

MANAGING AND REGULATING WASTE IN NORTHERN IRELAND

DOE OPERATIONAL PLAN

October 2014

MINISTERIAL FOREWORD

The Mills Report concluded that we have systemic failures in the management and regulation of the Northern Ireland waste sector including significant criminal infiltration some of which is linked to organised crime. It also identified issues for how my Department has managed the waste sector and, in particular, how effectively we have responded to the challenge posed by those who are prepared to risk human health, the economy and the environment for significant and ill-gotten financial gains.

It is clear that we have major problems in waste management in Northern Ireland. These problems will not be solved overnight. Nor will they be solved by relying on traditional enforcement activities alone.

Instead, we must use every mechanism available to create a successful waste sector that enjoys the confidence of everyone in Northern Ireland. This Operational Plan sets out what is needed to do just that.

The best way to reduce waste crime is to reduce the creation of waste in the first place. Many of the actions necessary to do this are already being implemented under the Waste Strategy I published in October last year.

This Plan focuses mainly on the task of ensuring that the residual waste that is still created is properly managed, whether that is by recycling, recovery or disposal. Critical to this is creating new partnership working between local councils and my Department. Powerful co-operation between the central and local arms of government will go a long way to ensuring the proper management of waste in Northern Ireland.

We also need to work closely with industry including the waste industry to promote resource efficiency and to ensure that all aspects of the waste legislation are complied with.

Finally, the Plan outlines actions to improve the Department's regulatory oversight of the waste sector and the enforcement action that underpins the whole system.

A prosperous Northern Ireland is one in which the current illegal disposal of waste is consigned to its own rubbish bin. This Operational Plan maps out how we will make this happen. The creation of a more resource efficient economy with a successful waste sector will boost our prosperity and our right to a healthy environment.

MARK H DURKAN

MINISTER OF THE ENVIRONMENT

INTRODUCTION

In October 2013, the Minister published Northern Ireland's new Waste Strategy: "*Delivering Resource Efficiency*". This Strategy contains the vast majority of actions that the DOE will pursue to promote increased resource efficiency for a range of benefits, including business competitiveness, reducing greenhouse gas emissions, reducing litter and, in terms of this Operational Plan, helping to cut off the supply of waste that might be poorly managed or illegally disposed of.

Delivering Resource Efficiency has actions in six key areas:

1. Waste prevention
2. Recycling
3. Other Recovery
4. Disposal
5. Better Regulation and Enforcement
6. Communication and Education

The new Waste Strategy identifies that promoting resource efficiency and the regulation of waste are inter-linked activities. However, the key areas in the Strategy for the promotion of increased resource efficiency are areas 1-3 and 6.

DOE will promote increased resource efficiency through a series of actions which are detailed in *Delivering Resource Efficiency* which will not be repeated in this Operational Plan.

In addition, since the publication of *Delivering Resource Efficiency*, the Minister announced that NIEA will be developing voluntary Prosperity Agreements with organisations it works with such as businesses, trade associations and environment and heritage non-government organisations. Where NIEA develops Prosperity Agreements with businesses or trade associations, it will seek to include actions which help promote resource efficiency and reduce waste.

The first of these prosperity agreements was signed with Linden Foods and Linergy in August 2014 and included measures to use meat and bone meal as a resource and to increase awareness of waste issues and improved resource efficiency in the supply chain.

IMPROVED MANAGEMENT AND REGULATION OF WASTE

The systemic failures and criminality that exist within the current system of waste management in Northern Ireland requires a new approach.

A key part of this new approach is for the DOE to improve the traditional methods of regulation and enforcement by implementing the recommendations set out in the Mills Report.

However, the Department alone cannot bring about the widescale changes needed. A major emphasis of this plan is to build much stronger collaborative partnerships. Key partners will be the 11 new local councils who will play a key role in managing the waste system, especially in relation to the collection and handling of waste.

The work to build these partnerships between central and local Government has already begun and this will form a key component of this operational plan.

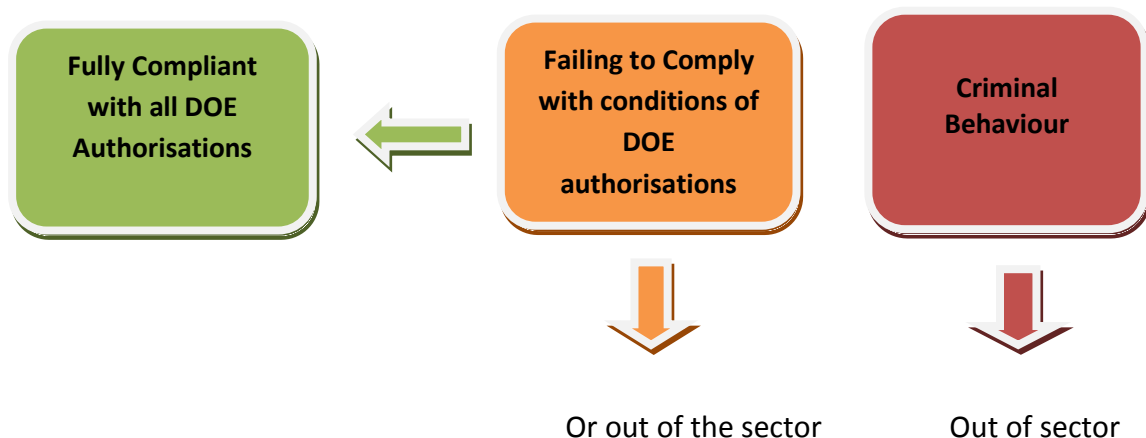
Equally important will be to build enhanced liaison with both general and waste industries to promote both resource efficiency and to ensure that the management of the waste produced complies with the relevant legislation.

At the other end of the scale, the system must deal effectively to prevent criminal involvement in the waste sector. This Operational Plan will include activities that make it more difficult for criminals to get hold of waste and dispose of it illegally. This is essential in order to ensure that the partnership work involving business, local and central government and the public to promote resource efficiency and legitimate waste management is not undermined.

To provide direction for delivering against this philosophy, the following model has been constructed to describe the outcomes we wish to achieve.

In simple terms, the aim is to move all operators currently in the orange box into the green box and to remove the criminal operators in the red box from the waste system.

The intention is to encourage and support all waste authorisation holders to move into the 'Fully Compliant' box. This will be done through a range of partnership working, information-sharing, skills development, guidance and advice, regulation, and, where appropriate, enforcement activity. For those operators in the third box, measures will be taken to make it more difficult for criminals to infiltrate the waste industry but where they do strong enforcement tools will be used to discourage criminal activity so that legitimate operators can conduct their business with confidence. The aim of the model is to move to a fully compliant waste industry in Northern Ireland.



This model will be delivered by a series of activities which are arranged under the following key themes.

KEY THEMES

1. Enhanced Liaison and partnership working between Central and Local Government.
2. Working with general industry to promote resource efficiency and legitimate waste disposal.
3. Creating a compliant waste industry.
4. Ensuring effective and efficient regulation and enforcement.

A description of the activities under each theme follows – these will be regularly reviewed to ensure that they are sufficiently dynamic and flexible in order to keep up with changes in the sector.

Theme 1 – Enhanced Liaison and Partnership Working between Central and Local Government

The key aim of the activities under this theme is to create a much stronger partnership approach between central government (DOE) and local councils in all work on waste management.

- Use the new Waste Co-ordination Group for effective planning of joint activities between Central and Local Government
- Work closely with Chief Executives and senior officers of the new councils
- Working with Local Authorities to ensure that the necessary waste infrastructure is developed across Northern Ireland
- Explore new forms of joint working (e.g. the management of waste contracts) that help both central and local government deliver outcomes
- Share and jointly analyse data and information to enable better planning and co-ordination of activities
- Explore opportunities to share resources on joint actions (e.g. joint data management, joint inspections, joint meetings with waste operators)
- Closer working with Local Authority Environmental Health Departments to ensure a joined up approach to improve the standards of waste activities
- Develop voluntary Prosperity Agreements specific to the waste sector

Theme 2 – Working with General Industry to promote Resource Efficiency and Legitimate Waste Disposal

The key aim of the activities under this theme is to work with the general business community to promote resource efficiency in order to minimise the residual waste to be managed and regulated.

- Develop voluntary Prosperity Agreements with a focus on resource efficiency
- Work with trade associations to promote resource efficiency and business innovation
- Encourage industry to comply with its duty of care and the management of waste
- Focus on the regulation of problematic and harmful waste streams (e.g. tyres, plasterboard, wood, etc)

Theme 3 – Enhanced Liaison with the Waste Industry

The key aim of the activities under this theme is to assist all legitimate waste operators to comply with waste laws.

- Develop and train NIEA client managers to be assigned to key waste operators
- Identify and build stronger relationships with key stakeholders in the waste sector
- Support the development of waste industry associations and representation to understand its needs and aspirations
- Improve the authorisation application processes
- Develop effective guidance for waste operators on key topics, eg, Planning and Authorisations
- Develop a risk based compliance model for the waste industry
- Apply the NIEA Enforcement Policy consistently

Theme 4 – Ensuring Effective and Efficient Regulation and Enforcement

The key aim of this theme is to ensure that the regulator has the resources, skills and processes to regulate the waste industry and to combat waste crime.

Many of the actions needed to do this were set out in the Mills Report and work has already commenced to implement its recommendations.

The DOE should:

1. Make the outcome of a waste sector that complies with the law, protects the environment and underpins resource efficiency, a priority.
2. Develop a comprehensive strategy, with a detailed action plan, to achieve this outcome, which initially focuses on preventing waste crime.
3. Create a new single Directorate within NIEA, to bring together the existing regulatory and enforcement teams along with a new Assessment Unit, to achieve this outcome.
4. Adopt and develop the concept of “intelligent regulation” in order to be sufficiently adaptive to deal with a range of operators, from the criminal to the compliant.
5. Enhance the current appointment and recruitment processes to allow the targeted recruitment and appointment of staff with the right aptitudes, skills and experience to carry out regulatory and enforcement work. This should be supported by structured training, professional development and a defined career structure.

6. Review in an integrated way the need for additional powers to carry out this work by means of a Task and Finish Group and involving all relevant DOE units including Planning with legal support and input from the PSNI.
7. Make it harder for waste to fall into the hands of criminal operators by strengthening the Duty of Care provisions, Fit & Proper Person Test and systems for monitoring and analysing waste flows.
8. Strengthen the Enforcement Policy in relation to the granting of retrospective planning permissions, for sand and gravel workings.
9. Work through the Department of Justice to persuade the Judiciary of the seriousness of waste crime, not just to the environment but to the economy of Northern Ireland, and to encourage them to ensure that sentencing for these offences is comparable to that of the rest of the UK.
10. Create a new sanction in the legislation to make the polluter pay to remediate or remove illegally deposited waste.
11. Ensure that the DOE works more closely with other Government Departments and Agencies in Northern Ireland, with the other Environment Agencies in the UK and Ireland and through relevant European organisations and initiatives, in order to combat waste crime and create a resource efficient Northern Ireland.

In addition, the NIEA will ensure that its crime investigation and related powers are used judiciously, properly and effectively to prevent and reduce serious waste crime. It will do so working closely with the Police Service Northern Ireland, Organised Crime task Force, Department of Justice and other relevant law enforcement agencies both at home and abroad. The Agency's Environmental Crime Unit has already developed a number of measures to disrupt, deter and combat serious waste crime and is progressing a number of waste crime cases including that at Mobouy Road. A particular feature of prosecuting these cases is the use of alternative sanctions where appropriate, for example, through Serious Crime Prevention Orders and the use of the Proceeds of Crime Act Powers.

CONCLUSION

The wide range of activities outlined in this Operational Plan will be used to deliver the aims of reducing the amount of waste created in Northern Ireland and developing a legitimate waste sector that manages the residual waste that is still produced.

All activities listed in this Operational Plan will be reported to the Deputy Secretary, Environment and Marine Group, in DOE. In turn, he will regularly report on implementation progress to the Minister, Permanent Secretary and DOE Board. This will ensure strong oversight of implementation and continued momentum to achieve the aims of the Operational Plan.