



October 31st, 2024

Chairperson: Councillor P Catney

Vice-Chairperson: Councillor G Hynds

Aldermen: J Baird, O Gawith, A McIntyre, S Skillen, J Tinsley

Councillors: S Burns, A Gowan, P Kennedy, G McCleave, C McCready, M McKeever, R McLernon, N Parker

Ex Officio:

The Right Worshipful the Mayor, Councillor K Dickson

Deputy Mayor, Councillor R Carlin

Notice Of Meeting

A meeting of the Environment and Sustainability Committee will be held on **Wednesday, 6th November 2024** at **6:00 pm** for the transaction of the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

- (i) conflict of interest on any matter before the meeting (Members to confirm the specific item)
- (ii) pecuniary or non-pecuniary interest (Member to complete disclosure of interest form)

📎 *Disclosure of Interests form Sept 24.doc*

Page 1

3.0 Report by the Head of Service (Building Control and Sustainability)

- 3.1 Consultation – Department for the Economy (DfE) Consultation on the Design plans for roll-out of smart electricity meters.

For Decision

📎 *Item 3.1 BC - Consultation - Smart Meters (v2).pdf*

Page 3

4.0 Report by the Head of Service (Waste Management and Operational Services)

- 4.1 Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities

For Decision

📎 *Item 4.1 - Consultation - Sampling & reporting at materials facilities (v3).pdf*

Page 5

📎 *Appendix 1 W&OS Draft Response Consultation on legislation and a Code of Practice for Materials Facilities sites in NI (v2).pdf*

Page 7

5.0 Confidential Report from the Acting Director of Environmental Services

- 5.1 Environmental and Sustainability Charges Scheme – 2025/2026

For Decision

Confidential due to Information relating to the financial or business affairs of any particular person (including the Council holding that information).

📎 *Item1 Confidential - E&S Charges Scheme 2025 - 2026 (v5).pdf*

Not included

5.2 Out of Hours Dog Control Service

For Decision


Confidential due to Information relating to the financial or business affairs of any particular person (including the Council holding that information).

 **Item 2 confidential - Report - Out of Hours Dog Warden Service (v2) (1).pdf** **Not included**

5.3 Home Safety - Service Level Agreement and Council Contribution

For Decision

Confidential due to Information relating to the financial or business affairs of any particular person (including the Council holding that information).

 **Item 3 confidential - Report - Home Safety SLA (1).pdf** **Not included**

5.4 Residual Waste Disposal Update

For Decision

Confidential due to Information relating to the financial or business affairs of any particular person (including the Council holding that information).

 **Item 4 Confidential - Residual Waste Disposal Update (v5).pdf** **Not included**

6.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

1

MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary Interests

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council.

Pecuniary (or financial) interests are those where the decision to be taken could financially benefit or financially disadvantage either you or a member of your close family. A member of your close family is defined as at least your spouse, live-in partner, parent, child, brother, sister and the spouses of any of these. Members may wish to be more prudent by extending that list to include grandparents, uncles, aunts, nephews, nieces or even close friends.

This information will be recorded in a Statutory Register. On such matters **you must not speak or vote**. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, **you must withdraw from the meeting whilst that matter is being discussed**.

2. Private or Personal Non-Pecuniary Interests

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code).

Significant private or personal non-pecuniary (membership) interests are those which do not financially benefit or financially disadvantage you or a member of your close family directly, but nonetheless, so significant that could be considered as being likely to influence your decision.

Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and **you must withdraw from any Council meeting (including committee or sub-committee meetings) when this matter is being discussed**.

In respect of each of these, please complete the form below as necessary.

Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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*If you have any queries please contact David Burns, Chief Executive,
Lisburn & Castlereagh City Council*



Committee:	Environment & Sustainability
Date:	6 th November 2024
Report from:	Head of Service – Building Control & Sustainability

Item for:	Decision
Subject:	Consultation – Department for the Economy (DfE) Consultation on the Design plans for roll-out of smart electricity meters.

1.0	<u>Background and Description</u>
1.1	The purpose of this report is to bring to Elected Members attention the Department for the Economy (DfE) Consultation on the ‘Design plan for roll-out of smart electricity meters.’
1.2	The Department (DfE) consultation opened on 3 rd October 2024 and closes on 12 th December 2024.
1.3	Departments Consultation Description: <i>Smart meters were proposed as a tool in the Energy Strategy to provide customers with modern meters that give real time information and to help enable the development of an accessible and digitalised energy system where data provides value for consumers and a more efficient system operation.</i>
1.4	<p><i>The consultation paper proposes a Design Plan for the roll-out of smart electricity meters. This covers:</i></p> <ul style="list-style-type: none"> • <i>Roles and responsibilities;</i> • <i>Which organisations will have responsibility for procurement, deployment, data management systems, consumer protection and education; and</i> • <i>How consumers will pay for smart metering systems.</i>
1.5	<p>The Consultation documents are available on the Department’s website: Design plan for the roll-out of smart electricity meters Department for the Economy (economy-ni.gov.uk)</p>
1.6	Council Officers are currently consulting to draft a response for Elected Members to review and endorse at December Environment & Sustainability Committee. Should any Elected Members wish to have views included in the response, could they please forward these to HoS Building Control & Sustainability directly, in good time to allow preparation of the response.
1.7	As the closing date does not sit favourably with the Councils reporting cycles it is not possible for Council to ratify the Committees decision before the consultation closing date of 12 th December 2024.
1.8	It is therefore recommended that the November Council meeting delegates power to the December Environment & Sustainability Committee to approve and submit a response on behalf of Council before the closing date of 12 th December 2024.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that the November Council meeting delegates power to the December Environment & Sustainability Committee to approve and submit a response to the Department of the Economy in relation to the Consultation on the Design plan for roll-out of smart electricity meters on behalf of Council before the closing date of 12th December 2024.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>None for Council at this time. However the rollout of smart meters will likely have a collective, financial cost across consumers.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>Third party/ Central Government Legislation whos Impact Assessments can be found at Design plan for the roll-out of smart electricity meters Department for the Economy (economy-ni.gov.uk)</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>Third party/ Central Government Legislation whos Impact Assessments can be found at Design plan for the roll-out of smart electricity meters Department for the Economy (economy-ni.gov.uk)</p>	

Appendices:	None
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Committee:	Environment and Sustainability Committee
Date:	6 November 2024
Report from:	Head of Waste Management & Operations

Item for:	Decision
Subject:	Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities

1.0	<u>Background and Key Issues</u>
1.1	The Department of Agriculture, Environment and Rural Affairs (DAERA) published a consultation on a Proposed new Code of Practice on Sampling and Reporting at Materials Facilities, on 16 September 2024. The consultation includes the code, draft legislation, and suggested fees for a charging regime and sets out the requirement for sampling and reporting of waste materials received by Materials Facilities (MFs). After the consultation closes DAERA will analyse responses and feedback received and produce a finalised Code and lay legislative amendments.
1.2	Members were e-mailed details of the consultation and asked to forward any comments for inclusion to the Head of Waste Management & Operations. A draft response is attached at Appendix 1 W&OS for Members review. Given the closing date of 12 November 2024 the November Environment & Sustainability Committee was given delegated authority to approve the draft response for submission.
1.3	Many of the questions within the consultation document are more applicable to operators of MFs as they relate directly to specifics around the implementation of sampling requirements. The Council response focuses on issues that might directly impact Council. This includes concern regarding the potential for annual charges and costs associated with the required sampling regimes being passed down to local authorities as MF customers through increased gate fees and the negative impact this will have on council's already stretched budgets for managing waste and recycling. The response also asks for clarity on application of sampling requirements to facilities managing residual waste, kerbside sort and bring bank collected dry recyclables.
1.4	The proposed response indicates that Lisburn & Castlereagh City Council is very supportive of DAERA's decision to make facilities for the treatment of household waste where the authorisation holder is a council, such as Household Recycling Centres, out of scope. Clarity is however needed around such Council facilities and access to non-household users regarding these facilities being in or out of scope before making decisions around who can access these sites in future.
2.0	<u>Recommendation</u> It is recommended that Members approve the draft response to the 'Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities' as attached at Appendix 1 W&OS
3.0	<u>Finance and Resource Implications</u>
3.1	It is not possible at present to quantify the potential cost impact to Council. It is however likely that annual charges and costs associated with the required sampling regimes will be passed down to local authorities as MF customers through increased gate fees.

3.2	If proposals were to extend to residual waste 'dirty' MFs this would place greater obligations and therefore cost burdens on local councils in Northern Ireland than in other parts of Great Britain.	
3.3	While packaging producers should cover costs associated with the proportion of packaging materials processed through MFs (under packaging Extended Producer Responsibility - when implemented) this will not cover all costs as not all materials will be categorised as packaging.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a third party/ Central Government consultation. Their issued documents including any Impact Assessments can be found at Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities Department of Agriculture, Environment and Rural Affairs</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a third party/ Central Government consultation. Their issued documents including any Impact Assessments can be found at Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities Department of Agriculture, Environment and Rural Affairs</p>	

Appendices:	Appendix 1 W&OS - Draft Response to the Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities
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Appendix 1 W&OS: Draft Lisburn & Castlereagh Response to a Consultation on Proposed new Code of Practice on Sampling and Reporting at Materials Facilities

Question 1: What is the name of your business?

Lisburn & Castlereagh City Council

Question 2: What is your email address?

Noeleen.omalley@lisburncastlereagh.gov.uk

Question 3: Which of the following sectors best describes your organization?

<u>Options</u>	<u>Business Description</u>
1	Waste management business
2	Council
3	Charity
4	Business organisation
5	Political representative
6	Government department
7	Trade Association
8	Trade Union
9	NGOs
10	Individual
11	Other (if answered 'Other' please provide details)

Q4. Is the Code specifically (1. Introduction and Scope) clear about which sites must comply with the Code?

- a. Yes
- **b. No**

If you answered 'No', please provide details of anything that is unclear.

Lisburn & Castlereagh City Council is very supportive of DAERA's decision to make facilities for the treatment of household waste where the authorisation holder is a council, such as Household Recycling Centres, out of scope. However, proposals within the recent 'Rethinking Our Resources Consultation' included suggestions for the establishment of commercial waste bring sites and/or to increase access to HRCs for businesses, public bodies, and other organisations to encourage more recycling and better waste management. Council expressed concerns around these

proposals in the response to this consultation and as yet the Government response to the consultation is unavailable.

Were Council facilities to be made more accessible to non-household users' assurances would need to be given that these facilities would still remain out of scope. In fact, some HRC's already accept waste from businesses, all be it in small quantities therefore the definition of out of scope would need to be amended to reflect this. Councils need clarity on their position regarding such facilities being in or out of scope before making decisions around who can access such sites in future.

Section 1.5 (b) (ii) clearly excludes Household Waste Recycling Centres by linking to the Waste and Contaminated Land Order (NI) 1997 Section 25 (1)(b).

Section 1.7 of the Code also refers to facilities for the treatment of household waste where the authorisation holder is a council as not being in scope, and the example given is a Household Waste Recycling Centre (HWRC's). It is unclear where Bring Bank Sites situated outside of the HWRC's sit given all of the material collected may not come from households. The use of the word "treatment" could be open for debate.

The obligations in respect of sampling where a kerbside sort system is in place is also not clear. Furthermore, it is unclear if household and commercial waste materials are mixed but as a single waste stream, there would be additional obligations.

In Scotland it is noted the Code clearly sets out categories of Material Facilities and identifies the requirements of under the Code. All references to materials are based on "dry recyclable" waste and in turn that term is clearly defined. It is also noted that the guidance for England and Wales also provide a list of useful examples providing further supporting narrative to the requirements which clearly distinguish the requirement for dry recyclable waste as opposed to residual waste streams. i.e. "your facility solely undertakes the processing and sorting of residual waste. Where these activities are undertaken in part of your facility only, this part of the facility will not be considered a MF". This is thought to be very helpful. While a list is included in the Code it does not provide sufficient clarify with regards to residual waste.

In terms of the bulking arrangements, it is not sufficiently clear exactly what is required due to definitions.

The introduction of the annual fee and increased sampling requirements will likely see costs passed down to local authorities as MF customers through increased gate fees. This will have a negative impact on council's already stretched budgets for managing waste and recycling.

Q5. In the Code specifically (1. Introduction and Scope) are the requirements of a Materials Facility (MF) clear:

- a. Yes

- b. No

If you answered 'No', please provide details of anything that is unclear.

Council notes that as currently drafted it is unclear whether there is an intention for the requirements on MF's to include those extracting recyclates from residual waste. There may be an argument that the definition of "waste material" in the legislation excludes it by virtue of the fact that the material has not primarily been collected for the primary purpose of preparing for re-use or recycling, but it would be helpful to provide greater clarity within the definition.

5.2 We intend for reporting under this Code to begin from 1 April 2025 to help inform disposal cost calculations for packaging EPR. We would welcome MF operators' views on the likely implementation time.

While not a MF operator Council uses private sector MF capacity. We have existing contracts and would be concerned regarding the introduction of the need for reporting to such a tight timeframe

As the consultation is only closing in November 2024 is it feasible for responses to be analysed, a government response to be published which confirms reporting requirements and for these requirements to be fully implemented by MFs with very little notice?

We would also welcome clarity on the cost associated with additional sampling. While packaging producers should cover costs associated with the proportion of packaging materials processed through MFs under Extended Producer Responsibility this will not cover all costs as not all materials will be categorised as packaging.

Q6. When do you expect to be ready to comply with the Code?

- a. we are ready to comply now
- b. 1 October 2024 in line with the rest of the UK
- c. 1 January 2025
- d. 1 April 2025
- e. we are already in compliance with some of the requirements
- f. we are already in compliance with all of the requirements
- g. don't know

N/A we are not a MF operator. We do however have existing contracts with MF's and feel any implementation date needs to recognise potential contractual issues that may arise due to the implementation of new legislative requirements.

Questions on 2: Aims

Q7. Are you happy with the clarity of this section and the aims stated?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Questions on 3: Notification requirements / Facilities not in scope

Q8. Are you content with the clarity of this section?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

As with question 4 Lisburn & Castlereagh City Council is very supportive of DAERA's decision to make facilities for the treatment of household waste where the authorisation holder is a council, such as Household Recycling Centres, out of scope. However, proposals within the recent 'Rethinking Our Resources Consultation' included suggestions for the establishment of commercial waste bring sites and/or to increase access to HRCs for businesses, public bodies, and other organisations to encourage more recycling and better waste management. Council expressed concerns around these proposals in the response to this consultation and as yet the Government response to the consultation is unavailable.

Were Council facilities to be made more accessible to non-household users' assurances would need to be given that these facilities would still remain out of scope. In fact, some HRC's already accept waste from businesses, all be it in small quantities therefore the definition of out of scope would need to be amended to reflect this. Councils need clarity on their position regarding such facilities being in or out of scope before making decisions around who can access such sites in future.

The introduction of the annual fee and increased sampling requirements will likely see costs passed down to local authorities as MF customers through increased gate fees. This will have a negative impact on council's already stretched budgets for managing waste and recycling.

There is a lack of clarity in relation to dirty MRF's. As these are excluded in England, Wales and Scotland it is unclear why they would be included for NI. It is suggested that the Code and Legislation make it clear that these are excluded thereby ensuring parity with the other administrations.

Questions on 5: Reporting periods

Q9. Are you content with the reporting periods and that this section is clear?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Questions on 6: Sampling of input material

Q10: Does the Code clearly state input material sampling obligations?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Council notes that the definition of Supplier is linked to mixed waste whereas the definition for waste material refers to "separately collected (whether as a single kind of material or two or more kinds of material mixed together)". The obligation to undertake input sampling of source segregated material collected via kerbside sort schemes is therefore not clear.

There is also reference in 6.2 of the Code to "The exception to this is where that material is identified and kept apart to be transferred by the operator to another MF or person for the purpose of enabling it to be prepared for re-use or recycling." Does this therefore exclude single stream materials such as a number collected in kerbside sort systems?

Furthermore the benefits of sampling source segregated streams where materials are collected separately via kerbside sort are not clear. If the point of comparison for quality relates to outputs and marketability, then surely it is the quality of the outputs and the markets the materials are being sent to that should be the comparison for EPR purposes.

It also is not entirely clear what obligations there are on sampling input waste for materials captured through networks of bring bank facilities.

Q11: In this section it states one sample must be taken for every 75 tonnes of waste material received at the MF from each supplier every reporting year. Are you content with this?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Council does not operate a MF and therefore is not in a position to comment on the clarity of requirements on MF's as detailed in the Code. This question would be best answered by MF operators.

Questions on 7: Sampling of output material

Q12. Does the Code clearly state output material sampling obligations?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear.

Council notes that the definition of Specified Output Material states that it is material either produced from a separating process for mixed waste material or made up of one or more of materials from a specified list.

Again, this seems to rule out any measurement in relation to source segregated streams. However, it is not clear that this is the intent. Greater clarity is required.

For those streams that have been separately collected, have remained separate from other materials, but may have been bulked with more of the same material, it does not seem an effective use of resource to sample these outputs. Further consideration and engagement would be welcomed.

Questions on 8: Records

Q13. Is this section clear?

- a. Yes
- b. No

If you answered 'No', please provide details of anything that is unclear about the section.

Council does not operate a MF and therefore is not in a position to comment on the clarity of requirements on MF's as detailed in the Code. This question would be best answered by MF operators.

Q14. Would you have anything further to add to this section?

- a. Yes
- b. No

If you answered 'Yes, please provide details of anything that you would like to add in this section.

There is reference in 8.1e. (ii) to the requirement to report on where the output material goes to. Given the short timeframe for reporting i.e. one month after the reporting period, it is not clear if all of the output materials will have left the facility.

Questions on 9: Reports to NIEA

Q15. Are you content with this section?

- a. Yes
- b. No

If you answered 'No', please provide details of why you are not content.

Council does not operate a MF and therefore is not in a position to comment on the clarity of requirements on MF's as detailed in the Code. This question would be best answered by MF operators.

Council does however note that the timeline for reporting where the outputs are sent to looks short. Output materials may not immediately leave the site, and reports are due in within one month of the reporting period.

Q16. Would you have anything further to add to this section?

- a. Yes
- b. No

If you answered 'Yes, please provide details of anything that you would like to add in this section.

Questions on 10: Disclosure of information by NIEA, 11. Licensing and 12. Compliance

Q17. Are you content with these sections?

- a. Yes
- b. No

If you answered 'No', please provide details of why you are not content.

As per response to question 14, given the short timeframe for reporting i.e. one month after the reporting period, it is not clear if all of the output materials will have left the facility.

Questions on 13: Definitions used in the Code

Q18. Are all the definitions in this section clear?

- a. Yes
- b. No

If you answered 'No', please provide details of which definitions you consider unclear and why.

Due to the complexity and variation in packaging types, a clear definition should be provided for what is 'non-recyclable' and how this relates to other legislation. At present, some material streams may rely heavily or exclusively on export markets or the emergence of new technologies (such as Chemical Recycling) to be effectively recycled so while not technically 'non-recyclable' they may ultimately be sent for energy recovery or disposal due to the lack of markets, demands or excessively high costs associated with them actually being recycled.

The definition of Material Facility should be changed to ensure that it covers only dry materials thereby keeping it in line with the rest of GB.

There appear to be a number of definitions which create ambiguity when read across the various sections of the code. These include, but are not necessarily limited to:

Material Facility - If all local authority facilities are to be excluded, this should be explicit. Currently, the only reference appears to be in respect of Household Waste Recycling Centres. Clarity required if commercial waste is accepted does it change the obligations.

Supplier – e.g. the definition is based on them supplying mixed material but is then used in scenarios where the material is not necessarily mixed.

Waste Material – this should be tied to dry recyclables to bring it into line with GB.

Q19. Are you content with the definition of Materials Facility (MF):

- a. Yes
- b. No

If you answered 'No', please provide details of which definitions you consider unclear and why.

Further clarification is needed on the exemption of local authority Household Recycling Centre sites in relation to if acceptance of commercial waste at these facilities would affect if they were 'within scope'.

A recent query was raised with DAERA in relation to whether the code for NI was intended to cover dirty MRF's. The response confirmed that *"There is no definition for dirty MRFs in the code or in NI legislation. On that basis the code applies to sites*

that meet the MF definition, receive over 1,000 tonnes of waste material, and is not one of the facilities identified as not in scope.”

This would appear to make NI an outlier when compared against the requirements of the other jurisdictions in GB and would therefore place an extra burden on councils here. There should not be any disparity given that the aims of the various codes in relation to sampling and reporting at material facilities are the same. It is therefore suggested that the definitions should be brought into line by ensuring that it covers only facilities accepting and/or processing dry waste.

Q20. Are all terms in the document, for which a clear definition is necessary, given a definition in this section?

- a. Yes
- b. No

If you answered ‘No’, please specify which terms you would like to see defined in this section.

As previously referenced a clearer definition of ‘non-recyclable’ is required.

In line with the comments made in response to question 19, in addition to changing the definition for the Material Facility there are other associated definitions which should be changed.

To align with the other jurisdictions “Supplier” should be changed to reflect that it is mixed dry recyclable waste rather than just mixed waste material; and “Waste Material” should be changed to reflect that it means dry recyclable material and not just waste material.

In addition, “Non-Target Material” the definition would appear to benefit from the inclusion of the wording *at the Material Facility* at the end of the sentence. This would make it clearer that it is linked to the capabilities of the MRF.

Draft legislation

Q21. Do you wish to make any comments regarding this draft legislation?

Council does not believe that ‘Dirty MRF’s’ should be captured under the legislation and that this should be clear in the drafting.

In addition, the drafting in relation to the exemption of council facilities may benefit from being widened to state explicitly that they are exempt.

There appear to be the same issues with some of the definitions in the legislation as there are in the Code.

Charging Regime

Q22. The fees proposed for this new MF sampling regime are £3,000 a year for each site, do you think this is appropriate:

- a. Yes
- b. No

If you answered, 'no', please specify why this is not appropriate.

While Council recognises NIEAs intentions of covering costs for their inspection requirements associated with the new sampling regime it is reasonable to assume that increased costs at MFs will be passed onto users of these facilities, including local Councils. This will therefore lead to a situation where local Councils costs increase in order to reduce cost burdens to the central government regulator. While some costs may be covered by schemes such as the forthcoming producer responsibility for packaging, not all materials processed through MFs will be covered by extended producer responsibility programmes with Councils as the collector of waste left covering costs for greater regulation being brought in by Central Government.

Compliance

Q23. Do you already comply with the requirements set out in the proposed Code?

- a. Yes
- b. No

N/A As Council is not a MF operator.

Closing question

Q24. Do you wish to make any other comments on the document as a whole?

This legislation is intended to bring NI into line with the rest of GB however as the scope of the proposals appear to extend to Dirty MRF's, which are used extensively in NI to pre-treat material and create RDF/SRF, the provisions, if implemented in their current format, will place greater obligations and therefore cost burdens on local councils than in other parts of GB. We would welcome further stakeholder engagement on this matter before finalisation of the legislation and Code of Practise.

Greater clarity on the exclusion of Local Authority facilities is required as the definition links back to the Waste and Contaminated Land Order (NI) 1997, section

25(1)(b) which refers only to “the provision of places at which persons may deposit their household waste at all reasonable times free of charge and for the disposal of waste so deposited.” This would not cover other types of facilities that councils may have or intend to develop in the future e.g. transfer stations.

Clarity in the drafting on sampling obligations where dry recyclables are captured under kerbside sort schemes should be provided to avoid any ambiguity in terms of interpretation.