



## **Stage One consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC)**

*Comments by*  
**Northern Ireland Environment Link**

**3 January 2010**

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 55 Full Members represent over 90,000 individuals, 262 subsidiary groups, have an annual turnover of £70 million and manage over 314,000 acres of land. Members are involved in environmental issues of all types and at all levels from the local community to the global environment.

These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments we would be delighted to do so. Eric Randall of Bryson Recycling, who has extensive knowledge of recycling systems in NI and developed pioneering optimal approaches to collection/sorting techniques, has provided much valuable input to this document.

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Northern Ireland Environment Link (NIEL) welcomes the Department of the Environment (DoE) consultation on the transposition of this revised Directive. We believe that comprehensive consultation helps refine proposals and should ensure that stakeholders have an opportunity to share their concerns, expertise and experience to improve the content of the final document.

We welcome the main proposed changes within this document and encourage their early and full delivery in Northern Ireland. At a recent event (WRAP Conference 3 December 2009) the Minister for the Environment stated that he believed that Northern Ireland should go ahead of Directives to benefit the wider environment for future generations. We commend this viewpoint and would encourage that approach to be adopted in the transposition of this Directive.

The importance of addressing waste should not be underestimated within the broad context of government objectives and practical action. Reducing the amount of waste produced and obtaining the maximum value from that which cannot be avoided has a major role in decreasing costs, addressing climate change commitments, reducing use of resources, saving natural habitats, decreasing pollution and encouraging people to manage resources responsibly. Accordingly it is very important in delivering a large number of government strategies and commitments (Programme for Government, Sustainable Development Strategy, Regional Development Strategy, Habitats and Species Directives, Directives and policies on energy and all other waste legislation and policy to name but a few). Since waste is dealt with largely at a district council level it also has major implications for the Review of Public Administration. Ensuring that waste is thought of while considering the delivery of all of these other policies, and is seen as integral to their successful implementation, is a role which the Department of the Environment should adopt, and this Directive provides the legislative driver to do this.

We therefore urge the DoE to take a robust approach to transposition of this Directive and look beyond its own remit when considering how best to deliver its goals and targets. We urge strong and stretching targets to be adopted to ensure that waste is placed high on agendas for action in all Departments and within the delivery of all policy. Like climate change (to which it is a major contributor) it has great potential to deliver an integrated approach across government, allowing Northern Ireland to develop and deliver policy and practice which allows it to take a lead on the international scene to the advantage of its economy and people.

We welcome the major proposals within this document and feel that, fully accepted, they provide an excellent opportunity to address both waste and auxiliary issues in Northern Ireland in a much improved manner. While the Waste Management Strategy remains a good framework, knowledge, technology and practice have moved on in the intervening years and this Directive revision offers an opportunity to update the Strategy where required to address the required changes in definition, policy, practice and coordinated delivery. While the three Delivery Groups was a great step forward at its time, consideration of further integration is suggested (perhaps even required) by this Directive and we would urge the Department to work towards an integrated delivery mechanism for much of the Strategy while leaving those aspects most effectively dealt with at a local level under local control within a strong central policy.

While it is important to ensure that business is given adequate support and time to adopt to new practices, it is not advisable to curtail the action required simply as a response to business resisting change (last sentence in Transposition Policy page 7).

Business is well capable of adopting to changes as long as these are fair, provide adequate lead in time and are applied across the board (level playing field). Preventing waste is key to delivering this Directive, and business has a huge role in this through how it presents its products to consumers, indeed what products it presents to consumers. Using the features of this Directive is key to driving business to play a significant role in waste prevention. Given the speed of change which is already taking place (driven by rising fuel prices, increasing demand for scarce resources, climate change targets and changing consumer behaviour) business should be encouraged to adopt the changes required in this Directive as an additional driver towards resource efficiency; the Directive's transposition should not be weakened by a mistaken belief that business could not adapt to the required changes.

We welcome the Directive's overall objective and especially the inclusion of resource use and improving the efficiency of such use. It is very important to fully recognise the role of waste management in improving resource efficiency and reducing carbon production. This goes beyond the traditional definition of waste management towards resource efficiency and provides a very useful overall strategic purpose which will encourage wider understanding and action. (2.4)

The comments below are provided under the Questions asked in the consultation paper.

**Question 1: What steps do you consider the Department should take to apply the waste hierarchy set out in Article 4(1) of the revised WFD as a priority order in waste management legislation?**

The revision of the Waste Hierarchy is most welcome and we hope will enable a clearer understanding and delivery of programmes and policies. The crucial and very welcome change seems to be the separation of recycling/composting from energy recovery, with the result that incineration is clearly lower in the hierarchy than composting (and of course recycling). It is important to ensure that legislation, regulation, fiscal drivers and policy are clearly screened to avoid perverse outcomes; at present there are some such barriers to effective recycling and reuse and these need to be removed. Examples include where designation as a waste means that material cannot be removed from recycling centres for resale and problems encountered by charities wishing to move material between shops. (2.10, 2.11)

Removing barriers to recycling is necessary and desirable, but it must be done in a way which safeguards against companies illegally using such exemptions to traffic waste. (2.7)

Including reprocessing of organic material in recycling targets as suggested (2.12) is welcomed as it should encourage councils to engage in these activities; they are very focussed on their targets, sometimes to the exclusion of the overall aim of waste reduction. However, this does mean that recycling targets need to be increased to allow for this inclusion.

The Department should hold a very quick review of the existing Waste Management Strategy and revise as necessary to ensure compliance with the Directive; this should not be a long or extensive process. The Hierarchy is present in the existing Strategy, but some weakening may be necessary in light of the changes in emphasis in the Directive.

The Department should develop a clear Action Plan for delivery of the Hierarchy with central delivery (or funding for delivery through contracted bodies, including NGOs) for major elements including Communications and overall Hierarchy implementation. This work needs to be centrally coordinated and replicated across Northern Ireland, not left for individual Groups or local authorities to deliver in a piecemeal fashion. This Action Plan will impact upon other Departments, Agencies and all sectors, so a stakeholder involvement mechanism is required which is accepted and contributed to by all relevant stakeholders. Integration with other Strategies and Policies (in particular Sustainable Development Strategy, Climate Change and Energy policies) is required. Full support of the Assembly is required, both at Executive and Committee level. This requires an approach which is understood by them and recognised as essential for the successful future of Northern Ireland.

Reporting and audit mechanisms need to be included in the Action Plan; linkages of these with Sustainable Development and Climate Change would limit duplication and make the targets more understandable and accessible for those delivering them. Accountability must ultimately rest with the Assembly.

The Department should develop guidance on what the Hierarchy means in practice for various sectors, groups and Departments to make their respective roles clear. Where assessments are required (for example to obtain permissions of various sorts) the Dept should prepare pro forma questions to assist the relevant body to carry out acceptable assessments in a clear and comparable fashion. A stepwise process should be developed to these assessments, requiring information on how waste will be addressed at each step in the process. Advice should be available on compliance where required; this should be paid for by the developer/proposer, but probably on a generic fee scale rather than per hour to avoid people trying to cut costs by not getting needed advice.

PPS11 needs to be reviewed and possibly revised to ensure that reports on compliance with the Hierarchy are submitted and assessed, with modification where necessary, in advance of planning permission being granted.

Dealing with existing waste treatment operations should be aimed at bringing them up to the new standards as rapidly as possible, but it must be accepted that some time and assistance may be required to do so. A date should be set by which time all operations should be fully compliant, with stages identified for individual large operations and assistance provided to help them identify the work required to achieve compliance.

Possibly the most significant role of the Department would be to ensure that there are no structural impediments to delivering the hierarchy by ensuring that the infrastructure does not provide too much residual treatment capacity, be this waste disposal or energy recovery/MBT. While there is a role for energy recovery, this Directive clearly sets that below recycling and it is vital that the infrastructure provided for final disposal does not decrease the imperative to move up the hierarchy. The Department should take immediate steps to ensure that minimum guarantees in contracts being negotiated now do not create a situation where recyclable waste has to be contractually bound to be sent for energy recovery or disposal. When taking this calculation into account for the whole of Northern Ireland, the Department should take consider the recent historical trend of decreasing waste arisings, and assume that recycling will continue to improve beyond 50% in 2020, to around 70% by 2040 (and hopefully even faster than this). This is within the context

of contracts that are likely to be let in the next couple of years to take us to around 2050.

**Question 2: Are there specific waste streams where you believe that departing from the waste hierarchy would be justified by life-cycle thinking on the overall impacts of the generation and management of such wastes, in order to deliver the best overall environmental outcome?**

All waste streams should be addressed through the Hierarchy, including life-cycle thinking, including carbon implications and recognising the increasing cost of energy. Obviously technology develops and our best available technology today may not be best in just a short while, so decisions may need to be revisited despite best efforts. The other area of concern is the addition of relatively small amounts of one type of waste may help to move another type of waste up the hierarchy thus allowing an overall improvement in delivery; such additions should be allowed, subject to life-cycle analysis of the overall result moving waste up the hierarchy. There are probably some cases, such as mixed plastic film from households which are likely to be contaminated with a variety of substances, that present such a challenge for recycling that energy recovery is a better option. However, there may well be alternative packaging solutions which overcome this problem in the longer term.

**Question 3: Are there any further steps stakeholders and members of the public would like the Department to take to ensure that the development of waste legislation and policy, to apply the waste hierarchy as a priority order, is a fully transparent process?**

A review of the Strategy as suggested above, coupled with a review of the existing Committee structure under the Strategic Waste Board, including roles and responsibilities. We would suggest that the development of a Hierarchy Committee could be very useful, integrating all aspects of the hierarchy rather than (existing) committees concentrating on one level. This would help integrated thinking. The Hierarchy should be a prime goal of the SWB as a whole, across all of its Committees.

It is vital that the Hierarchy and its full implementation is seen as a high priority by the inter-departmental groups involved in waste. We must move beyond looking at infrastructure and look properly at the hierarchy in all its aspects and implications for all parts of government and all sectors. Proper responsibility structures need to be set up to ensure this, with full accountability to the Assembly to ensure its full backing.

Successful implementation of the Hierarchy at a Northern Ireland scale will require an integrated approach to waste streams as well, and this would be facilitated by a more integrated approach across sectors.

**Question 4: Are there any specific waste streams which you consider should be the subject of a producer responsibility regime under Article 8? If so, please explain what the economic and environmental costs and benefits of such regimes would be.**

Extended producer responsibility as detailed in this section is most welcomed as a major tool promoting prevention and reuse.

While voluntary agreements are an excellent first step, ultimately (unfortunately) it is likely that regulation is required to ensure that all those involved comply with the goal. We would thus suggest that voluntary agreements should be developed for all waste streams (or where appropriate groups of waste streams) with the ultimate goal of having full compliance ensured by regulations. Food and food packaging are a major problem area and should be used as the pilot area, building on the Courthauld Commitment. Reputable business should not see this as a threat but rather as levelling the playing field by ensuring that those not complying with the voluntary agreement do not have an unfair advantage.

We are particularly concerned about the spread of tetra type cartons as their recovery requires a mixture of recycling and waste recovery. There is also evidence that a significant number become mixed with paper and end up as a contaminant in paper recycling, leading to increased landfill at the reprocessing stage. Means of addressing types of packaging such as tetra should be explored, including publicity for the recyclability of different types of packaging to inform consumer choice, work with manufacturers and ultimately possible bans.

**Question 5: Are there any further measures you consider it would be appropriate for the Department to take under the terms of Article 11(1) to promote the re-use of products or preparing for re-use activities? Please give reasons to support your answer.**

Given the huge scale of government procurement in Northern Ireland this is an obvious first area for targeting action on reuse. It will help drive markets, influence attitudes and behaviour and help to develop necessary infrastructure and facilities as well as contribute very significantly to the waste being diverted.

The role of the voluntary and community sector is already great in the area of reuse and this should be encouraged and facilitated. Not only is there a strong foundation upon which to build, but it also delivers significant social benefits, is supported by the community and is generally extremely cost effective. A number of barriers (legislative, regulatory and fiscal) currently exist which need to be identified and removed to maximise the efficiency of the sector in contributing to this goal. While these organisations will ultimately be (many already are) financially viable as stand alone businesses, some pump priming grants or loans will facilitate the rapid expansion of this sector into this area.

In practise, there is little safeguard to prevent re-useable bulky goods from going straight to landfill rather than recycling. While there is supposed to be a measure in place within the WEEE Directive to support reuse, it is very weak, and members of NIEL have found the rules to be too easy to sidestep (eg. reusing one appliance to establish credibility but then not reusing many more). We would urge that this is reviewed. Any future legislation in this area should ensure that reuse activities are properly supported and monitored to ensure that both environmental and social goals are being realised. The boundary line between charity and commercial enterprise is and should be a flexible one, with many charities able to make profitable businesses on the basis of sound environmental management. However, there is concern within the charitable sector that less scrupulous commercial operators are taking a charity mantle to cover commercial, and at times borderline illegal, practices. Genuine charities need assistance from government to be able to deliver their benefits to their constituents in the face of illegal operators.

Education and public awareness are essential for behaviour and attitudinal change, and are required to deliver the changes required by this Directive and its resultant

targets. Government must accept this and deliver on the work that has been going on for several years by the Department and its stakeholder group on Learning and Communications. The voluntary and community sector is extremely good at education and public awareness activity and has a hugely successful track record within the waste theme on this. Lack of funding over the past few years has hampered growth in this area, and has caused many programmes to fail. Use of the Landfill Tax Credit Scheme should be revisited to target delivery of the Waste Management Strategy and particularly the Hierarchy. While it is likely that the practical projects discussed above can achieve commercial viability after help with initial development, the same is not true for awareness and education work. Such work is central to the delivery of the Strategy, a key role of government, and should be delivered where appropriate by NGOs through contracts funded by government.

**Question 6: Do you agree with the proposed approach to implementing the requirements of Article 11(1) on separate collections? Please provide reasons for your answer including, if possible, the costs and benefits of your preferred approach.**

We do not agree with the proposed approach on separate collections. By the rather liberal interpretation of the revised Directive in this matter, and the spirit of the measure, co-mingling should be being phased out now as it can no longer be shown to be economically beneficial, nor can it maintain the required quality standards. This is evidenced by a cost comparison report from WRAP. The UK government's position statement says in the vast majority of circumstances kerbside sort should be viewed as the preferable approach. Northern Ireland does not represent an exception to this in any respect.

Extensive data now show that the quality of co-mingled collected and then separated material is never as high as kerb-side separate collections. One test should be whether UK reprocessors are satisfied with the quality of the material they receive from MRFs, and the resounding response from them is that they are not (reference the Campaign for Real Recycling), This increases the cost, reduces the viability of recycling and the level of the hierarchy at which the material can be used and the amount of material collected. This is with a backdrop of continuing pressure to collect more material. If a single stream approach is maintained then the risk of exacerbating the situation is extreme. While encouraging more materials to be collected for recycling is an absolute necessity, it must not be done while compromising the quality of the materials, as this undermines most of the economic reasons for carrying out the activity and the environmental and carbon benefits to be gained from recycling.

As an absolute minimum, there should be an outright ban on single stream collections including glass, for two reasons. It dramatically compromises the quality of paper and other materials, and the glass itself is not suitable for closed loop recycling, and can only be used for aggregate type uses. This means that the carbon benefits are lost. There is an opportunity to enforce this now prior to the introduction of co-mingled glass collections.

We need a strong driver from central policy that separate collection is preferable for all of these reasons. Over time Northern Ireland should phase out MRF in favour of separate collections for all major recyclables, including food and biodegradable materials. A central policy is necessary across Northern Ireland to enable a coordinated and consistent message across all Group areas and Councils. This will deliver the best overall performance on wastes and the strongest driver towards waste minimisation and full participation by all citizens.

**Question 7: Do you consider that:-**

**(a) There are any measures that are technically, environmentally and economically practicable and appropriate to take in Northern Ireland, on the separate collection of household, commercial or industrial waste to meet the necessary quality standards for the relevant recycling sectors? Please give reasons for your answer; and**

**(b) If yes, which measures do you think should be introduced to achieve this?**

We strongly support separate kerbside collection of all major waste streams as leading to the highest quality of materials suitable for reuse and recycling and encouraging the greatest participation levels. All council areas should move toward such separate collection as soon as possible, including addressing issues of existing contracts to move away from single stream MRFs, or phasing them out at the next available opportunity (ie. the next tender round).

Bryson Recycling is recognised for having played a major role in the debate over the two approaches to household recycling. In particular the methods used, vehicles deployed, range of materials collected, and productivity achieved have progressed dramatically in the last 12 months. We would strongly recommend that the Department becomes fully acquainted with the approach being pioneered by Bryson as it represents a model for the future.

Commercial and industrial waste is also generally more effectively dealt with by separate collection, although there are specific circumstances where co-mingling of wastes can lead to the best (highest up the hierarchy) solution (e.g. treatment of sewage sludge with other organic materials can be more effective than treating either alone). While we agree that commercial premises should pay for collection of waste materials, there should be immediate moves to ensure that this waste is collected for recycling and not bulk collected for landfill as is too often happening at present.

The Department should survey the issues involved and develop a detailed Action Plan to devise mechanisms to assist Councils and Groups to make this transition.

At present some councils seem to be selectively adding commercial and industrial wastes to household waste to lead to an overestimate of the amount of household waste being recycled. This practice needs to be identified to ensure accurate figures for recycling of all wastes.

**Question 8: Do you consider that:-**

**(a) By 2015 it will be technically, environmentally and economically practicable for the Department to set up by 2015 separate collection for paper, metal, plastic and glass which is classified as household, commercial or industrial waste: Please give reasons for your answer; and**

**(b) If yes, which measures do you think should be introduced to achieve this?**

From households multiple stream collections of paper, cardboard, textiles, batteries, glass, aluminium foil and food, along with a single stream of cans, mixed plastic bottles, tetra type cartons and dense plastic packaging waste should be perfectly possible across all of NI.

There is no technical reason why this should not also be available for businesses, but how it is enforced without the technical authorities owning the waste stream is more

and requires work. From a collection standpoint it may be necessary to co-mingle some commercial / industrial material in order to overcome space constraint issues. This should never include glass.

A strong policy lead from government will be required to drive this, supported by regulation and legislation and by a serious public awareness and action campaign aimed at changing attitudes and behaviour towards ~~waste~~

**Question 9: Do you agree with the proposed approach to implementing the recycling target for household waste required by Article 11(2)(a)? Please provide reasons for your answer including, if possible, the benefits or otherwise of your preferred approach.**

We support this approach in general, but feel that the targets for percentage recycling of 50% by 2020 is unambitious and could undermine serious action and commitment by all sectors, especially beyond 2020 where there appears to be a lack of ambition to improve recycling rates even though infrastructure is being commissioned currently that will see us through to about 2040 or even 2050. We strongly support the proposal that waste disposed of to landfill after being composted must not count as being recycled. Many waste streams should be near to 100% recyclable; a target of 70% by 2020 is stretching but achievable and is recognised elsewhere in the UK as a viable target. This figure should be adopted for Northern Ireland as an overall aim for waste. Possible ~~subtargets~~ for different materials may be advantageous in terms of driving action by particular sectors.

**Question 10: Given the significant increase in recycling rates for household waste in recent years, do you agree with the Department's preferred "no further measures" approach? Please give reasons for your answer.**

We do not agree; while progress has been significant this is largely due to the extremely low baseline figure. New drivers are required; some are coming on stream anyway (such as carbon targets, resource efficiency, fuel prices) but specific drivers making explicit the changes in behaviour required towards waste throughout society are needed. Measures are required at legislative/regulation level, through fiscal drivers and those aimed at changing attitudes and behaviour. These should be targeted at all relevant sectors, with messages in the appropriate language for each.

We also think that the Department should bear in mind that the current approaches and recycling infrastructure date from the very first introduction of recycling in NI, and as part of the first concerted wave across the UK. During the period since then there has been a significant shift in thinking and an emerging consensus about best approaches. There are some clear lessons that can be learned and adopted at relatively low cost that will result in step changes in recycling performance. Please see next question.

**Question 11: If you think the Department should consider introducing additional measures to ensure that the recycling target of 50% for household waste is reached by 2020, do you have views about what these additional measures should be? If so, please specify and give reasons for your answer.**

All the measures that have been listed bar one are valid and would make a contribution to improving recycling rates. The one we would omit is further investment in sorting facilities as this is not likely to provide required results or be best value for money (for the same reasons outlined in questions 6 . 8). The single stream

approach is no longer viable and we need to invest in the alternative emerging model. We strongly agree with:

- Introduction of best practice collection systems. This should include a reduction in size of wheeled bins for residual waste from 240s to 120 . 180s in line with the increased in recycling / composting provision.
- Schools and other promotional measures.
- Compulsory food waste collections.

Rather than singling out any specific material for landfill bans (although we are not opposed to this idea), the materials listed in our answer to Q8 should all be targeted for weekly single pass collections. The maximisation of the range of materials, plus the economics of collecting in a single pass, make the economic and environmental arguments compelling for this approach.

All valid measures should be brought into effect as quickly as possible if we are to address the waste issue, recalling that we do not feel that a 50% target for household waste is acceptable.

**Question 12: Do you have views about targeting any additional measures on specific materials? If so, please specify which materials you consider are high priority and give reasons for your answer.**

Food waste is a priority material for three main reasons. It is a large volume and highly polluting material which will greatly decrease the volume, polluting capacity and methane emissions from landfill. It offers significant opportunities for energy production through anaerobic digestion. It is something which will resonate with every consumer, and ensuring that they recognise the amount of food wasted will go far towards decreasing the amount wasted, secondarily decreasing cost to consumers as well as the waste they produce. We strongly urge a proactive, high profile campaign to encourage behavioural change aligned to WRAP's Love Food Hate Waste and recent Belfast City Council campaigns to accompany a Northern Ireland wide roll out of separate food waste collection. The benefits to the waste stream are many, and it offers an excellent opportunity to make connections in the public mind about resource efficiency, carbon conservation and cost by linking to sustainable development and climate change messages. There also seems to be a genuine waste minimisation impact with a reduction in food waste arisings as a direct result from the introduction of effective food waste collections. This is a perfect topic for such a first step public awareness effort.

**Question 13: Do you agree with our assessment of the extent to which we are already meeting this construction and demolition waste recovery target in Northern Ireland?**

We would commend progress to date, but feel it is important not to be complacent as there is still a very long way to go before we effectively tackle resource efficiency in the C&D sector. Higher targets need to be set to drive improvement and the purchasing power of the government estate should be used to increase standards, both through requiring high levels of resource efficiency for government contracts and high quality Site Waste Management Plans.

**Question 14: Do you believe that any additional policy or legislative measures are necessary for us to guarantee that we are meeting this target in Northern Ireland?**

Consideration should be given to increasing landfill tax and the aggregates levy, as well as requirements for recycled content in all materials used for buildings. Both regulatory and fiscal measures can be used to drive this.

**Question 15: Do you agree that the UK is currently self-sufficient in installations for the recovery of mixed municipal waste from private households etc? If not, please (i) explain your reasons and (ii) the steps you consider need to be taken by the UK to achieve self-sufficiency in relation to such installations.**

For Northern Ireland it is not just the UK which should be considered, but also the Republic of Ireland. While clearly this is another sovereign state and this may cause some legal difficulties, logically there may be more sensible solutions for recycling and reprocessing facilities to be based on an island of Ireland basis than across the sea. Targets, legislation and fiscal drivers are all required if the UK is to become self sufficient. Much work still needs to be done in this area.

The proximity principle should be applied to recyclables as well, not initially strictly, but as aspirational targets. This brings best environmental and economic benefits to NI, and provides a strong case for selling the benefits of recycling to the public.

**Question 16: Do you consider that the following changes will have an impact on the way in which hazardous waste is managed? Please give reasons for your answer and, if yes, set out the implications that you consider the changes will have:-**

(a) The addition of a new property: *H13 "Sensitizing": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce nonhereditary congenital malformations or increase their incidence;*

(b) Existing property H13 has been re-numbered to H15. This means that this property *H15: Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics above* now also applies to "*H14 Ecotoxic*". In other words, H14 (ecotoxicity) now has to be considered as a criterion for H15; and

(c) Article 18(2) which allows mixing only where the permitted mixing operation conforms to best available techniques

No specific comment. Proper management of hazardous waste is vital and needs to be properly supported by statute, information provision and fiscal drivers.

**Question 17: Do you agree with the proposed approach to rely on the measures adopted to transpose and implement the waste hierarchy (and related measures) and not to prescribe under Article 21(3) that waste oils must be regenerated if technically feasible? If not, please provide reasons for your answer and, if possible, explain the economic and environmental costs and benefits of your preferred approach.**

There should be a move to prescription as soon as feasible to support regeneration of waste oils. Voluntary codes are a good start, but ultimately legislation to ensure compliance is required.

**Question 18: Do you agree that sufficient measures are already being taken in Northern Ireland to encourage biowaste treatment etc as envisaged in Article 22? If not, please (i) explain your reasons and (ii) the measures you consider need to be taken in Northern Ireland to encourage biowaste treatment etc as envisaged in Article 22?**

Much more must be done to deliver acceptable progress on bio-wastes; see Q12 for reasons why food waste is a priority. It should be policy to move to separate food collection and treatment, with voluntary moves encouraged followed by mandatory separate collection by a specified date. Separate collection of food waste and garden waste is required to obtain the best overall solution to both wastes.

**Question 19: What revisions do you consider the Department should make to the existing arrangements for waste management plans (see paragraph 2.110 above) to transpose the requirements of Articles 28(1), 58 (2) and (3)(a)-(e) of the revised WFD? Please give reasons for your answer.**

The Strategy and all three Plans need to be updated in response to this Directive, specifically with regard to the re-definitions and increased emphasis on the Hierarchy, and greater ambition for recycling / composting. There is also revision required to take account of major external factors, including the cost of energy (and demand for renewable generation), the need for addressing carbon emissions (of which waste is a major contributor), a higher emphasis on resource efficiency and improved technologies (not available when the Plans were written).

**Question 20: Which, if any, of the discretionary issues set out in Articles 28(4)(a)-(d) of the revised WFD do you consider the Department should address in the arrangements for waste management plans adopted in response to Question 20? Please give reasons for your answer.**

All four of the proposed issues should be addressed in the revised Strategy and Plans. In addition, integrated solutions (across waste stream, across sectors), whole life and carbon costings are likely to deliver the best overall results and need to be considered.

**Question 21: What are your views on the merits of either (i) freestanding national waste prevention programmes in Northern Ireland or (ii) a more dispersed approach which would involve introducing a requirement for district councils to draw up their own waste prevention programmes? Please give reasons for your answer.**

A central, free standing waste prevention programme is required throughout Northern Ireland, with the Councils and Groups fully playing their part. It should compile and build on existing best practice in Northern Ireland (and elsewhere as appropriate) and encourage all Councils to replicate best practice. At present having a plethora of different systems leads to confusion and lack of responsiveness by the public. A central campaign should overcome this and encourage greater compliance and action. It should also make full use of the expertise developed by the not for profit sector as design and delivery partners.

**Question 22: What are your views on the integration of waste prevention programmes into the waste management plans required by Article 28 of the revised WFD, their integration into other environmental policy programmes or their functioning as separate programmes?**

All of these policies need to be integrated and work together within the overall framework of the Northern Ireland Sustainable Development Strategy which is then delivered through the tri-annual Programme for Government. The challenge is not only to link waste minimisation, but other subject areas that are not directly waste related, such as local economic policy (NI reprocessing infrastructure and job creation) and climate change. Northern Ireland is some way away from having such a system fully in place, but waste is a good area to begin such integrated working. See also introduction and answer to Question 1.

**Question 23: Member States must evaluate the usefulness of – but not necessarily adopt - the 16 examples of waste prevention measures in Annex IV to the revised WFD. Do you have views on the usefulness of any of these examples as waste prevention measures? If so, please specify the measures and give reasons for your answer.**

All of these have merit, but an integrated approach using many is likely to be the most successful. The three major areas proposed (Framework, Design & Production, Consumption & Use) must each be represented from early on in the development and delivery of a waste prevention programme, as all are essential to effective waste prevention.

**Question 24: Based on the England and Wales initial Impact Assessment (Appendix 4), do you consider that the costs and benefits of the transposition and implementation of the provisions of the revised WFD that are the subject to the Stage One consultation exercise have been accurately assessed? If not, please provide whatever evidence you can to enable a more accurate assessment to be made in conjunction with the Impact Assessment that will form part of the Stage Two legislation process.**

No comment.

We thank you for the opportunity to make these comments and would welcome further discussions to clarify any of these issues with you.