

Stage 2 Consultation on the transposition of the Revised Waste Framework Directive (2008/98/EC) in Northern Ireland

Comments by

Northern Ireland Environment Link

15 November 2010

Northern Ireland Environment Link (NIEL) is the networking and forum body for non-statutory organisations concerned with the environment of Northern Ireland. Its 58 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. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

These comments are agreed by Members, but some members may be providing independent comments as well. If you would like to discuss these comments further we would be delighted to do so.

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Introduction

We strongly support the transposition of the revised Waste Framework Directive for Northern Ireland. Comments on specific questions are below; where questions are not answered we have no further comments.

However, we understand the need for haste and political realities, and see the rWFD as a baseline minimum necessary to meet EU deadlines and avoid infraction. We would prefer to see Northern Ireland at the forefront of waste management practices, with challenging targets and strong local industry leading the way in technology and practice throughout the world. This ambition can be progressed through policy and practice, building on the base established by this rWFD.

There is lack of clarity around definitions between this legislation and other regulation and legislation – household waste, waste from households, municipal waste, etc. – and which contributes to the various targets. A simple definition is required that all can understand; however this may be impractical given the different legislations involved, so clarity around what is included within each category needs to be provided within guidance.

There is a strong need for integration across physical areas (councils, Waste Management Groups), waste streams (municipal, C&I, C&D, sewage, agricultural, food) if we are to maximise the opportunities for using the energy and resources in all of these wastes to deliver the best output. In Northern Ireland this need for integration extends to GB and to the Republic of Ireland for sensible, sensitive solutions. A broad perspective, taking long term and strategic decisions, is required to make policy that is optimal. There are difficulties with this given the practical and political structures, but these must be addressed if we are to deliver on the rWFD in full and make the best use of all our resources for the entire community.

Partnerships between the government and the third sector have great potential to deliver major benefits in terms of rWFD targets and acceptance. The third sector has a strong record of delivery in practical terms on recycling in Northern Ireland, and perhaps an even stronger history of encouraging and enabling attitudinal and behavioural change. Developing appropriate partnerships will be the best way to deliver the outputs required in a very cost effective fashion.

We stand by our original comments submitted in response to Stage One and do not necessarily agree with the approach that has been adopted in this document, however we are only commenting on the specific questions asked. In particular, we are not convinced that the approach adopted will be sufficiently stringent to meet the targets, and are still very strongly supportive of 'kerbside' collections (i.e. avoiding comingling) as essential to meeting targets for recycling of high quality materials. Shifting behaviour of householders, businesses and councils is a major task and it is not clear that the approach adopted here will be sufficiently strong to deliver the changes in attitudes and behaviour required.

Question 3: We support this tripart approach to transposition and giving precedence to the Waste Hierarchy in developing appropriate facilities.

Question 4. We are not convinced that the proposals will be sufficiently robust to deliver the significant changes required by this legislation. While we understand the large numbers of extant permits and licences, these have presumably come into force over a number of years and the significant changes in technology and costings mean that activities acceptable in the past are no longer suitably robust contributors to the hierarchy.

We feel that it is important that producers are encouraged/required to take the steps necessary to facilitate the post-consumer recycling of their products and packaging. This preparation at the 'front end' will make it much easier for materials to be reclaimed from the waste stream for useful further reprocessing.

We support the removal of exemptions, and the 'light touch' registration and monitoring for organisations which are actively involved in recycling, reuse and preparing for reuse (i.e. charities; social enterprises).

Question 5. We do not agree that signing a declaration is sufficient to ensure understanding of and commitment to the waste hierarchy. This is likely to be just a 'tick box exercise' – companies will confirm they have considered the hierarchy, but there is no real pressure on them to have done so in a serious fashion. Accordingly we strongly support the proposal to work with producers to improve their understanding. The move to a much stronger emphasis on the waste hierarchy is a significant shift and needs support to ensure that law-abiding companies understand their new responsibilities and that there is sufficient enforcement for those who do not abide by the law to encourage them to do so (relative cost is higher for non-compliance than compliance, and risk of non-compliance being prosecuted is high).

We understand what is meant by using Life Cycle Thinking to ensure that the most environmentally beneficial step is used on the waste hierarchy. However, this is a fairly technical concept and we worry that there is the possibility that some waste producers/processors may not adopt the full meaning of LCT and use this statement as a justification for processing 'down' the hierarchy after flawed or cursory analysis based on their costings and limited understanding of all implications. Guidance and advice should be designed to minimise this happening.

Question 6. We agree the guidance is essential and must be widely promoted. There are difficulties in both oversimplifying and overcomplicating the guidance; clear, concise, understandable language is key.

Question 8. We would prefer to see separate collection as a condition of permitting. Source separation is the best way to ensure a high quality, high value, versatile product which is easily marketed and avoids the need to be 'discarded' due to contamination.