



## Belfast City Council

**Report to:** Health & Environmental Services Committee

**Subject:** **The Landfill Allowances Scheme (Amendment) Regulations 2008**

**Date:** 5th November, 2008

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### Relevant Background Information

The aim of the EC Landfill Directive is to harmonise landfill management and improve environmental controls within the European Community through the establishment of a series of targets and using 1995 as the base year for their calculation. The targets are binding and established specific limits for Member States on the amount of Biodegradable Municipal Waste (BMW) which they can send to landfill. The UK sought a four year derogation meaning the target years are 2009/10, 2012/13 and 2019/20. In 2003, the Government introduced the "*Waste Emissions Trading (WET) Act*" which allocated limits on the tonnage of BMW which councils could send to landfill per annum on a council-by-council basis in England and Wales through the establishment of the landfill allowance trading scheme (LATS). Should a council breach its allocation a civil financial penalty of £200 per tonne could apply for every tonne over a council's BMW "*allowance*" unless they could demonstrate they had used "*best endeavours*" to prevent this breach.

In 1 April 2005, the Northern Ireland Landfill Allowances Scheme (NILAS) Regulations were introduced using the same mechanism as established under the WET Act to translate the EC Landfill Directive targets into annual allowances for each council in Northern Ireland. The NILAS allowances are the local equivalent to LATS and through collaboration and the joint procurement of new waste treatment and disposal facilities the three waste management groups assist their constituent councils in meeting these NILAS targets.

Shortly after the Regulations were introduced, the NILAS Implementation Steering Group was established to maximise the possibility of Northern Ireland meeting the EC Landfill Directive targets. The group is a partnership between councils and central government and comprises of representatives from the waste management groups, officers from the Department of the Environment's (DOE) Planning & Environmental Policy Group and the NI Environment Agency.

As part of the Steering Group's work programme a review of NILAS was scheduled for completion by the end of the third year of NILAS operation. This was completed in April

2008 and considered the results arising from a recently completed waste compositional study for Northern Ireland, commissioned by the DOE in 2007. The study was developed to be comprehensive, representative and robust and included such factors as seasonality, population density and socio-economic variation. It concluded that the percentage of BMW within Northern Ireland MSW is 64%.

Currently, Regulation 12 of NILAS states that the percentage of BMW in MSW is 71% based on a waste compositional study completed in 2000. The results from the recent study suggest this figure does not reflect present circumstances and accordingly should be amended.

### **Key Issues**

The DOE proposes to revise the NILAS Regulations to amend the assumed proportion of BMW in MSW to 64% as the new figure more accurately reflects the waste composition of MSW in Northern Ireland. The DOE propose that this new percentage will come into effect on 1 April 2009.

This change will be helpful to the Council in meeting its targets and should be welcomed.

### **Resource Implications**

None

### **Recommendations**

The Committee is requested to note the report and confirm its support for the proposed changes to the Regulations.

### **Abbreviations**

BMW – Biodegradable Municipal Waste  
WET Act – Waste Emissions Trading Act  
NILAS – Northern Ireland Landfill Allowances Scheme  
DOE – Department of the Environment  
MSW – Municipal Solid Waste  
ACORN – A Classification of Residential Neighbourhoods

### **Documents Attached**

Summary of the Amendment to the Regulations