



Briefing 13/27 June 2013

# Consultation on the introduction of recycling targets in Northern Ireland

To: Contacts in Northern Ireland

For information only: Contacts in England, Scotland and Wales

## Key issues

Consultation paper seeking views on policy options for a Recycling Bill.

Issues include powers to introduce a statutory recycling target for local authority collected municipal waste, a single or stepped target, obligated parties, the definition of recycling and how this is applied in practice as well as monitoring and enforcement.

## 1. Background

The Department of the Environment NI has issued a consultation paper titled 'Policy options for a Bill to introduce recycling targets'.

In March 2011 the Department consulted on outline proposals for a new policy on waste recycling and in June 2012 the Minister announced his intention to introduce a statutory 60% recycling target for local authority collected municipal waste (LACMW) to be achieved by 2020.

The purpose of this consultation is to outline the Minister's proposal for a 60% statutory recycling rate to be achieved by 2020 and to invite views on the remaining key policy issues that must be resolved prior to the progression of a draft Bill.

The Department published a consultation document – *A New Recycling Policy* – in March 2011. The consultation document sets out a new recycling policy for, inter alia, local authority collected municipal waste (then known simply as 'municipal waste'). It argued that there is potential for Northern Ireland to achieve recycling rates for LACMW in the region of 60% over the next 10 years – assuming that the 50% recycling target for waste from households set in the Waste Framework Directive will be achieved as a key element of the progress towards the LACMW targets.

The consultation paper can be found at [here](#).

## 2. Current recycling position

The paper notes that according to the Northern Ireland Local Authority Collected Municipal Waste Management Statistics Annual Report 2011/12 the total amount of LACMW collected in Northern Ireland in 2011/12 was 949, 491 tonnes. Of this waste, 58.1% was landfilled, 38.4% was recycled (22.5 % dry recycled, 15.9% composted), 2.7% was used for refuse derived fuel, and 0.8% was re-used. The amount of waste recycled represents a fourfold increase from 8.9% in 2001/2. The document states that in terms of the performance of individual councils, Magherafelt District Council had the highest LACMW recycling rate at 59.1%; while Belfast City Council had the lowest rate, just under half this proportion, at 26.9%.

<b>Area</b>	<b>LACMW sent for recycling (including composting) as a % of LACMW arisings</b>
<b>Arc21</b>	
Antrim	53.2%
Ards	38.2%
Ballymena	38.3%
Belfast	26.9%
Carrickfergus	46.1%
Castlereagh	42.3%
Down	31.0%
Larne	53.0%
Lisburn	40.0%
Newtownabbey	40.6%
North Down	44.3%
<b>All arc21</b>	<b>37.7%</b>
<b>NWRWMG</b>	
Ballymoney	35.2%
Coleraine	37.8%
Derry	29.8%
Limavady	36.6%
Magherafelt	59.1%
Moyle	38.5%
Strabane	31.7%
<b>All NWRWMG</b>	<b>37.3%</b>
<b>SwaMP 2008</b>	
Armagh	43.4%
Banbridge	53.3%
Cookstown	41.1%
Craigavon	41.0%
Dungannon	39.2%
Fermanagh	37.0%
Newry & Mourne	32.5%
Omagh	42.8%
<b>All SWaMP 2008</b>	<b>40.5%</b>
<b>Northern Ireland</b>	<b>38.4%</b>

### 3. Policy context

The paper identifies 3 policy areas of relevance to this consultation.

#### 3.1 Revised Waste Management Strategy

The revised Waste Management Strategy moves the emphasis of waste management from resource management to resource efficiency, and has a renewed focus on waste prevention and recycling in accordance with the waste hierarchy. Making more efficient use of natural resources and facilitating increased re-use and recycling is also expected to help promote green jobs and have a positive impact on the NI economy. The Strategy contains a target to achieve 60% (including preparing for re-use) of LACMW by 2020, and an action to introduce enabling powers to achieve this target.

#### 3.2 Strategic Waste Infrastructure Programme

The overarching aim of the Strategic Waste Infrastructure Programme is to provide assurance of compliance at NI-wide level with new landfill diversion targets in 2020. Considerable progress has been made in respect of the development by the three Waste Management Groups on behalf of their constituent councils of an integrated network of facilities for the recycling, recovery and disposal of waste within Northern Ireland to meet statutory obligations. The Gateway Review of the Programme carried out in October 2011 concluded, however, that it was too focused on delivery of the individual Waste Management projects and recommended adopting a more holistic approach to programme delivery.

### 3.3 Statutory recycling targets already in place in Northern Ireland

With the transposition of the suite of EU producer responsibility directives Northern Ireland has had statutory recycling targets for specific waste streams – packaging, end of life vehicles, waste electrical and electronic equipment and batteries - in place for over 10 years. In each of these waste streams the minimum recycling rates, many of which are well above 60%, have been achieved and exceeded.

Most recently, the Waste Regulations (Northern Ireland) 2011 transposed the requirements of the revised Waste Framework Directive in Northern Ireland. The Regulations require the Northern Ireland Waste Management Strategy to include certain policies in relation to recycling including measures to be taken to ensure that by 2020, at least 50% by weight of waste from households is prepared for re-use or recycled. According to the Northern Ireland LACMW Management Statistic Annual Report 2011/12, 39.7% of household waste was sent for recycling (including composting). The Department, in taking decisions on the policy issues to be resolved and in bringing forward the legislation required to introduce the statutory 60% recycling target for LACMW will take appropriate steps to ensure that that this regime is complementary to the existing regimes.

#### **4. Support for increasing recycling rates**

The paper notes that the Department has introduced a raft of measures to support increased recycling over recent years, most recently, the Rethink Waste campaign and programme which commenced in March 2010 including communications, technical advice and funding to promote waste prevention and recycling. In total, £12.367M has been spent on waste prevention and recycling promotion and activities in the last 3 years.

#### **5. Waste Strategy Task Group**

The Waste Programme Board Task Group which was established in 2012 had a remit to, as a minimum, explore options and develop proposals on how best to introduce the 60% target, on what regulatory and enforcement measures may be necessary, and explore options surrounding the possibility of incentivising versus punitive measures. The Group was also asked to explore options and develop proposals regarding what waste the target will relate to in terms of waste origin and collection methods. The paper lists a number of the options and issues considered.

#### **6. Evidence gap**

The paper states that in taking the decision to introduce a statutory 60% recycling target for LACMW to be achieved by 2020, the Minister highlighted the need for the Department to gather additional evidence to justify the specific details in respect of the target. Accordingly, the Department intends to examine and bring forward options for an independent analysis of waste composition in Northern Ireland and lifecycle analysis of LACMW to inform the detail of the legislation and supporting regulatory impact assessment (to include a cost-benefit analysis and consideration of socio economic factors).

#### **7. Proposed legislative framework**

It is noted in the paper that the Department proposes that the draft Bill will contain broad enabling powers, with the subordinate legislation providing the detail of the regime for the 60% statutory recycling target. In this way the draft Bill will give the Department the power, exercisable through Regulations to:

- define the quanta and timeframe(s) for statutory recycling target(s),
- define to whom the statutory duty will apply,
- define 'recycling',
- determine what may be considered to be 'recycled', and
- specify monitoring and enforcement arrangements.

#### **8. Key Policy Issues**

The paper states that the key policy issues to be resolved are those surrounding the point of application of the target, the definition of recycling and how this is applied in practice, and, the proposed monitoring and enforcement regime for the legislation. In considering the point of application of the target the Waste Strategy Task Group looked at whether there should be a single or stepped target, whether or not the same target should apply to all obligated parties, and, who the obligated party should be. These options are discussed in detail in the paper. A definition of recycling is also discussed in detail as is its application in

practice. A relevant monitoring and enforcement regime is also discussed in the paper with an emphasis on incentives rather than penalties.

## 9. Charges for household waste

A further issue is raised in the paper, that of local authority charges for household waste deposited at civic amenity sites by commercial operators and consultation questions are asked about this topic.

## 10. Consultation questions

1.	Have you any comments on the Department's preliminary conclusions in relation to equality screening, human rights or rural proofing?
2	What modifications would be required to this approach to deliver a workable regime in Northern Ireland for a statutory 60% recycling target for LACMW to be achieved by 2020?
3	Are the definitions contained in the Welsh Order suitable for the proposed regime to introduce a statutory 60% recycling target for LACMW (to be achieved by 2020) in Northern Ireland?
4	Given that a monitoring regime will be necessary to ensure that the 60% statutory recycling target is achieved in Northern Ireland, is it sensible to follow the approach taken in Wales and utilise the existing WasteDataFlow system as the reporting mechanism for the monitoring system in NI?
5	The proposed regime to introduce a statutory 60% recycling target for LACMW in Northern Ireland will require both incentives and penalties. Thinking about penalties, do you think that the amounts of financial penalties in the Welsh legislation, applied in the new NI regime, would act as sufficient incentive to encourage compliance with the NI legislation for the 60% statutory target?
6	The above analysis indicates an overall benefit to society through the introduction of the Welsh regime to introduce statutory recovery targets. Do you think that the introduction of the 60% statutory target in Northern Ireland is likely to have a similar outcome?
7	What Northern Ireland data is required prior to the introduction of the 60% statutory target in Northern Ireland to demonstrate what the overall benefit to society in Northern Ireland is?
8	Do you or your organisation wish to be involved in, as appropriate, the data gathering exercise that will underpin this work?
9	What are the main factors that need to be considered in taking this work forward?
10	Are there existing sources of evidence that would be useful for this work?
11	Do you agree with this approach to the development of the Northern Ireland framework?
12	Do you think that adopting a non-statutory stepped approach for the 60% target is useful?
13	Do you agree with this approach?
14	What are the advantages and disadvantages of the disaggregated and aggregated approach?
15	What is your preferred approach?
16	Do you agree with the advantages and disadvantages listed for this scenario?
17	What further advantages and disadvantages are there?
18	Do you agree with the advantages and disadvantages listed for this scenario?
19	What further advantages and disadvantages are there?
20	Do you agree with the advantages and disadvantages listed for this scenario?
21	What further advantages and disadvantages are there?
22	Looking at all of the scenarios above, do you consider that the ideal scenario is to have two or more parties responsible for achieving the 60% target?
23	How would this work in practice?
24	Do you agree with the advantages and disadvantages listed for this scenario?
25	What further advantages and disadvantages are there?
26	Looking at all of the scenarios above, which of these, or any alternative, would be your preferred option?
27	How would the preferred option that you have identified work in practice?
28	Do you consider this definition as it stands as suitable for the regime surrounding the 60% statutory target?
29	Do you think this definition should be modified to include preparation for re-use?
30	Do you consider this definition as it stands as suitable for the regime surrounding the 60% statutory target in Northern Ireland?

31	Do you think that home composting should be counted as being recycled for the purposes of the 60% target?
32	What is the rationale for your opinion and how could this information be captured/estimated?
33	Do you think that the recycling of abandoned vehicles should be counted as being recycled for the purposes of the 60% target?
34	What is the rationale for your opinion?
35	Do you think that the recycling of tyres should be counted as being recycled for the purposes of the 60% target?
36	What is your rationale for your opinion?
37	In what circumstances should councils charge for the deposit of household waste at household recycling centres?
38	In what circumstances should councils NOT charge for such deposits?

## 11. APSE Comment

APSE feels that public service providers should take all opportunities available to influence the development of the services they deliver. APSE is happy to support providers in this process and will put forward a response to this consultation paper incorporating any views received from its members. We would encourage member authorities to submit responses directly to the DoE and provide copies to APSE to enable us to incorporate relevant views within our response.

Waste collection and disposal is one of the most fundamental services for local government addressing many wider aims and objectives. As such the views of local authority managers and councillors should be incorporated into emerging legislation so making sure that changes to local services are not left solely in the hands of civil servants.

The paper notes the proposals for reform of local government in NI by April 2015. APSE completely understands the complexities of such re-organisation, the amount of work involved and the potential impact on meeting new targets such as these. Nevertheless, throughout any period of reform, services must be delivered, waste still needs to be collected and disposed of and topics such as recycling cannot afford to be forgotten. This responsibility should be considered as a further prompt for local authorities to put their views forward in response to this consultation paper, to ensure that workload and practical issues are highlighted to the Department.

## 12. Response details

If you wish your comments to be included in the APSE response to this consultation paper please send them to Phil Brennan at [pbrennan@apse.org.uk](mailto:pbrennan@apse.org.uk). They should reach him by Monday 19 August 2013. Alternatively, consultation responses can be submitted directly by email to [Janice.harvey@doeni.gov.uk](mailto:Janice.harvey@doeni.gov.uk). The closing date for responses is 2 September 2013.

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