



Northern Ireland Department  
of Finance and Personnel  
Memorandum on the 31st  
Report from the Public  
Accounts Committee Session  
2005-2006

Presented to The House of Commons by the Secretary of State  
for Northern Ireland by Command of Her Majesty May 2006

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# Glossary of Abbreviations

<b>BPEO</b>	Best Practical Environmental Option
<b>DEFRA</b>	Department for Environment, Food and Rural Affairs
<b>EU</b>	European Union
<b>NI</b>	Northern Ireland
<b>NWRWVG</b>	North West Region Waste Management Group
<b>SD</b>	Sustainable Development
<b>SDS</b>	Sustainable Development Strategy
<b>SWAMP</b>	Southern Waste Management Plan
<b>UK</b>	United Kingdom

## Thirty First Report

### Department of the Environment

#### Northern Ireland's Waste Management Strategy

##### *PAC Conclusion 1*

**Northern Ireland's delay in transposing EU Directives into local legislation exposed the UK government to the risk of infraction fines. Insufficient resourcing of the Department's legislation team led to Northern Ireland having a large backlog of EU environmental Directives awaiting transposition in 2002 and the risk of the UK incurring fines of up to £400,000 per day. Now that the backlog has been eradicated, it is essential that the Department keeps its legislation programme in line with the rest of the UK, to ensure that this woeful performance is not repeated.**

The Department of the Environment ("the Department") accepts the Committee's criticism that insufficient resourcing of the Department's legislation team led to considerable delays in transposing EU Directives into local legislation. Since 2004, the Department has provided significant additional resources to enable the backlog to be cleared. The Department agrees with the Committee's recommendation that its legislation programme should be kept in line with the rest of the UK to ensure that the problems of the past do not recur.

The importance of the prompt introduction of new legislation, the need for minimal delay between new EU or national legislation and, where required, the development of comparable legislation in Northern Ireland (NI) are emphasised in the Department's new Waste Management Strategy for Northern Ireland 2006-2020 "Towards Resource Management" (published on 30 March 2006).

##### *PAC Conclusion 2*

**The Department has not yet produced a Sustainable Development Strategy (SDS) and it is now several years overdue. The UK's SDS is a cornerstone of environmental policy and each region apart from NI has, in addition, its own SDS, with local objectives and targets. The Department's legislation team also has responsibility for developing the SDS and did not begin work in earnest until the backlog was cleared in 2004. There can be no further delay in producing Northern Ireland's SDS, since extra staff are now available and there are equivalent documents for the rest of the UK to act as examples. The Department must ensure that it meets the Summer 2006 target date.**

The Department accepts the Committee's criticism of the delay in producing a Sustainable Development Strategy (SDS) for NI. The Department's Environmental Policy Group has been working closely with counterparts in the Department for Environment, Food and Rural Affairs (DEFRA) and the other devolved administrations to ensure that NI's Sustainable Development Strategy will integrate strongly with the UK Framework for Sustainable Development (SD) by adopting and extending the guiding principles and priority areas contained within the latter. To reflect the importance given to the SD agenda, each NI

department appointed a SD “champion” at Deputy Secretary level in March 2005 to help progress the strategy and embed SD within their respective departments. This arrangement has now been formalised into the creation of a Ministerial led Group chaired by Lord Rooker, Minister for the Environment in Northern Ireland.

The NI Strategy, which was published on 9 May 2006, has been developed with the co-operation of the other Government departments and a wide range of external partners from across all sectors of NI society.

The Strategy will be followed up in the Autumn by the first of a series of implementation plans which will set out in more detail the actions to be undertaken to achieve the high level objectives and key targets.

*PAC Conclusion 3*

**There are limitations in the quality of data used to develop, monitor and report on the Waste Management Strategy and the existing targets are not sufficiently stretching. The Department must put in place effective and reliable systems for gathering and analysing data for all waste streams, so that its targets and reported statistics are credible. This should be done without delay, to facilitate the development of new targets that can be made to bite. We expect to see such targets in the new Strategy, and reported quarterly in the Department’s website.**

The Department fully agrees with the Committee on the importance of data gathering and analysis and will bring forward for public consultation detailed proposals requiring businesses to submit statutory returns on their controlled wastes and the management of these materials.

This information on industrial and commercial wastes will add to that currently returned under the new Waste Management Licensing controls, the NI Landfill Allowances Scheme and the WasteDataFlow system to provide data on all principal controlled waste streams.

Ahead of the rest of the UK, the Department began to collect municipal data on a quarterly basis from 2003, and analysis of the most recently published figures for the recovery of Municipal Solid Waste and Household Waste indicate that Northern Ireland’s performance, at 22 per cent and 23 per cent recovery respectively, is now on a par with that of England and Wales, and just ahead of Scotland.

All Northern Ireland District Councils now submit their information through the national web based system WasteDataFlow and from June 2006, this information will be reported quarterly on the Department’s website. This will provide the public with the opportunity to measure actual performance against the new targets that have been set in the Department’s Waste Management Strategy for Northern Ireland 2006-2020.

In addition, the Department is continuing with its programme of surveys which has covered six waste streams to date and is currently focussed on Commercial & Industrial Waste and Construction, Demolition & Excavation Waste. This programme spans all the main waste streams and, once verified, the surveys will be published.

*PAC Conclusion 4*

**Greening Government is an important element of the Strategy, but the Department’s progress in improving its own waste management performance has been slow. The importance of the leadership role within Government is self-evident, yet the Department only produced its first waste action plan in October 2004. If the Department is to act as an example to others, it must be seen to implement good practice in all aspects of its environmental management. Putting in place targets equivalent to those of its Westminster counterpart would be a good place to start.**

The Department agrees with the Committee that, while greening government was a key element of the original Waste Management Strategy for Northern Ireland, the Department's progress in improving its own waste management has been slow. For this reason the new Waste Management Strategy for Northern Ireland 2006-2020 takes a more robust approach, containing a firm commitment by government to lead others through the example of its own actions.

The Department has already taken steps to put its own house in order by undertaking a waste stream audit and developing and implementing a Waste Management Action Plan. This experience has been instrumental in persuading all other NI Government departments to complete similar plans. The plans include targets for the reduction of paper use, progressive specification of the use of recycled paper, preparation of detailed recycling action plans and specific targets for the proportion of reused or recycled materials in public sector construction contracts. The 11 departmental Waste Management Action Plans were published in a single document at the end of April 2006.

Waste management is also a key element of the overarching Sustainable Development Strategy for NI which was published on 9 May 2006 and, together with public procurement, is central to one of the main priorities of the Sustainable Development Strategy - sustainable consumption and production.

Each Department will be committed through the Sustainable Development Strategy to producing sustainable development implementation plans that will, amongst other things, reinforce the progress made on action to reduce and recycle waste and bring forward other greening measures. These NI departmental target led plans will be equivalent to those of their Westminster counterparts.

#### *PAC Conclusion 5*

**Enforcing waste legislation and tackling illegal dumping are resource-intensive and require ongoing commitment. Under-resourcing of its regulatory teams and hasty introduction of new legislation to clear the transposition backlog meant that the Department did not always have proper guidance and enforcement procedures in place, or the staff to implement them. The Department estimates average profits to illegal site operators to be in the region of £1 million, with £24 million in total going to the black economy annually. Despite recent successes against illegal dumpers, dealing with offenders and damage to the environment after the event is costly. This work must be balanced with a strong preventative effort. The Department should issue clear guidelines for waste producers affected by legislation, as it is introduced, and undertake regular monitoring to ensure that the guidelines are being followed, in order to reduce the occurrence of illegal dumping in the first place.**

The Department agrees with the Committee about the importance of timely guidance and clear enforcement procedures. The new Waste Management Strategy stresses the importance of accessible, user-friendly advice for those affected by new waste legislation and the Department will issue clear guidelines for waste producers as legislation is introduced and assess the impact of this guidance by regular monitoring.

The Department is committed to providing good quality guidance about new and amended legislation for all waste producers at the right time and place: through legislation-specific advice using advisory leaflets, seminars, road shows and producer workshops, and a presence at relevant industry events, for example, giving information to farmers about new Agricultural Waste Controls at the May 2006 Balmoral Show.

In addition, forthcoming pieces of legislation and changes to controls are highlighted on the NetRegs website service which provides clear, sector specific advice online for waste producers on how to comply with relevant regulations.

To complement its comprehensive advice on how to comply with new controls, the Department will also reinforce the reasons for compliance by reviewing its enforcement policy and procedures and provide guidelines for each set of waste regulations. The first tranche will be completed and made available on the website in October 2006.

*PAC Conclusion 6*

**Councils have an important role in implementing key Waste Management Strategy targets. Responsibility for delivering EU targets for recycling or composting household waste and reducing the amount of biodegradable waste sent to landfill rests primarily with Councils. Failure to meet the landfill target risks incurring fines which will, ultimately, be payable by ratepayers. Councils' waste plans should align fully with the requirements of the Waste Management Strategy, set out clearly how they will meet its targets and how new infrastructure that is expected to cost in the region of £270 million to £300 million, and other measures, will be funded.**

The Department fully agrees with the Committee's assessment of the important role of District Councils in achieving Waste Strategy targets, particularly those arising from the EU Landfill Directive. Detailed guidance has been prepared and made available to Councils both on the development of Waste Management Plans and how to comply with landfill diversion targets.

The Department prepared comprehensive guidance on the Best Practical Environmental Option for NI to provide a framework to assist the sub-regional Waste Management Groups in revising their Waste Management Plans. [p42, Waste Management Strategy for NI 2006 - 2020]

This augments the detailed schedule for Waste Management Plans contained in the Waste and Contaminated Land (NI) Order 1997 and the Department will, as during the development and determination of the first Waste Management Plans, also provide additional direct advice to each of the three Waste Management Groups: arc21, Southern Waste Management Plan (SWAMP) and North West Region Waste Management Group (NWRWMG) which comprise all 26 District Councils.

This direction and support is to help District Councils fulfil their statutory obligation to ensure that their plans fully align with the Waste Management Strategy and set out clearly how they will meet its targets.

Regarding the funding of the required new infrastructure, the Department established a Waste Infrastructure Task Force in April 2005, consisting of key stakeholders from both central and local government, to examine all aspects of waste infrastructure procurement, including options for funding. The Task Force will make its recommendations in June 2006 and its work will form the basis for integrating waste management into the 2007 Comprehensive Spending Review.

District Councils are scheduled to submit their revised plans in June 2006. The Department will then simultaneously consider the Councils' plans to ensure they contain the right provisions for the development of an integrated network of waste management facilities sufficient to meet the Waste Management Strategy targets.

*PAC Conclusion 7*

**In 2002, the Department exercised poor financial control when it paid £1.3 million to Councils in advance of need. The Department supplied grants to Councils to assist them with the cost of developing their waste management plans. In 2002, it paid grants that included £1.3 million that was not spent by the end of the financial year, despite Councils' assurances to the contrary. The Department must prevent any recurrence of such advance payments and put in place robust financial controls to**

**ensure that payments to the bodies it funds are based on actual funding requirements for the period in question.**

The Department accepts the importance of the requirement to prevent payments in advance of need and was disappointed by the difference between District Councils' assured and actual spend profiles. The Council Grant scheme was carefully reviewed and robust financial controls put in place. There has been no recurrence since 2002 and the application of these essential controls now extends to all bodies the Department funds.

*PAC Conclusion 8*

**The Department has made slow progress in achieving the Waste Management Strategy targets and implementing the recommendations of its Advisory Board. In 2004, the Waste Management Advisory Board, composed of stakeholders appointed by the Department, reported only limited progress against the 2000 Strategy, and made a number of recommendations for improvement. Despite resource shortages, the Department allocated skilled staff to producing a formal response, challenging some of the Board's findings. If expert Boards are appointed to provide guidance, that guidance should generally be accepted and implemented, if the exercise is to have real value and lead to improvements.**

The Department agrees with the Committee's view that if expert Boards are appointed to provide guidance, that guidance should generally be accepted and implemented. The 2000 Waste Management Strategy adopted 98 of the 104 recommendations provided by the precursor body to the Waste Management Advisory Board, the independent Waste Management Advisory Group.

The Department provided a detailed analysis to the Board of the limited progress with the delivery of the 2000 Strategy and responded to their invitation for feedback on their recommendations. As was the case with the independent Advisory Group's recommendations, the vast majority of the Board's suggestions have been incorporated within the new Strategy. However, after careful consideration, a small number were challenged and subsequently excluded.

*PAC Conclusion 9*

**Two of the Board's key recommendations have still not been implemented. These were: a cross-Departmental delivery group should be established, at Permanent Secretary level; and the huge infrastructural deficit should be addressed. The results of the Review of Public Administration, announced by the Secretary of State in November 2005,<sup>1</sup> should not be used as a justification for any further delay in introducing long-overdue improvements, for example, in deciding whether or not there should be a single waste management authority for Northern Ireland.**

The Department accepts the Committee's criticism that these two key recommendations have not yet been implemented. The new Waste Management Strategy emphasises the importance of Government taking the lead in driving and monitoring its implementation. To this end, the Department will establish a cross-departmental delivery group in the form of a new non-statutory committee, the Strategic Waste Board, to oversee the strategy delivery programme, co-ordinate a series of detailed action plans and monitor progress across all strands of the Strategy.

The Board will be chaired by the Minister and will comprise key senior officials from all the relevant Government departments as well as senior representatives from local government, including representation from the Northern Ireland Local Government Association at both elected member and officer level. In addition, the Board will be supplemented by a number of independent members.

<sup>1</sup> HC Debates, 22 November 2005, col 106WS

In June 2005, the Department published detailed guidance on the infrastructural requirements for NI to deal with its current deficit. This assessment of the BPEO is being used by the Waste Infrastructure Task Force (referred to at Conclusion 6 above) to examine all aspects of waste infrastructure procurement. The Task Force will report on its findings and recommendations in June 2006 and its report will form the basis of an Implementation Action Plan for waste infrastructure.

A consultation paper on proposals for inclusion in the new Waste Strategy (issued on 18 October 2005) sought views on potential structural options for the delivery of waste management functions in NI. Responses were generally in favour of the establishment of a single waste disposal authority with responsibility for waste management planning and waste disposal functions at a regional level, with waste collection and recycling operations remaining at local council level.

The Department will move to establish a single regional waste disposal authority, drawing on the work of the Waste Infrastructure Task Force, within the context of, and in parallel with, the implementation of the Review of Public Administration.

*PAC Conclusion 10*

**The Minister has announced a review of environmental governance in Northern Ireland. The Public Accounts Committee of the Northern Ireland Assembly, the Northern Ireland Affairs Committee at Westminster and Waste Management Advisory Board all saw a case for establishing an independent environmental regulator, of the sort that exists in every other part of the British Isles. Given Northern Ireland's poor record on environmental governance in general, and waste management in particular, the case for doing so is now self evident and it should be done without delay following the review.**

The Department notes the Committee's recommendation and expects the current Review of Environmental Governance to determine the need for establishing an independent environmental regulator.

The Review of Environmental Governance, which is being carried out by a panel of independent experts, commenced on 28 February 2006 and will take into account the Review of Public Administration, previous inquiries into environmental governance issues in NI and the existing and emerging European environmental regulatory framework and the views of the Committee.

The Review Panel will present and publish its Final Report in early 2007, and the Government will take full account of the Committee's view when considering the Review Panel's recommendation.





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