - Sustainable production & consumption on land and at sea.**

From the DAERA Draft Environment Strategy:

Sustainable production & consumption involves the production and use of products and services in a manner that is environmentally benign, socially beneficial and economically viable over their whole life cycle. Key to this is ‘resource efficiency’, commonly defined as using the Earth’s limited resources in a sustainable manner while minimising impacts on the environment. This is something that applies across all sectors - including industry, agriculture and energy.

Belfast City Council draft responses:

### **Strategic Environmental Outcome 4 : 19 Producer Responsibility**

The Council notes and welcomes the Department’s proposed action to develop the policy, subordinate legislation and guidance required for a new environmental permitting regime for Northern Ireland governing pollution prevention and control, and associated legislation on powers of entry. The council also notes and welcomes the Department’s proposed action to publish a consultation on policy proposals for a new environmental permitting regime during 2022. The Department is encouraged to consider whether the provisions of the new environmental permitting regime should encompass enforcement of the Fluorinated Greenhouse Gases and Ozone Depleting Substances Regulations.

The Council welcomes the Department’s future vision for integration of environmental protection and economic growth in NI as the regulatory burden for responsible and compliant operators is reduced; the replacement of the current systems for authorising and regulating a number of environmental activities with a single standardised, more streamlined and less bureaucratic regime; higher levels of protection for the environment and; the introduction of a risk-based regulatory system that will help responsible businesses operate effectively within environmental limits.

The Council is broadly supportive of the proposals under Producer Responsibility and note that they represent an opportunity in progressing the development of a Circular Economy. (linking in with Strategic Environmental Outcome 5 - Zero waste & highly developed circular economy). Placing cost burdens on producers of waste materials should hopefully, in time, help to reduce the overall financial burden placed on councils in collecting and managing such wastes. Existing producer responsibility schemes do not necessarily support the principles of producers paying for the full costs, nor that the benefits should be spread across all stakeholders in the supply chain. Any reviews and new proposals of such schemes should be clearly focused on addressing this shortfall to ensure that it is fairer for all stakeholders.

Awareness raising to be resourced to allow ‘producer responsibility’ actions to be addressed to businesses, resources for council workshops, info sessions, advertising campaigns etc.

Awareness raising to allow consumers to make informed choices and understand the repercussions of single use plastics and impact on the environment and their pockets via rates.

The Department will be aware that local councils enforce the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 as they apply to Part C installations; i.e. those industrial installations that emit only to air. The main framework for this system of air pollution control centres on the requirements of Regulation 9, i.e. that no person shall operate an installation or mobile plant, after the prescribed date detailed within the Regulations, except under and to the extent authorised by a permit granted by the enforcing authority. The extent and nature of the activities, installations and mobile plant permitted are detailed within Schedule 1 of the Regulations. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 were amended in February 2018 to transpose the requirements of the Medium Combustion Plant (MCP) Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants.

To date, permits and associated documentation have been issued to operators by district councils predominantly in paper format, with paper-based copies maintained within each council area in the form of a public register. The public register also includes details of Part A and Part B installations for that council area that are subject to integrated pollution prevention and control by the Northern Ireland Environment Agency.

It is now noted that DAERA has proposed a digital transformation of application services and site inspection forms for pollution control authorisations and pollution control regulatory staff. Whilst the council would welcome the digital transformation of application and site inspection forms as they apply to Part C industrial processes, and medium combustion plant, the council would highlight that the now withdrawn European Commission Services Directive placed a duty on the council in respect of licence applications for businesses and to that end, the council already provides an online application process for Part C permit applications via its website.

It should however be noted that in respect of Part C industrial permitting, the capacity to apply online only for a permit is not always practical or desirable from a customer services and regulatory perspective, as in many instances, the council's Industrial Pollution Control Officer will wish to carry out a pre-application visit to understand the nature and extent of the industrial process to be permitted and to guide the operator, prior to submitting an application. This can, for example, involve meeting with an operator on site and going through in detail the relevant process guidance note, model permit and application form, etc.

The council would therefore welcome engagement with the Department at the appropriate juncture concerning the manner of the digital transformation of application services and site inspection forms for Part C pollution control authorisations. The council would however highlight that as a consequence of the Covid 19 pandemic, it has already been required to issue and receive some site inspection forms in a digital format in order to maintain inspection and regulatory functions during periods of lockdown.

The council would note that the proposed digital transformations may more closely align Northern Ireland industrial permitting activities to those of the Environmental Permitting Regulations, already implemented other parts of the United Kingdom, and which have been subsequently amended to apply the requirements of the Industrial Emissions and Medium Combustion Plant Directives. In such a situation, the Department is encouraged to engage with councils concerning the anticipated enlarged scope of Environmental Permitting Regulations.

The council recommends that the Department supports the delivery of these outcomes through the provision of appropriate financial, digital and other necessary resources to support the proposed regulatory transformation programme for Northern Ireland.

Include litter in Extended Producer Responsibility legislation.



- If producers are to take account of litter and assist with associated costs this may reduce packaging that ends up as litter and costs associated with cleansing whilst also impacting on the number of fines to be issued.
- However if there is to be monitoring of litter or worst offenders/producers who would do this monitoring, how would it be completed/recorded and who has oversight? This will have associated cost and time burdens whilst not making and impact/reduction in fly tipping.
- If producers are paying more , how will this impact on Councils? Would funding be used for street cleaning, educational campaigns community clean ups etc? Some litter eg chewing gum is very time consuming to remove from street surfaces and funds should be diverted from the producer to Councils to resource its removal.

It is noted that Belfast City Council responded to consultations on EPR and DRS in June 2021. It is anticipated that the views and comments raised by Belfast City Council in these consultation responses are recognised and considered in the development of these producer responsibility schemes.

Council recognises that Extended Producer Responsibility offers producers an incentive to make better, more sustainable decisions at the product design stage including decisions that make it easier for products to be re-used or recycled at their end of life. It also places the financial cost of managing products once they reach end of life on producers. Additionally, the proposals for a DRS (for drinks containers as outlined in the DAERA consultation) could help shape a scheme that incentivises consumers to change their behaviour, leading to higher recycling rates and lower levels of littering.

In terms of reduced littering, we would highlight that, for local councils, there would not necessarily be a cost saving related to operational aspects of litter collection (e.g. terms of manual sweeping and picking and emptying bins), as staff will be required to cover the same area to litter pick and bins will probably have to be emptied with the same frequency.

We note that timelines highlighted seem very ambitious, and will need to take into account the lead-in times required by each proposed schemes' participants. Also, in terms of sequencing, with the EPR and DRS in particular, if the EPR is delayed, then is it assumed that this will have a knock-on effect on the introduction of any DRS? Council suggested, in its response to the EPR and DRS consultations, that the introduction of a DRS could be deferred until the EPR policies have been implemented and the outcome of the plastics tax is better known. This would allow these policies and regulations to work and see if they deliver the desired increases in recycling before determining whether a DRS is needed.

The introduction of any new Producer Responsibility Scheme could have considerable financial implications upon implementation. The impacts for local councils will need to be clearly defined and recoverable in terms of net impact on ratepayers.

#### **Strategic Environmental Outcome 4 : 20 Reducing Single-Use Plastic (SUP)**

This section is somewhat vague, in terms of content, timelines and links to relevant legislation. We note that there is an absence of dates within the actions and targets section, even though DAERA is currently consulting on the reduction of single use plastic beverage and food containers. Provision of even rough timescales of when e.g. a Consumption Reduction Plan, targets for SUP cups & containers, clearer labelling etc. is expected would be welcomed within this Environment Strategy. The link between actions, targets and vision is fairly tenuous and more provision of more detail and how they connect is recommended.

With regards to the three visions:

1. Suppliers to look for sustainable alternatives to single-use plastic products.
2. Consumers to refuse single-use plastic, demand refill options and reuse plastic items. If these options are not feasible then consumers to recycle their plastic.
3. Reduce the use of single use plastic cups and food containers.

Visions: 1 and 3 line up. However, with regards to vision 2, there is no action outlined of how this could potentially be achieved. Vision 3 could go one step further and commit to “reducing the *production* of SUP”, not just their use.

#### **Strategic Environmental Outcome 4 : 21 Carrier Bags**

Whilst the carrier bag levy has been successful in reducing the number of single use bags being sold, it is also recognised that the levy has resulted in some unintended consequences. For example, the in the production and sale of large numbers of heavy duty bags (such as “Bags for Life”) many of which end up in landfill, as well as becoming a litter nuisance in our natural, built and marine environments, causing pollution and long term damage to wildlife and the Environment.

We would highlight that whilst the new proposals should encourage more bag re-use and less reliance on the purchase of new bags, it should not end up as disproportionately impacting low-income families and individuals.

The actions outlined in the strategy could perhaps demonstrate more rationale as to how any why the targets have been set. Likewise, within the Future Vision “The levy and its outcomes are key targets in delivering sustainable waste management across NI”, a clearer link of how the levy relates to sustainable waste management could be provided.

## **Strategic Environmental Outcome 5 - Zero waste & highly developed circular economy**

From the DAERA Draft Environment Strategy:

The Circular Economy is an economic system which reduces overall demand for resources, retains the value of resources and seeks to regenerate our natural ecosystems. By designing things differently, we can reduce overall demand for raw materials, reduce waste generation and create things that retain value throughout their entire life cycle. By keeping technical and natural materials in circulation for longer at their highest value we retain their embodied carbon and can increase nature's ability to sequester carbon.

A circular economy is fuelled by renewable energy and while the decarbonisation of the energy sector is a necessary part of achieving net zero, the circular economy is an equally essential element because by its application we create more sustainable production and consumption patterns which are needed to tackle resource scarcity, inequality and waste generation.

The circulation of natural materials can create new bio-economy enterprises and will help regenerate natural systems. In a Circular Economy system we create places where people have greater access to products, businesses thrive by becoming more resource efficient and we improve the health of natural ecosystems.

Belfast City Council draft responses:

### **Strategic Environmental Outcome 5 : 25 Circular Economy**

Council welcomes the development and publication of a Circular Economy Strategic Framework and the timeframe for this. We hope that this document will have tangible actions and be supported by an adequate funding package to deliver on its outcomes (ie. Research, engagement and outreach mechanisms with businesses to encourage proactive thinking around this must be properly resourced). We also suggest that actions emanating from the framework are subject to annual progress reports. We trust that the establishment of the NI Circular Economy Coalition will have representation from local government and engage with Local Authorities which can assist in creating a more circular future.

With regards to the Future Vision "It will inform upcoming environmental, economic and social policy development, raise awareness within the private and public sectors as well as the third sector of what a Circular Economy (CE) is and will identify where opportunities exist to create a more circular NI economy" we would add in "benefits and" to read:

It will inform upcoming environmental, economic and social policy development, raise awareness within the private and public sectors as well as the third sector of what a Circular Economy (CE) is and will identify where **benefits and** opportunities exist to create a more circular NI economy.

### **Strategic Environmental Outcome 5 : 26 Waste Management**

We would encourage DAERA to make best endeavours to expedite the new Waste Management Strategy to drive the policy context and to assist Local Authorities in developing their Waste Plans. The delivery of these plans are likely to require significant funding and in that respect we would request that DAERA clarifies the position and provides sufficient funding in respect of the Household Waste Recycling Collaboration Change Fund.

With regard to the Waste Prevention it would be advantageous for DAERA to provide a review of the plan and refresh the plan as required with any carry-over actions or indeed new actions. The plan must be properly resourced and Council involvement is absolutely key to respond to issues particular to that council area. On a positive note the establishment of the NI Resources Network is welcome and we would foresee a potentially greater role for this body to deliver on waste prevention and the circular economy actions.

We note the potential difficulty with measuring waste prevention. And the need to look beyond weight-based targets – perhaps more appropriate targets would be ones based around patterns of consumption of waste.

We note that two dates are quoted for the Waste Prevention Plan: 2019 and 2020

We reiterate our point on the ambitious timeframes outlined and also the importance of sequencing of the EPR and DRS: if the EPR is delayed, then is it assumed that this will have a knock-on effect on the introduction of any DRS? Council suggested, in its response to the EPR and DRS consultations, that the introduction of a DRS could be deferred until the EPR policies have been implemented and the outcome of the plastics tax is better known. This would allow these policies and regulations to work and see if they deliver the desired increases in recycling before determining whether a DRS is needed.

With regards to food waste, we would highlight the linkage of this Environment Strategy to the Food strategy Framework for Northern Ireland.

### **Strategic Environmental Outcome 5 : 27 Illegal Waste Disposal & Fly-tipping**

The Council notes that the commencement of Article 4&5 of the Waste and Contaminate Land Amendment Act (NI) 2011 has been postponed pending an assessment of the resource requirements expected to be employed by a council in utilising the additional enforcement powers available. The Council welcomes this development as the proposal to give Councils powers under Article 4&5 of the Waste & Contaminated Land (NI) Order 1997 was initially considered in 2010/11 and since this time lapse, resourcing new powers is ever more challenging with many other competing priorities.

The introduction of dual responsibilities between the Councils and the NIEA requires a partnership working arrangement to ensure that the function is managed with clear lines of responsibility and that there is a demarcation of roles between the two enforcement bodies. In advance of commencing the legislation, the Department has developed a “Fly-Tipping Protocol” which sets the operational framework between the NIEA and the councils regarding enforcement roles. The Council believes that the protocol could be further developed to ensure that the demarcation of roles in relation to the use of Article 5 powers is clearly defined. This would give the Council more assurance in moving forward with a partnership approach where both parties are clear on the use of the new powers. Notwithstanding the assessment of the cost impact, the Council believes that the implementation of the new powers will require additional resources and cost to implement the new powers.

The aspiration to have a collective data capture approach will bring additional costs and will require resources to collect, collate and review data to meet protocol requirements around data capture. Councils use different IT systems to manage their data and the use of one uniform system will require funding from DAERA to develop and implement.