



Department of the
Environment

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ENVIRONMENTAL POLICY DIVISION

**CONSULTATION ON THE
INTRODUCTION OF
RESTRICTIONS ON THE
LANDFILLING OF FOOD
WASTE**

(Draft Food Waste Regulations (Northern
Ireland) 2013)

CLOSING DATE – 3rd December 2013

Issued: 10th September 2013

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Chapter 1 Executive Summary

This Department of the Environment (“the Department”) consultation includes proposals for restrictions on the landfilling of food waste and the associated draft legislation. It considers whether such restrictions would make an effective contribution towards meeting the key objectives of the soon to be published revised Waste Management Strategy in increasing resource efficiency and reducing greenhouse gas (GHG) emissions. As such, it is an important component in the broader drive to significantly reduce landfill and to drive the management of waste up the waste hierarchy towards waste prevention, re-use and recycling. It will also make a major contribution should the European Commission act on their intention to bring forward proposals to introduce a ban on all biodegradable waste being sent to landfill by 2025.

This consultation document sets out the policy drivers behind the Department's proposal to ban separately collected food waste from landfill and the evidence from recent research on the benefits of restricting food waste from landfill. It also details the contents of the proposed legislation and how it affects food businesses, councils, waste collectors/carriers and householders. This document also identifies some of the practical issues that would arise from restricting food waste from landfill such as the need for alternative waste management infrastructure, funding and enforcement.

This consultation document sets out questions on the key policy areas as a guide for stakeholders when considering their response. Responses are required by Tuesday 3rd December 2013.

Chapter 2 Introduction

2.1. Purpose of the consultation

The soon to be published Northern Ireland Waste Management Strategy “Delivering Resource Efficiency”, sets out the strategic direction for waste policy in Northern Ireland and proposes a number of actions relating to the introduction of regulatory measures. One such action was consultation on legislative proposals to introduce a restriction on landfilling food waste. This consultation honours that commitment and in particular covers regulatory measures to:

- require food waste producers to present food waste for separate collection;
- introduce an obligation on District Councils to provide receptacles for the separate collection of food waste from households;
- introduce a ban on the landfilling of separately collected food waste; and,
- introduce a ban on the non-domestic discharge of food waste into the public sewer network.

2.2. How to respond

The consultation paper can also be accessed at the following website address:

http://www.doeni.gov.uk/index/protect_the_environment/waste/landfill.htm

The closing date for responses is Tuesday 3rd December 2013. Please send your responses marked “Consultation on the Introduction of Restrictions on the Landfilling of Food Waste”:

By post to: Katie Devlin
 Environmental Policy Division
 Department of the Environment
 6th Floor Goodwood House
 44-58 May Street
 Town Parks
 Belfast
 BT1 4NN

By E-mail to: wslpr@doeni.gov.uk

By fax to: 028 9025 6079

Tel: 028 9025 4780

Textphone: 028 9054 0642

When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are representing an organisation please make it clear which organisation you represent, and, where applicable, how the views were assembled.

It would be helpful if you could record your views in the consultation response form which can be accessed at:

http://www.doeni.gov.uk/index/protect_the_environment/waste/landfill.htm

Further copies of the consultation paper may be obtained from the Department's website link above or from the named contact above. This consultation document can be made available in large print, disc, Braille or audiocassette and may also be made available in minority languages for those not proficient in English. Please contact us as above to discuss your requirements.

2.3. Publication of responses

In line with the Department's policy of openness, at the end of the consultation period copies of the responses received may be made available, upon request, from the Department. The Department will also publish a summary of responses received on its website (www.doeni.gov.uk) after the consultation process has ended. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations which provide guidance on the legal position concerning any information provided by you in response to this consultation.

If you do not consent to this, you must clearly request that your response is treated confidentially. Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. You should also be aware that there may be circumstances in which the Department will be required to communicate information to third parties on request, in order to

comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

2.4. Freedom of Information Act 2000

The Freedom of Information Act gives the public a right of access to any information held by a public authority; in this case, the Department. This right of access to information includes information provided in response to a consultation exercise. The Department cannot automatically consider as confidential information supplied to it in the course of a consultation exercise. However, the Department does have a responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential. This means that information provided by you in response to this consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature;
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office, or refer to their website:

<http://www.ico.gov.uk>

2.5. Comments or Complaints

Comments or complaints about the consultation process (as opposed to comments or complaints about the subject of this consultation) should be addressed to:

William Dukelow
Department of the Environment
6th Floor Goodwood House
44-58 May Street

Town Parks
Belfast
BT1 4NN

E-mail to: william.dukelow@doeni.gov.uk
Telephone: 028 90254809

2.6. Equality Issues

Under section 75 of the Northern Ireland Act public authorities have a statutory duty to promote equality of opportunity. We have completed an equality screening of the proposals contained in this consultation document and have concluded that they do not impact on equality of opportunity in respect of any of the groups specified in Section 75.

The Department's screening form for this consultation can be accessed at:

http://www.doeni.gov.uk/index/information/equality_unit.htm

The Equality Commission will receive copies of this consultation document as part of the consultation exercise and we will take into account any comments that the Commission may have.

2.7. Human Rights Issues

The Human Rights Act 1998 implements the European Convention on Human Rights. The 1998 Act makes it unlawful for any public authority to act in a way that is incompatible with these rights. We believe that the proposals contained in this consultation document are compatible with the Human Rights Act, but would welcome any views you may have.

The Human Rights Commission will receive copies of this consultation document as part of the consultation exercise and we will take into account any comments that the Commission might have.

2.8. Rural Proofing

It is Government policy that all government Departments and Agencies intending to introduce a new policy should subject it to rural proofing. The Department has considered the rural issues surrounding these proposals, to restrict the landfilling of food waste, in Chapter 6 of this consultation. A copy of the rural proofing form is attached as Appendix 1.

2.9. Regulatory Impact Assessment

A Northern Ireland partial Regulatory Impact Assessment on the proposals has been prepared and can be accessed at:

http://www.doeni.gov.uk/index/protect_the_environment/waste/landfill.htm

Chapter 3 Background and Context

3.1. Policy Direction

The soon to be published Northern Ireland Waste Management Strategy, 'Delivering Resource Efficiency' ('the Strategy'), has been developed in the context of relevant EU Environmental Directives and the current direction of EU policy towards life cycle thinking and a resource efficient Europe. The Strategy moves the emphasis of waste management from resource management towards resource efficiency. It has a renewed focus on waste prevention, preparing for re-use and recycling in accordance with the waste hierarchy set out in the Waste Framework Directive (2008/98/EC). Future EU policy is set to underpin the waste hierarchy through a revision of the Landfill Directive (1999/31/EC) and the stated intention of the European Commission to consider bringing forward proposals to introduce a ban on all biodegradable waste being sent to landfill by 2025.

Not all waste can be prevented, re-used or recycled, and some residual waste has value in the form of recoverable energy and other by-products. The Strategy therefore supports efficient energy recovery from residual waste in accordance with the waste hierarchy which can deliver environmental benefits, reduce carbon impacts and provide economic opportunities. It notes that thermal treatment facilities, including anaerobic digestion, provide energy from waste which can contribute to meeting our non-fossil fuel obligations and Government's policies on renewable energy. It is within this policy context that the Department is consulting on legislative proposals to introduce restrictions on the landfilling of food waste. This honours a commitment to consult on the issue in the Strategy.

The proposals are also seen as in pursuance of Articles 11(1)(re-use and recycling) and 22(bio-waste), and in accordance with Articles 4(waste hierarchy) and 13(protection of human health and the environment) of EU Directive 2008/98/EC on waste (the "Waste Framework Directive")¹. The requirements of the Waste Framework Directive have been transposed into NI legislation through the Waste Regulations (Northern Ireland) 2011².

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:en:PDF>

² <http://www.legislation.gov.uk/nisr/2011/127/made/data.pdf>

Why introduce a food waste landfill ban?

The EU Landfill Directive sets out criteria which control the types of wastes accepted at landfill primarily to protect the environment and human health. As a result, certain wastes such as tyres, gypsum waste, liquid waste and infectious clinical wastes are not permitted in landfill.

There are, though, wider benefits in terms of resource efficiency and carbon impact in restricting certain other wastes from landfill. Research, commissioned by government administrations across the UK, was carried out through the Waste and Resources Action Programme, (WRAP) in 2009/10 on the feasibility and practicalities of introducing landfill bans and restrictions. Their report³, issued in March 2010, concluded that there were significant net benefits to be derived from restricting food waste as well as other waste streams from landfill. Greater benefits were derived when upstream segregation was carried out. Appropriate lead-in-times were found to be critical to effective implementation and to derive maximum outcomes particularly given the need to develop appropriate infrastructure. In relation to food, the report found net benefits to society from a landfill ban on food waste i.e. where food is assumed to be diverted away from landfill into anaerobic digestion (AD) the estimated savings were 523kg CO₂ per tonne (2009-2024). Where it was diverted into composting estimated savings were 426kg CO₂ per tonne. An updated version of the report was published in November 2012⁴ and reflected changes to the modelling, and additional analysis. It was also felt appropriate to give consideration to the costs derived using the private cost metric (in addition to the social metric) given that it takes into account existing incentives to avoid landfilling, such as landfill tax. For food waste the updated report found that outcomes in terms of the cost to society varied depending on the technology chosen. Under the private cost metric, as with the analysis of benefits to society, it is sensitive to the choice of treatment (especially the use of biogas) and has the potential for either costs or savings. Based on the earlier research, the Department consulted in June 2010 on proposals for restricting the landfilling of certain biodegradable and recyclable wastes. It considered whether the introduction of such restrictions would make an effective contribution to meeting the key objectives of increasing resource efficiency and reducing greenhouse gas emissions. Respondents were broadly of the view that there was a case for a landfill restriction on all or most of the proposed waste types including food waste.

The separate collection of “dry recyclables” – waste paper, metal, plastic and glass under Article 11 of the EU Waste Framework Directive (2008/98/EC) will make a valued contribution in reducing the amount of waste going to landfill.

³ Landfill Bans: Feasibility Research by WRAP/Eunomia, March 2010

⁴ <http://www.wrap.org.uk/sites/files/wrap/Landfill%20Bans%20Feasibility%20Research%20Final%20Report%20Updated.pdf>

The EU Resource Efficiency Roadmap highlights the significant impact of the food and drink value chain in the EU, causing 17% of the direct GHG emissions and accounting for 28% of material resource use. On this basis the Roadmap contains a milestone of halving the disposal of edible food waste by 2020. A waste compositional analysis for NI carried out in 2008 estimated that 25.6% of all kerbside collected waste per household is organic catering (food) waste, equivalent to 206kt per annum. Reduced food waste can contribute to improving resource efficiency and food security at a global level, and would contribute to a reduction in GHG emissions resulting from its disposal in landfill.

Landfilling of biodegradable material leads to the generation of Methane (CH₄), a Greenhouse Gas that is around 25 times more potent than Carbon Dioxide (CO₂). The latest Northern Ireland Greenhouse Gas Inventory 1990-2011 (published 7 June 2013) states that the waste sector contributed 454kt CO₂e. The NI Executive's Programme for Government 2011-2015 has set an ambitious target of working towards a reduction in GHG emissions of at least 35% by 2025. The diversion of food waste from landfill will result in significant reductions in Carbon Impact.

The separate collection and subsequent restriction of food waste going to landfill will also support the recycling and composting industries through the potential for anaerobic digestion and in-vessel composting. Following these considerations, the Department proposes to introduce an obligation on district councils to provide receptacles for the separate collection of food waste from households; a requirement on all food waste producers to present such waste separately for collection and a ban on separately collected food waste being landfilled. It is also proposed to introduce a ban on the disposal of food waste into the public sewer network.

Similar proposals to those detailed in this consultation regarding food waste were introduced in Scotland in 2012. Ireland introduced regulations in 2010 targeted at food businesses and producers, further regulations came into effect in 2013 to extend the obligations to householders.

The Department will continue to review the potential to introduce further landfill restrictions over time in light of additional research and evidence and in line with the direction of future EU policy.

Where will the food waste go?

A large proportion of food waste arising is avoidable and can be reduced through raising awareness, education and behavioural change. WRAP's campaign, Love Food Hate Waste, has helped highlight the amount of food which is wasted and how food waste can be reduced⁵. The Department's Rethink Waste campaign, launched in March 2010, seeks to effect a cultural shift towards waste prevention and resource efficiency and improved environmental quality in Northern Ireland. It is envisaged that the separate collection of food waste will emphasise this and further reduce waste arisings.

However, not all food waste is avoidable and ensuring that food waste is reprocessed in a sustainable and economically viable method is important, not just for the environment but for the economy also. There are a variety of options for processing food waste which has been source segregated and separately collected. The two main methods currently used in Northern Ireland are in-vessel composting (IVC) and anaerobic digestion (AD).

Household food wastes and other food wastes that could contain meat/fish/dairy materials need to be composted in compliance with the Animal By-Products Regulations⁶. This is to ensure that farm or wild animals have no access to the untreated material, and also that any animal pathogens are killed. Household food waste that does not contain meat/fish/dairy materials (whether mixed with garden waste or on its own) may be composted by open-air windrow composting, which is a lower cost technology than both IVC and AD.

Compost derived from both open windrow and IVC have a variety of end-uses including as a soil improver / conditioner in agricultural, horticultural, land restoration and landscaping applications.

In-vessel composting (IVC)

IVC is a natural biological process which takes place in a series of long concrete vessels known as tunnels. After waste has been mechanically sorted, the resulting fine material is transferred to a tunnel. The tunnel is then sealed at both ends and has a perforated floor allowing warm air, driven by fans, to circulate. Over the next two to three weeks, this warm air helps to compost the material, releasing carbon dioxide and water vapour. The final product is a stable compost-like material which should meet the standards described in Publically Available Specification 100 (BSI PAS 100) for

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[http://www.wrap.org.uk/sites/files/wrap/New%20estimates%20for%20household%20food%20and%20drink%20waste%20in%20the%20UK%20FINAL%20v2%20\(updated%207thAugust2012\).pdf](http://www.wrap.org.uk/sites/files/wrap/New%20estimates%20for%20household%20food%20and%20drink%20waste%20in%20the%20UK%20FINAL%20v2%20(updated%207thAugust2012).pdf)

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0001:0033:EN:PDF>
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:054:0001:0254:EN:PDF>
<http://www.legislation.gov.uk/nisr/2011/124/made/data.pdf>

composted materials. Compost that meets this standard will be regarded as recycled and will contribute towards Northern Ireland's target to recycle 50% of household waste by 2020, and the proposed target to recycle 60% of Local Authority Collected Municipal Waste (LACMW) by 2020. Furthermore, additional benefits to industry and the green economy can be brought about if the composting process also complies with the requirements of the Quality Protocol for Compost⁷. This means that the compost is certified as a quality product and its onward sale and use may be carried out without the application of waste management controls, which results in significant cost savings.

Anaerobic digestion (AD)

Unlike composting, AD is carried out in an oxygen-free (anaerobic) environment. The feedstocks ferment (are digested by bacteria) in this environment to produce biogas. Biogas production is one of the requirements for compliance with Publicly Available Specification 110 (BSI PAS 110) for anaerobic digestion. The biogas can be used as a fuel and the digestate can be used as a fertilizer and soil improver / conditioner in agriculture, horticulture, forestry etc. There are reported benefits of using "bio-fertilisers" compared with chemical fertilisers. These include reducing the need for raw mineral extraction for chemical fertiliser manufacture and improved bioavailability of nutrients, which results in more efficient plant uptake and therefore less run-off of residual nutrients into water bodies. Anaerobic digestion has the ability to treat wetter organic waste streams than composting, so it is particularly suited to industrial feedstocks and municipal food wastes. As with compost processing, there are economic benefits should AD operators comply with the requirements of the Quality Protocol for AD, principally associated with the removal of waste management controls and their associated costs, from the onward application and use of digestates.

In summary, food waste to AD can contribute to:

- Meeting Northern Ireland's waste recycling targets;
- Meeting the 2020 Landfill Directive target for biodegradable waste;
- Achieving the renewable energy and renewable heat targets set out in the Climate Change Act 2008;
- Improving the sustainability of food production through the use of biofertilisers in place of chemical fertilisers.

⁷http://www.doeni.gov.uk/niea/index/aboutniea/better_regulation/waste_quality_protocols.htm

It is envisaged that a landfill restriction on food waste will give greater certainty to those seeking to develop a collection and reprocessing infrastructure. This is supported by research from WRAP, Landfill Bans: Feasibility Research⁸ which asserts that there are a number of would be investors willing to invest in AD, however the certainty of supply of feedstock remains a major issue for project developers outside the municipal waste contracting area. It suggests that this seems unlikely to be overcome on a widespread basis until the policy framework drives the segregation of food waste, both at the household level and the commercial level. It contends that a properly enforced policy of this nature should give greater confidence to developers and their financial backers that there is a viable market prospect, creating new opportunities for economic growth and jobs in the organics market.

3.2. The draft statutory rule

The proposed Food Waste Regulations (Northern Ireland) 2013 amend the:

- Waste and Contaminated Land (Northern Ireland) Order 1997
- Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013
- Landfill Regulations (Northern Ireland) 2003
- Waste Management Licensing Regulations (Northern Ireland) 2003

A draft of the statutory rule is contained as Appendix 2.

3.3. Summary of proposed regulatory measures

The Department proposes regulations to require:

1. **Separate collection of food waste.** Food waste is targeted due to the environmental benefits of managing biowastes separately. Source segregation is a crucial component of a successful recycling and recovery strategy because it enables the quality of the material to be maintained. Making separate collection a statutory duty aims to maximise the quality of food waste available for reprocessing. Consultees are asked to note specifically that different requirements will apply to household waste collected by district councils. More details are in Chapters 5 and 6.

⁸<http://www.wrap.org.uk/sites/files/wrap/Landfill%20Bans%20Feasibility%20Research%20Final%20Report%20Updated.pdf>

2. **A ban on mixing separately collected food waste.** Once food waste has been segregated, it must be managed in a way which does not compromise its quality. The proposed Regulations would give the Department statutory powers to ensure that separately collected food waste is not mixed with other wastes or materials in such a way as to hinder its recovery potential. More details are in Chapter 7.
3. **A ban on landfilling separately collected food waste.** This supports the upstream separate collection measures taken to maximise levels of food waste recovery by banning such waste from landfill when it is separately collected. Further details are in Chapter 8.
4. **A ban on the non-domestic discharge of food waste into the public sewer network.** In effect this will mean that the non-domestic use of food waste disposal units (macerators) and food waste digesters will not be permitted where the 'treated' food waste is discharged into the public sewer network, either directly or indirectly. The key drivers are to ensure that the resource value of food waste is realised and in response to the impact the material has on the sewer network. More details are in Chapter 9.

3.4. Commencement dates for the proposed regulatory measures

The introduction of these measures will require appropriate lead-in times to enable district councils and the waste management industry to make the necessary adjustments to their practices and for an alternative waste management infrastructure to develop.

The Department proposes the following commencement dates:

1 April 2015 – Bans

Ban on landfilling separately collected food waste

Ban on mixing separately collected food waste

1 April 2016 – separate collection

Businesses (medium/large producers*) – present food waste for collection

District Councils – complete roll-out of food waste collection

1 April 2017 – Separate collection/ban

Businesses (small producers**) – present food waste for collection
Hospitals – present food waste for collection
 Ban on the non domestic discharge of food waste into the public sewer network.

* Businesses, involved in food production, food retail or food preparation, that produce 50 kilograms or more of food waste a week.

**Businesses, involved in food production, food retail or food preparation, that produce 5 kilograms or more and less than 50 kilograms of food waste a week.

Figure 1 sets out the proposed timeline in diagram form.

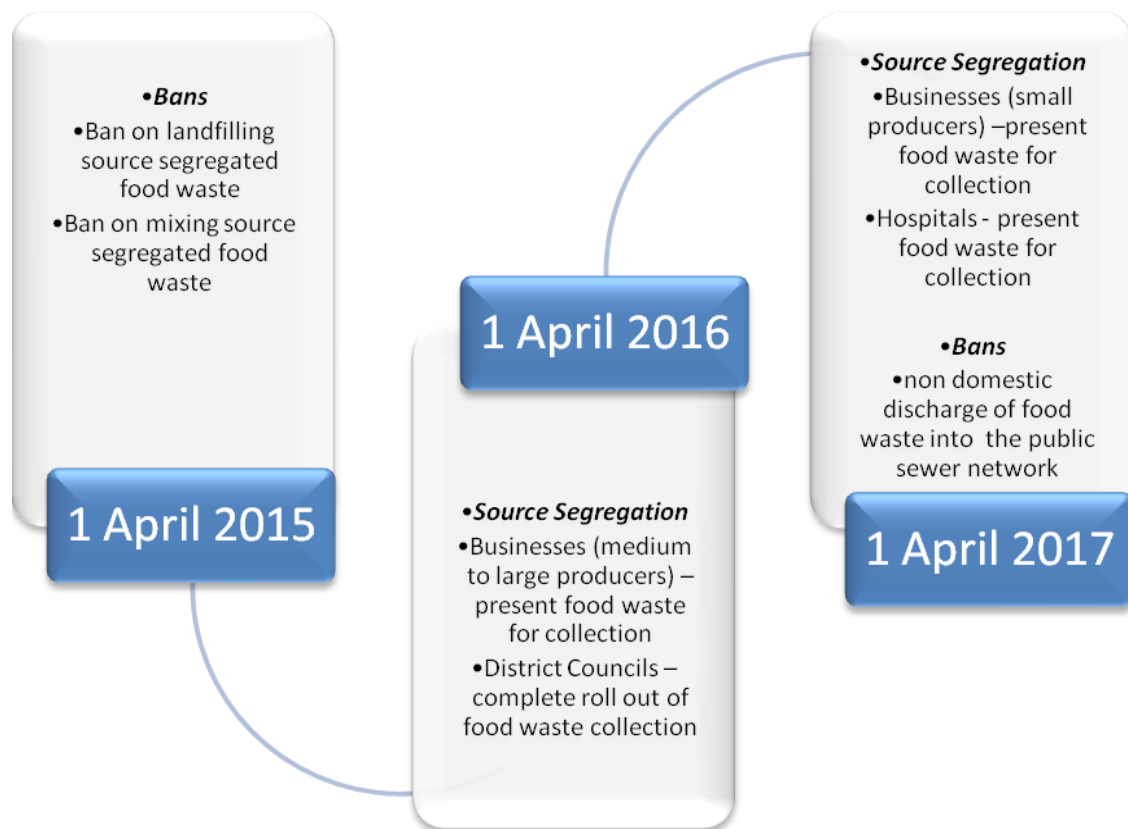


Figure 1: Timeline for introducing regulatory measures

3.5. Consultation question

Q1: Are the suggested commencement dates for the proposed regulatory measures appropriate?

Chapter 4 Consultation Questions (Summary)

Commencement Dates

Q1. Are the suggested commencement dates for the proposed regulatory measures appropriate?

Separate Collection of Food Waste

Q2: Do you agree with the proposals regarding the statutory requirements for food producers to present food waste separately for collection?

Q3: Do you support the phased introduction of the regulations based on the quantity of food waste businesses produce?

Household waste collected by district councils

Q4: Do you have any views on the proposed duty on district councils to provide a receptacle to householders for the separate collection of food waste?

Q5: Do you support the Department's proposals to allow a co-mingled collection, only where they can be demonstrated to deliver equivalent or better environmental outcomes?

Q6: Do you agree with the incorporation of TEEP (technically, economically, and environmentally practicable) in the legislation as an appropriate mechanism to deal with potential exemptions?

Ban on mixing separately collected food waste

Q7: Do you have any comments on the proposed ban on mixing separately collected food waste with other wastes after collection?

Landfill ban - Separately collected food waste

Q8: Do you agree with banning separately collected food waste from landfill?

The discharge of food waste into the public sewer network

Q9: Do you support the proposed ban on the non-domestic discharge of food waste into the public sewer network?

Q10: Does the proposed commencement date of the ban allow sufficient time for businesses to make alternative arrangements for the management of food waste?

Other Issues

Q11: Do you agree that the proposed landfill restriction on food waste will give added impetus to the development of alternative collection and reprocessing infrastructure?

Q12: Do you have any particular views as to how the proposals should be appropriately enforced?

Q13: Do you have any comments on the Other Issues raised?

Q14: Do you have any other comments to make on the proposals in this consultation?

Q15: Do you have any comments to make on the associated regulatory impact assessment?

Chapter 5 Separate Collection of Food Waste

5.1. What is proposed?

It is proposed to introduce a statutory requirement on all food waste producers (other than householders) to present food waste for collection separately from all other wastes. It is targeted specifically on those food businesses involved in food production, food retail or food preparation. An extended Duty of Care will require the presentation of food waste separately for collection. A “food business” is defined in the draft Regulations.

The requirement to present food waste separately for collection will not apply to premises where no food is produced on, prepared on or sold from that premises and the requirement will only apply where a food waste collection service is available.

The legislative amendments will be supported by a revised Duty of Care Code of Practice made under Article 5 (Duty of care, etc, as respects waste) of the Waste and Contaminated Land (Northern Ireland) Order 1997.

5.2. What do the regulations say?

Regulation 2 of the draft Food Waste Regulations (Northern Ireland) 2013 makes the following amendment to Article 5 (Duty of care, etc, as respects waste) of the Waste and Contaminated (Northern Ireland) Order 1997.

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997⁽¹⁾ is amended as follows.

(2) In Article 2(2) (General interpretation), in the appropriate alphabetical order insert—

““bio-waste” means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

“food waste” means controlled waste that was at any time food intended for human consumption (even if of no nutritional value), and includes biodegradable waste produced as consequence of the processing or preparation of food, but does not include drink.”.

(3) In Article 5⁽²⁾ (Duty of care, etc., as respects waste)—

(a) in paragraph (1) after sub-paragraph (aa) insert—

“(ab) to prevent any contravention by any other person of paragraph (2A), (2B), (2E) or (2F).”.

(b) after paragraph (2A) insert—

“(2B) It shall, from 1st April 2016, be the duty of any person who controls or manages a food business that produces controlled waste to take all such measures available as are reasonable in the circumstances to secure the separate collection of food waste produced by the business.

(2C) The duty in paragraph (2B) does not apply to food waste—

- (a) produced by a business that produces less than 5 kilograms of food waste a week;
- (b) that includes catering waste that originates from means of transport operating internationally;
- (c) produced in the period beginning on 1st April 2016 and ending on 31st March 2017—
 - (i) by a hospital (as defined in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972^(m)); or
 - (ii) by a business that produces 5 kilograms or more, and less than 50 kilograms of food waste a week.

(2D) The duty in paragraph (2B) is deemed to be satisfied where food waste is mixed with other bio-waste to the extent that the mixed waste is presented for collection in a manner that ensures that the amount of food waste collected is not significantly less than would be the case were the wastes not mixed.

(2E) It shall be the duty of any person who transports controlled waste to collect and transport separately from other waste any waste presented for collection—

- (a) in accordance with paragraph (2B);
- (b) in a receptacle provided in accordance with Article 20A(2).

(2F) It shall, from 1st April 2017, be the duty of any person who produces food waste (other than an occupier of a domestic property as respects the household waste produced on the property) to ensure that food waste is not deposited in a lateral drain or public sewer, or in a drain or sewer that connects to a lateral drain or public sewer.”.

(c) in paragraph (7), for “the duty imposed by paragraph (1)” substitute “a duty imposed by paragraphs (1), (2B), (2E) or (2F)”;

(d) in paragraph (8)—

- (i) after “fails” insert “without reasonable excuse”; and
- (ii) after “(2A)” insert “(2B), (2E) or (2F)”;

(e) in paragraph (9), for “duty imposed on them by paragraph (1)” substitute “duty imposed on them by paragraphs (1), (2B), (2E) or (2F)”.

(f) after paragraph (13), insert—

“(14) In this Article—

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council;

“catering waste” means all waste food, including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens;

“drain”, “lateral drain”, “public sewer” and “sewer” have the same meanings as in Article 2 of the Water and Sewerage Services (Northern Ireland) Order 2006⁽ⁿ⁾;

“food business” means an undertaking, whether for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food;

“separate collection of food waste” means that food waste is presented for collection, and collected in a manner that ensures that food waste is kept separate from other waste.”

5.3. Who does the new Duty apply to?

The Duty to present food waste for separate collection specifically applies to all businesses involved in food production, food preparation or food retailing that produces at least 5 kilograms of food waste per week. This includes food manufacturers, canteens, kitchens, schools, restaurants, supermarkets, shops, offices, factories and hospitals.

The requirement to present food separately for collection will not apply to premises where no food is produced on, prepared on or sold from.

The Duty also applies to waste carriers who collect source segregated food waste. Waste collectors must ensure that the efforts made by producers to source segregate food waste are not undermined once the material has been collected and transported.

5.4. What do waste producers have to do?

Under these proposals waste producers have a new statutory duty to present food waste for collection separately from all other wastes if carrying on an activity consisting of food production, food retail or food preparation.

In order to comply with this duty it will be necessary to have a separate, dedicated container for the collection of food waste.

5.5. What must waste collectors/carriers do?

Under these proposals waste carriers have a new statutory duty to provide a suitable collection service to their customers and to collect and carry source segregated food waste separately from other wastes.

It is the duty of a waste carrier to collect and carry separately the listed food waste where it has been presented for separate collection by the producer. In addition, waste carriers have a duty to ensure that source segregated food waste is not contaminated by other wastes whilst in their possession.

A breach of the Duty of Care may result in enforcement action being taken. In addition to the penalties under the Waste and Contaminated Land (Northern Ireland) Order 1997 carriers could also lose their registration to carry waste.

5.6. How will this new Duty be timed?

It is important to ensure that waste producers have sufficient time to make preparatory arrangements in advance of the requirement to present food waste separately for collection. Therefore, in recognition of the practicable challenges that food waste collection presents to some businesses, it is proposed to phase the introduction of separate collection of food waste to create a longer lead in time for businesses producing smaller amounts of food waste. It is equally important to ensure that the infrastructure will be in place to deal with separate collection and recovery of this food waste.

For all medium to large food waste producers (businesses that produce 50 kilograms or more of food waste a week – a 120 litre bin will hold around 60kg of food waste) it is proposed that the date for separate food waste collection be 1 April 2016. For small food waste producers (businesses that produce 5 kilograms or more and less than 50 kilograms of food waste a week) it is proposed that the requirement be one year later, from 1 April 2017.

With respect to the health sector, the Department is aware of the need to ensure that the collection and movement of waste does not impact on measures or practices in place to control the spread of infection. To this end, for hospitals it is proposed that the date for separate food waste collection be 1 April 2017.

5.7. Are there any exemptions?

There are two proposed exemptions from the duty to present food waste for separate collection.

- Food businesses producing less than 5 kilograms per week

There is a proposed de-minimus threshold for food businesses that produce only a very small quantity of food waste. Businesses which produce less than 5 kilograms per week are exempt from the duty to present that food waste for separate collection. 5kg is roughly equivalent to a full domestic kitchen caddy.

- Food waste that has arisen from international transport

International catering waste is a Category 1 Animal By-product and therefore requires specialist management. As such, it does not fall within the scope of this duty.

5.8. What will happen to the food waste after collection?

To further complement efforts to source segregate and separately collect, waste managers will be prohibited from mixing separately collected food waste with other waste streams at a transfer station. Furthermore it is proposed to ban separately collected food waste from landfill.

5.9. How will the food waste be recorded?

It is proposed to place an obligation on waste holders and transporters to record on a waste transfer note if the waste includes any food waste or other waste (paper, metal, plastic or glass) which had been separately collected.

5.10. What will the Regulations say?

The draft Food Waste Regulations will make the following amendments to the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (“the 2002 Regulations”) when the draft Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 (“the 2013 Regulations”) are made (expected September 2013). The 2013 Regulations will make amendments relevant to the 2002 Regulations.

“Amendment of the Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002

6 – (1) The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 are amended as follows.

(2) In regulation 2 (Transfer notes) –

(a) at the end of sub-paragraph (2)(a)(v), omit “and”;

(b) substitute sub-paragraph (2)(a)(vi) with –

“(vi) state whether the waste consists of or includes waste of any of the types listed or referred to in Article 5(2B) of the 1997 Order or regulations 18 or 19 of the Waste Regulations (Northern Ireland) 2011 which was presented for separate collection by the waste producer in accordance with those provisions; and”

(c) insert after sub-paragraph (2)(a)(vi) –

“(vii) the destination of the waste upon transfer;”.

Consultation questions

Q2: Do you agree with the proposals regarding the statutory requirements for food producers to present food waste separately for collection?

Q3: Do you support the phased introduction of the regulations based on the quantity of food waste businesses produce?

Chapter 6 Household Waste Collected by District Councils

6.1. What is proposed?

The Duty of Care (as described in the previous chapter) applies in only a limited sense to individual householders. District councils are responsible for the collection and management of household waste under Article 20 of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”). A different regulatory mechanism is therefore proposed for households. This consultation sets out proposals for introducing food waste collection services to households.

The proposed Regulations amend and extend Article 20 of the 1997 Order to require district councils to take all technically, environmentally and economically practicable (TEEP) measures to provide the occupier of every domestic property in its area with a receptacle for the separate collection of food waste. Guidance on separate collection and the application of what is known as TEEP in relation to separate collection (including food waste) is being considered by the Department.

The Strategy makes it clear that the focus of municipal waste policy has moved towards maximising levels of high quality recycling. Levels of high quality recycling can be maximised through separation and collection systems which keep materials free from contamination. This will require a step change for some district councils and behavioural change from the householders being provided with the service.

6.2. What do the regulations say?

Regulation 2 of the draft Food Waste Regulations (Northern Ireland) 2013 makes the following amendments and insertion to Article 20 of the 1997 Order.

(4) In Article 20 (Collection of controlled waste)—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a), omit “and”; and

(ii) after sub-paragraph (b), insert—

“; and

(c) if requested by the occupier of premises in its district to collect any food waste from the premises presented for collection in accordance with Article 5(2B), to arrange for the collection of the waste.”;

(b) after paragraph (1), insert—

“(1A) In sub-paragraph (1)(c), the reference to “food waste” does not include waste from an occupier of a domestic property as respects the household waste produced on the property.”.

(5) After Article 20 insert—

“Separate collection of food waste

20A.—(1) This Article applies when a district council is making an arrangement in accordance with Article 20(1)(a).

(2) A district council must, from 1st April 2016, arrange for there to be provided to the occupier of every domestic property in its area—

(a) a receptacle which enables the separate collection of food waste from the property;
or

(b) where a district council is satisfied that the amount of food waste that will be collected is not significantly less than would be collected in a receptacle provided under paragraph (a), a receptacle which enables the occupier to present food waste and other bio-waste for collection.

(3) A district council may not arrange for a receptacle to be provided under paragraph (2) if the district council considers that the separate collection of food waste from the property would not be technically, environmentally or economically practicable.

(4) A district council shall, from 1st April 2015, take such steps as the council considers reasonable to promote separate collection of food waste (including the making of arrangements for the provision of a food waste receptacle).

(5) In this Article—

“domestic property” means a building or self-contained part of a building which is used wholly for the purposes of living accommodation;

“receptacle” has the same meaning as in Article 21(10).”.

6.3. What does this mean for householders?

Householders will be provided with a separate receptacle for food waste collection and will be encouraged to utilise this service through increased education and awareness. This initiative will enable householders to contribute to the objectives contained in the Strategy .

18 district councils are currently offering a food waste collection service to householders in some capacity with varying rates of participation, depending on the type of collection scheme offered. The majority of food waste is collected co-mingled with organic waste, only 3 district councils offer a separate food waste collection service to some of their householders. This

duty will build upon the services already offered and proposes all householders will be able to avail of this service by 1 April 2016.

6.4. Can food waste be collected with any other waste?

Evidence suggests that the design of the collection system, and the way in which food waste is collected, will influence the amount of material captured. WRAP's separate food waste collection trials programme⁹ and a report¹⁰ of mixed food and garden waste collection schemes commissioned by them, in 2010, supports the view that separate weekly collection of food waste typically delivers the highest yields, the best environmental outcomes and is likely to be less expensive than systems collecting food and garden waste together on the same frequency. Weekly kerbside collections were also found to perform better than less frequent collections. This is mainly down to the fact that when food waste is collected and managed separately it allows garden waste to be treated using lower cost methods such as windrow composting. It is likely that as the costs of residual waste management increase over time, the benefits of separate food waste collections will also increase making it the more financially and environmentally attractive option.

The Department's preference is therefore for separate collection of food waste from households, businesses and other premises e.g. schools, hospitals. Wherever possible, food waste collected separately should be treated in PAS 110 compliant Anaerobic Digestion (AD) facilities because of the environmental and economic benefits described in section 3.3.

In some circumstances, for instance where there is access to a dry AD facility, where there is existing in-vessel-composting infrastructure and/or where a weekly garden waste collection service is available, a co-mingled bio-waste (food and garden waste) collection may provide a similar environmental outcome to separate food waste collection.

For these reasons, it is proposed to allow co-mingled biowaste (garden and food) collection services where they can be demonstrated to deliver equivalent or better environmental outcomes to a separate food waste collection service. Key to achieving an equivalent outcome is achieving similar yields for food waste.

As appropriate, further guidance may be issued to ensure that district councils apply common principles when determining their preferred approach to rolling out a food waste collection service.

⁹http://www.wrap.org.uk/sites/files/wrap/Evaluation_of_the_WRAP_FW_Collection_Trials_Update_June_2009.pdf

¹⁰http://www.wrap.org.uk/sites/files/wrap/Food_Garden_Waste_Report_Final.pdf

6.5. Will there be a rural exemption?

In response to the recent consultation on the revised Northern Ireland Waste Management Strategy “Delivering Resource Efficiency” respondents asked the Department to explore the option of a rural exemption for district councils in providing a separate food waste collection for householders. Furthermore the Waste Strategy Task Group, established by the Waste Programme Board, prepared and submitted a report for the Board in September 2012, recommending in relation to the proposed landfill restriction on food waste that only householders in ‘urban populations’, as defined by NISRA’s Towns and villages classification, be provided with a food waste collection service.

The Department has explored the potential for including the provision of a rural exemption based on the categories contained in NISRA’s 2005 Report of the Inter-Departmental Urban-Rural Definition Group¹¹. Under this classification if the food waste landfill restriction were only to apply to settlements with populations of 1000 people or more within classifications A-G, as defined by NISRA, approximately 30% of the population would be exempt. Furthermore, based on the 2001 census figures if the food waste landfill restriction were only to include settlements with a population of 50 people or more, over 20% of the population would still be exempt. A 2011 report by the Office of National Statistics¹² suggests population growth since 2001 has been highest in rural areas (band H) and other rural settlement bands, which would suggest the percentage of the population living in rural areas would be greater now.

These figures are for households and do not take into consideration businesses. There is no data available on how many and the scale of the businesses that would be affected by a rural exemption and therefore the percentage of food waste that would be exempt if a rural exemption was applied.

Scotland has included a rural exemption in their Waste (Scotland) Regulations 2012, based on the Scottish Government’s 6-Fold Urban/Rural Classification 2009-2010¹³. This classification scheme divides geographic areas of Scotland into 6 classes based on population density and travel times between urban areas.

For the purposes of Scotland’s zero waste policies, rural areas which are exempt from the policy are defined as:

¹¹ http://www.ninis.nisra.gov.uk/mapxtreme_towns/Reports/ur_report.pdf

¹² <http://www.palgrave-journals.com/rt/journal/v43/n1/pdf/rt20112a.pdf>

¹³ <http://www.scotland.gov.uk/Resource/0039/00399487.pdf>

- Remote Small Towns (Settlements of between 3,000 and 10,000 people and with a drive time of over 30 minutes to a Settlement of 10,000 or more).
- Accessible Rural Areas (Areas with a population of less than 3,000 people and within a 30 minute drive time of a Settlement of 10,000 or more.)
- Remote Rural Areas (Areas with a population of less than 3,000 people and with a drive time of over 30 minutes to a Settlement of 10,000 or more.)

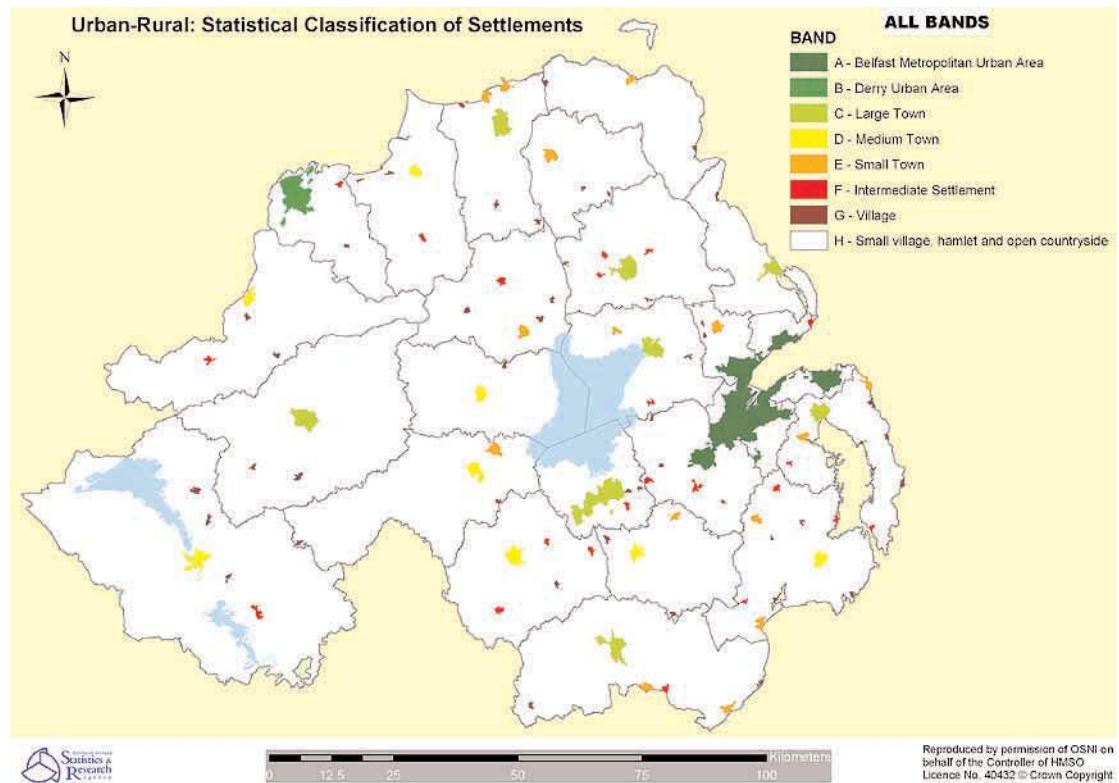
Under this methodology only 16% of Scottish households will be exempt from being provided with a separate food waste collection service.

Scotland's topography, with its highlands, islands and large remote areas, is different to that of Northern Ireland, and therefore, the Scottish model for urban/rural classification was not considered an appropriate model for Northern Ireland. In addition to this Scotland face environmental and economical issues in transporting the food waste considerable distances to the infrastructure, which outweigh any potential gains to be made from recycling the food waste. This does not apply in Northern Ireland as rural and more remote areas will still be relatively close to the infrastructure in comparison to Scotland.

After considering the option of including a rural exemption in detail, the Department has concluded that it would not be appropriate. The fundamental aim of this policy is to encourage the source segregation and separate collection of food waste and to realise the maximum value of this resource to deliver upon the objectives in the soon to be published Waste Management Strategy.

The map below, taken from NISRA's 2005 Report of the Inter-Departmental Urban-Rural Definition Group¹⁴, demonstrates the population of Northern Ireland is more evenly distributed than is the case in Scotland, where it is concentrated in the Central Belt. In Northern Ireland very few households would be more than 30 minutes travelling time to a medium or large town. On this basis the Department does not believe it is justifiable to exempt 20-30% of the population from these proposals.

¹⁴ http://www.ninis.nisra.gov.uk/mapxtreme_towns/Reports/ur_report.pdf



Statistical Classification and Delineation of Settlements - February 2005

The Department does however acknowledge the difficulties that may arise in providing this service to some of the more isolated dwellings, and therefore, the district council may not provide a receptacle, for the separate collection of food waste to a householder, where the council considers the separate collection of food waste from the property would not be technically, economically and environmentally practicable. It is envisaged that this exemption will need to be applied only in rare circumstances.

6.6. What will happen to the food waste after collection?

There will be no differentiation between food waste from households and commercial/industrial food waste after collection. Once separately collected, all food waste, regardless of its origin, must not be contaminated. Waste managers will be prohibited from mixing separately collected food waste with other waste streams and it is proposed separately collected food waste be banned from landfill.

6.7. Consultation questions

Q4: Do you have any views on the proposed duty on district councils to provide a receptacle to householders for the separate collection of food waste?

Q5: Do you support the Department's proposals to allow a co-mingled collection, only where they can be demonstrated to deliver equivalent or better environmental outcomes?

Q6: Do you agree with the incorporation of TEEP (technically, economically, and environmentally practicable) in the legislation as an appropriate mechanism to deal with potential exemptions?

Chapter 7 **Ban on Mixing Separately Collected Food Waste**

7.1. What is proposed?

It is important that separately collected food waste is not contaminated after efforts have been made to both segregate at source and to collect and transport it separately from other waste.

The proposed regulatory provisions mean that any Pollution Prevention and Control (PPC) permit or waste management licence for waste management will include condition(s) to prohibit the mixing of separately collected food waste and other waste where such mixing would hinder future recycling. This ensures that efforts put into source separation are not undermined later by poor management.

7.2. What do the regulations say?

Regulation 3 of the draft Food Waste Regulations (Northern Ireland) 2013 makes the following amendments to the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.

Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

3.—(1) The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁽²⁾ are amended as follows.

(2) In regulation 2(1) in the appropriate alphabetical order insert—

“separately collected food waste” means food waste which is presented for collection, and collected in a manner that ensures that food waste is kept separate from other waste.”.

(3) After regulation 13(10) insert—

“(11) A permit granted or varied on or after 1st April 2015 for an activity described in Chapter 5 of Part 1 of Schedule 1, or in Section 6.8 of Chapter 6 of that Part, shall contain any condition the enforcing authority considers necessary to ensure that no separately collected food waste is mixed with any other waste or any material, to the extent that mixing would hamper further recycling.”.

Regulation 5 of the draft Food Waste Regulations (Northern Ireland) 2013 makes the following amendments to the Waste Management Licensing Regulations (Northern Ireland) 2003.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

5.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003(b) are amended as follows.

(2) After regulation 11B insert—

“Conditions of waste management licences: separately collected wastes

11C. The Department shall ensure that any waste management licence granted or varied on or after 1st April 2015 authorising the storage or treatment (or both) of waste contains such conditions as it considers necessary to ensure that no waste collected and transported in accordance with Article 5(2E) of the Waste and Contaminated Land (Northern Ireland) Order 1997 is mixed with any other waste or any material, to the extent that mixing would hamper further recycling.”.

(3) In regulation 17 (exemptions from waste management licensing), after paragraph (4) insert—

“(4A) In the case of an exempt activity involving the storage, treatment, recovery or disposal of waste by a person at a site other than the place at which the waste was produced, paragraph (1) only applies if that person ensures that no waste collected and transported in accordance with Article 5(2E) of the Waste and Contaminated Land (Northern Ireland) Order 1997 is mixed with any other waste or any material to the extent that mixing would hamper further recycling.”.

7.3. What does this mean for permit/licence holders?

Waste managers will be required to ensure that separately collected food waste is kept separate from other waste streams once unloaded at a transfer station or any other waste management facility.

7.4. Consultation question

Q7: Do you have any comments on the proposed ban on mixing separately collected food waste with other wastes after collection?

Chapter 8 Landfill Ban – Separately Collected Food Waste

8.1. What is proposed?

This consultation proposes the introduction of a landfill ban on separately collected food waste from 1 April 2015.

The landfill bans research referenced in Chapter 3, paragraph 3.2 indicated that banning recyclable materials (including food waste) from landfill is most effective when accompanied by a “requirement to sort”. This food waste landfill ban therefore supports the upstream requirements (outlined in previous chapters) and is complementary to these requirements.

8.2. What do the regulations say?

Regulation 4 of the draft Food Waste Regulations (Northern Ireland) 2013 makes the following amendments to the Landfill Regulations (Northern Ireland) 2003.

Amendment of the Landfill Regulations (Northern Ireland) 2003

4.—(1) The Landfill Regulations (Northern Ireland) 2003(a) are amended as follows.

(2) In regulation 9 (prohibition of acceptance of certain wastes at landfills)—

- (a) in paragraph (1)(g) for “criteria; and” substitute “criteria;”;
- (b) in paragraph (1)(h) for “recycling.” substitute “recycling); and”;
- (c) after paragraph (1)(h) insert—

“(i) as from 1st April 2015, waste which has been collected and transported in accordance with Article 5(2E) of the Waste and Contaminated Land (Northern Ireland) Order 1997.”.

8.3. What food waste is banned?

The proposed landfill ban will apply to separately collected food waste.

This proposed landfill ban does not mean that food waste must be removed from mixed/unsorted waste prior to disposal in landfill sites. Unsorted wastes arriving at landfill sites are still likely to contain some food waste. The ban only applies to food waste which has already been separately collected, either as part of the new Duty of Care or by householders using the service provided by their district council.

It is envisaged that mandatory separate collection for businesses combined with the household food waste collection services provided by district councils, supported by education and enforcement will, over time, remove food waste from the unsorted waste stream.

8.4. What does this mean for landfill operators?

Landfills are regulated by a permitting/ system under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013. Landfill permits will be amended to include permit conditions making it an offence for landfill operators to accept separately collected food waste for disposal at their landfill sites.

8.5. How will this ban be timed?

It is proposed to ban separately collected food waste from landfill with effect from 1 April 2015.

8.6. Consultation question

Q8: Do you agree with banning separately collected food waste from landfill?

Chapter 9 The Discharge of Food Waste into the Public Sewer Network

9.1. What is proposed?

This consultation proposes the introduction of a ban on the non-domestic discharge of food waste, directly or indirectly, into the public sewer network. In effect this will mean that the non-domestic use of food waste disposal units (macerators) and food waste digesters, will not be permitted where the ‘treated’ food is discharged, directly or indirectly, into the public sewer network.

It is the disposal of food waste into the public sewer network that will potentially be banned, not the use of macerators themselves. Businesses can still continue to use these devices so long as the macerated outputs are discharged into a holding tank for subsequent collection and treatment. The use of dewaterers will still be permitted.

9.2. What do the regulations say?

Regulation 2(3)(b) of the draft Food Waste Regulations (Northern Ireland) 2013 makes the following insertion to Article 5 (Duty of Care, etc, as respects waste) of the Waste and Contaminated Land (Northern Ireland) Order 1997.

(2F) It shall, from 1st April 2017, be the duty of any person who produces food waste (other than an occupier of a domestic property as respects the household waste produced on the property) to ensure that food waste is not deposited in a lateral drain or public sewer, or in a drain or sewer that connects to a lateral drain or public sewer.”

(f) after paragraph (13), insert—

“(14) In this Article—

“drain”, “lateral drain”, “public sewer” and “sewer” have the same meanings as in Article 2 of the Water and Sewerage Services (Northern Ireland) Order 2006^(viii);

9.3. Why is this ban necessary?

The rationale for proposing this ban is two-fold: (i) to ensure the value of this important resource is realised and (ii) in response to the detrimental effect food waste is having on the sewer network. Many countries throughout Europe have already introduced, or plan to introduce, restrictions on the use of food macerators, including Ireland, Austria, and the Netherlands.

Article 4 of the revised Waste Framework Directive (WFD) requires the waste hierarchy to be applied as a priority order in waste management legislation

and policy. Food waste is a valuable resource and a ban on the use of macerators and other similar devices will ensure that food waste is managed in compliance with the WFD, and its full resource value can be realised through in-vessel composting, anaerobic digestion or other means of recycling.

NI Water strongly advise against the use of macerators, citing the disposal of macerated food into the sewer network and the associated build up of fat, oil, grease and other debris, as the cause of reduced flow capacity, blockages, rodent infestation and an increased risk of flooding.

The Northern Ireland Environment Agency (NIEA), regularly investigates water pollution incidents caused by blockages in the sewer network as a direct result of build up of fat deposits and additions of food waste into the sewer. NIEA advise that these blockages cause a reduction in the amount of sewage that passes through for treatment and also cause discharges through overflows into watercourses, threatening water quality and aquatic life and causing environmental pollution.

9.4. How will this ban be timed?

It is proposed that the ban on the non-domestic discharge of food waste into the public sewer network will take effect from 1 April 2017.

The Department is aware that a number of businesses currently use waste disposal units (macerators) and food waste digesters to dispose of their food waste. This proposed timescale is designed to provide a sufficient lead in time to allow businesses, particularly small businesses that currently use a food waste disposal unit, to make alternative arrangements.

9.5. Consultation questions

Q9: Do you support the proposed ban on the non-domestic discharge of food waste into the public sewer network?

Q10: Does the proposed commencement date of the ban, allow sufficient time for businesses to make alternative arrangements for the management of food waste?

Chapter 10 Other Issues

10.1. Waste infrastructure and supporting energy policies

Future plans for waste infrastructure in Northern Ireland need to be flexible enough to adapt to changing feedstock over time. As more waste is recycled, we need to understand how to adapt to recover the best value from what is left, while delivering the best environmental outcomes.

Innovation and the appropriate use of new technologies need to be encouraged where they provide that flexibility. There is scope for the further development of alternative technologies including anaerobic digestion (AD) and in-vessel composting (IVC). There has been a sharp increase in the number of planning applications for AD facilities in the past 3 years. The Department welcomes the contribution that renewable projects, including AD, make to the reduction of carbon emissions and acknowledges the importance of processing these applications in a consistent and timely manner. The Department is fully supportive of renewable energy and believes firmly in the contribution that renewables make to the economy.

The proposed phased introduction of the Regulations aim to ensure that the industry is given time to respond to the increasing levels of feedstock and plan for the appropriate level of infrastructure to be in place to process this feedstock in a sustainable manner.

It is envisaged that the introduction of a landfill ban on separately collected food waste will create confidence within the industry and indeed the lending sector. Together with the provision of Quality Protocols and a risk based approach to regulation, this should enable the market to expand to meet the processing requirements.

The Department will continue to maintain close liaison with, for example, DARD and with NI Water so that any opportunities for utilising feedstock from the municipal waste stream in AD or IVC facilities within other sectors can be exploited.

10.2. Support for Anaerobic Digestion and In-vessel Composting

The development of AD facilities is eligible for financial support under the Renewable Heat Incentive and Northern Ireland Renewables Obligation (NIRO). Since 2005, the NIRO has been successful in stimulating increased levels of renewable electricity. Under the system, AD operators are eligible for 4 Renewable Obligation Certificates (ROCs) per MWh for installations up to

500kW capacity and 3 ROCs per MWh for installations between 500kW and 5MW capacity. Installations over 5MW capacity are eligible for 2 ROCs per MWh, reducing to 1.9 ROCs for stations accrediting in 2015/16 and 1.8 ROCs for stations accrediting in 2016/17. A review is currently underway which will consider if ROC levels for stations up to 5MW capacity should be amended in 2015 to take account of changes to technology costs since the enhanced ROC levels were introduced in 2011.

In November 2012, DETI launched the Northern Ireland Renewable Heat Incentive (RHI) which provides long term financial support for those generating heat from a range of renewable technologies. The Northern Ireland RHI tariff for bio-methane production and biogas combustion under 200kWth (including from AD) is currently 3.1p per KWh and will be available for the lifetime of the technology, to a maximum of 20 years. AD systems accredited under the NIRO are however not eligible to avail of the RHI as well.

10.3. Financial support - Rethink Waste

The Rethink Waste Fund was implemented in April 2010 to provide grants for projects aimed primarily at diverting municipal and household waste from landfill, and increasing recycling rates. The Rethink Waste Fund provides for Capital and Revenue grant funds. Both grant funds are administered by WRAP (Waste and Resources Action Programme) on behalf of the Department. Grants under the Rethink Waste Revenue Fund are currently open to Community and Voluntary Groups, the private sector, Councils and the three Waste Management Groups. Grants under the Rethink Waste Capital Fund are open to Councils and the three Waste Management Groups only. The Fund provides funding to initiatives which boost waste prevention and recycling in order to meet EU targets. Food waste has been identified as a priority waste stream and funding has been provided to roll-out household food waste recycling in a number of council areas. In 2011 the Northern Ireland Executive gave a commitment to continue to support effective waste management by local government and provide funding for the Rethink Waste Capital Fund over the period 2011 to 2015 totalling £9.3million – up to £4million available over the next two years.

The Department is looking positively at ways to increase the scope within the current Rethink Waste Fund to assist Councils/businesses with regard to the source segregation/separate collection of food waste.

Role of Waste and Resources Action Programme (WRAP)

Tackling food waste is a major topic within the WRAP NI programme and they have commissioned research to update the assessment of food waste arising, prevention measures and behaviours for households and out of the home. A UK-wide report will be published later this year and the Department will be provided with relevant findings. WRAP also provide advice to Councils and businesses on the source segregation and separate collection of food waste.

Research by WRAP indicates that if avoidable food waste was prevented and unavoidable food waste diverted to anaerobic digestion (AD), the potential savings to industry would be more than £720 million a year.

Voluntary Agreements

The establishment and implementation of voluntary agreements is becoming increasingly important in ensuring the best use of resources. The Courtauld Commitment, first launched in 2005, is aimed at improving resource efficiency and reducing the carbon and wider environmental impact of the grocery retail sector. It is delivered UK-wide through WRAP which works in partnership with leading retailers, brand owners, manufacturers and suppliers.

Phase 3 of the agreement was launched in May 2013 and will run for 3 years from 2013 to 2015, with targets measured against a 2012 baseline. It places further emphasis on the reduction of weight and carbon impact of grocery product and packaging waste.

The targets for phase 3 are:

- To reduce household food and drink waste by 5% by 2015 from a 2012 baseline. Taking into account external influences, this target represents a reduction of 9% relative to anticipated changes in food and drink sales.
- To reduce traditional grocery ingredient, product and packaging waste in the grocery supply chain by 3% by 2015, from a 2012 baseline. Taking into account external influences, this target represents a reduction of 8% relative to anticipated production and sales volumes.
- To improve packaging design through the supply chain to maximise recycled content as appropriate, improve recyclability and deliver product protection to reduce food waste, while ensuring there is no increase in the carbon impact of packaging by 2015, from a 2012 baseline. Taking into account external influences, this target represents a carbon reduction of 3% relative to anticipated sales volumes.

A voluntary agreement involving many of the leading companies from the UK Hospitality and Food sector was launched in June 2012. The agreement aims to cut food and associated packaging waste by 5% and to increase the overall rate of food and packaging waste that is being recycled, sent to AD or composted to 70% by the end of 2015. Within Northern Ireland there are two local signatories and four supporters. The intent is to attract 13 signatories from Northern Ireland businesses. The Department is committed to continuing support and provide WRAP with the resources to attract NI businesses to sign-up to the agreement.

10.4. Communication and Education

Presenting reliable and understandable information to the public on the importance of segregating their food waste will be a key aspect to supporting the behavioural changes needed.

The Rethink Waste campaign, launched in March 2010, seeks to effect a cultural shift towards waste prevention, resource efficiency and improved environmental quality in Northern Ireland. It also aims to raise awareness of the simple steps that people can take to reduce the amount of waste sent to landfill and improve our environment for future generations. The campaign has activities and elements to promote the brand and the 3 “Rs” (Reduce, Reuse, Recycle), and includes opportunities to reach members of the target audiences, including businesses, community and voluntary sector, local communities and the education sector.

The current Rethink Waste Communications Action Plan includes public relations activity, advertising and opportunities for key stakeholders to get involved and will run until late 2013. Several food related initiatives has been taken forward as part of this Action Plan –

- Cookery demonstrations

‘Love Food, Hate Waste’ Cookery Demonstrations were started in November 2010 and were aimed at engaging with the public and helping them to reduce food waste. The demonstration package offered the opportunity for partnership working with Councils and have been widely covered in local media.

- Composting demonstrations

These demonstrations are incorporated in local Council-led events throughout the year. The composting demonstrations assist in promoting home composting and thus diverting organic waste from landfill. They include a visual display of household items suitable for composting,

information on how to get started, details of what not to compost and an interactive session.

In addition two websites have been established, the main site, www.rethinkwasteni.org and a dedicated food waste prevention site, www.lovefoodhatewasteni.org.

A Rethink Waste advertising campaign commenced in January 2011 to raise awareness and understanding of waste prevention and recycling issues and give the audience tangible, practical tips for action in support of being responsible and playing their part in cutting down the amount of waste we produce.

Although the Department will retain strategic oversight of education and communication, it will consider the most appropriate way of delivering future campaigns and communication plans, including the promotion of the source segregation and separate collection of food waste, from the autumn of 2013. Any communications campaign will have a particular focus on preventing food waste and continue to support the Love Food Hate Waste campaign.

10.5. Enforcement

The power to enforce Article 5 (Duty of care, etc., as respects waste) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (“the 1997 Order”) rests with the Department (Northern Ireland Environment Agency (NIEA)) under Article 72 (powers of enforcing authority) of the 1997 Order.

Section 5 (Councils to enforce Articles 4 and 5 of the 1997 Order) of the Waste and Contaminated Land (Amendment) Act (NI) 2011 (“the 2011 Act”) gives district councils the same enforcement powers as the Department in relation to breaches of Article 4 and **Article 5** of the 1997 Order by amending Article 72 of the 1997 Order. However the provisions in the 2011 Act have not yet been brought into force and is closely linked to agreement being reached between the Department and district councils on a fly-tipping protocol. This is currently being developed by the Department and district councils.

The Department is exploring with Councils through the Chief Environmental Health Officers Group, the feasibility of Environmental Health Officers (EHOs) playing a part in the enforcement of a number of the policy proposals. These mainly concern the proposed duty on food producers to present food waste for separate collection and the ban on the non-domestic use of food waste disposal units where the waste is discharged into the drain or sewer network.

Discussions with NIEA and district councils on their specific role(s), to ensure proportionate and targeted enforcement, will be undertaken in the coming months.

10.6. Consultation questions

Q11: Do you agree that the proposed landfill restriction on food waste will give added impetus to the development of alternative collection and reprocessing infrastructure?

Q12: Do you have any particular views as to how the proposals should be appropriately enforced?

Q13: Do you have any comments on the Other Issues raised?

Q14: Do you have any other comments to make on the proposals in this consultation?

Q15: Do you have any comments to make on the associated regulatory impact assessment?

RURAL PROOFING

Rural proofing is a process to identify the potential direct or indirect impact a new or revised policy may have on a rural area. An assessment is made of those impacts, if they are likely to be significant and, where necessary, consequent adjustments are made to that policy, to ensure that the policy meets the needs of rural areas.

| Policy Stage | Draft Food Waste Regulations (Northern Ireland) 2013 |
|----------------------|--|
| <p>Design</p> | <p>The aim of this policy is to prevent food waste going to landfill, by encouraging the source segregation and separate collection of food waste and subsequent banning of separately collected food waste from landfill. The proposed policy will ensure the maximum value of this resource is realised and help deliver against the objectives contained in the soon to be published Waste Management Strategy ‘Delivering Resource Efficiency’ (‘the Strategy’), to increase resource efficiency and decrease greenhouse gas emissions.</p> <p>The proposed Draft Food Waste Regulations (Northern Ireland) 2013:</p> <ul style="list-style-type: none"> • Require food waste producers to present food waste for separate collection; • Introduce an obligation on district councils to provide receptacles for the separate collection of food waste from households; • Introduce a ban on mixing separately collected food waste; • Introduce a ban on the landfilling of separately collected food waste; • Introduce a ban on the non-domestic discharge of food waste into the public sewer network (the key drivers are to ensure that the resource value of food waste be |

| | |
|------------------------|---|
| | <p>realised and in response to the detrimental impact the material has on the sewer network).</p> <p>The application of this policy does not propose to make any differentiation between urban and rural areas. If a rural exemption were to be applied to this policy, rural householders would not be entitled to a food waste collection service in the same way as urban householders. There is currently no inclusion of a rural exemption for the provision of a municipal household waste collection service to householders. It is envisaged that the same practicalities, in terms of accessibility, will be encountered in providing a food waste collection service to rural areas as there may be in providing a municipal waste collection service.</p> |
| <p>Evidence</p> | <p>Stakeholders have asked the Department to explore the option of a rural exemption for district councils in providing a separate food waste collection for householders.</p> <p>The Department has explored the potential for including the provision of a rural exemption based on the categories contained in NISRA's 2005 Report of the Inter-Departmental Urban-Rural Definition Group¹⁵. Under this classification if the food waste landfill restriction were only to apply to settlements with populations of 1000 people or more within classifications A-G, as defined by NISRA, approx 30% of the population would be exempt. Furthermore based on the 2001 census figures if the food waste landfill restriction were only to include settlements with a population of 50 people or more, over 20% of the population would still be exempt. A 2011 report by the Office of National Statistics¹⁶ suggests population growth since 2001 has been highest in rural areas (band H) and other rural settlement bands, which would suggest the percentage of the population</p> |

¹⁵ http://www.ninis.nisra.gov.uk/mapxtreme_towns/Reports/ur_report.pdf

¹⁶ <http://www.palgrave-journals.com/rt/journal/v43/n1/pdf/rt20112a.pdf>

living in rural areas would be greater now.

These figures are for households and do not take into consideration businesses. There is no data available on how many and the scale of the businesses that would be affected by a rural exemption and therefore the percentage of food waste that would be exempt if a rural exemption was applied.

Scotland has included a rural exemption in their Waste (Scotland) Regulations 2012, based on the Scottish Government's 6-Fold Urban/Rural Classification 2009-201017. This classification scheme divides geographic areas of Scotland into 6 classes based on population density and travel times between urban areas.

For the purposes of Scotland's zero waste policies, rural areas which are exempt from the policy are defined as:

- Remote Small Towns (Settlements of between 3,000 and 10,000 people and with a drive time of over 30 minutes to a Settlement of 10,000 or more).
- Accessible Rural Areas (Areas with a population of less than 3,000 people and within a 30 minute drive time of a Settlement of 10,000 or more.)
- Remote Rural Areas (Areas with a population of less than 3,000 people and with a drive time of over 30 minutes to a Settlement of 10,000 or more.)

Under this methodology only 16% of Scottish households will be exempt from being provided with a separate food waste collection service.

Scotland's topography, with its highlands, islands and large remote areas, is different to that of Northern Ireland, and therefore, the Scottish model for urban/rural classification was not considered an appropriate model for Northern Ireland. In addition to this Scotland face environmental and economical issues in transporting the food waste considerable distances to the infrastructure, which outweigh any potential gains to be made from recycling the food waste. This does not apply in

¹⁷ <http://www.scotland.gov.uk/Resource/0039/00399487.pdf>

| | |
|--------------------------------------|--|
| | <p>Northern Ireland as rural and more remote areas will still be relatively close to the infrastructure. in comparison to Scotland. The population of Northern Ireland is also more evenly distributed than is the case in Scotland, where it is concentrated in the Central Belt,, therefore in Northern Ireland very few households would be more than 30 minutes travelling time to a medium or large town.</p> <p>Based on this evidence the Department does not believe it is justifiable to exempt 20-30% of the population from these proposals and therefore is not proposing to include a rural exemption for the provision of a food waste collection service to householders.</p> <p>The Department does however acknowledge the difficulties that may arise in providing this service to some of the more isolated dwellings, and therefore the following design feature will be included in the regulations: “A district council may not arrange for a receptacle to be provided under paragraph (2) if the district council considers that the separate collection of food waste from the property would not be technically, environmentally or economically practicable.”</p> <p>Although it is envisaged that this exception will need to be applied only in rare circumstances, nevertheless, it is recognised that the application of TEEP may mean that households in the most isolated rural areas, and perhaps the most congested urban areas, may not be provided with a food waste collection service.</p> <p>The Department would welcome any comments. The final Rural Proofing will incorporate the views of stakeholders.</p> |
| <p>Consulting</p> | |
| <p>Monitoring and Outcome</p> | |

DRAFT June 2013

Draft Regulations laid before the Assembly under Article 4(7) of the Environment (Northern Ireland) Order 2002 for approval

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 000

ENVIRONMENTAL PROTECTION

The Food Waste Regulations (Northern Ireland) 2013

Made - - - - 2013
Coming into operation - 2013

The Department of the Environment having been designated⁽¹⁸⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁹⁾ in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste and in relation to the environment and acting in exercise of that power and of the powers conferred by Article 4 of the Environment (Northern Ireland) Order 2002⁽²⁰⁾ and in accordance with Article 4(4) of that Order having consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate; such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate; and such other bodies or persons as it considers appropriate, makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Waste Regulations (Northern Ireland) 2013 and shall come into operation on [2014].

(2) The Interpretation Act (Northern Ireland) 1954⁽²¹⁾ shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Waste and Contaminated Land (Northern Ireland) Order 1997

2.—(1) The Waste and Contaminated Land (Northern Ireland) Order 1997⁽²²⁾ is amended as follows.

(2) In Article 2(2) (General interpretation), in the appropriate alphabetical order insert—

⁽¹⁸⁾ S.I.1992/2870 and S.I.2008/301

⁽¹⁹⁾ 1972 c.68

⁽²⁰⁾ S.I.2002/3153 (N.I. 7)

⁽²¹⁾ 1954 c.33 (N.I.)

⁽²²⁾ S.I. 1997/2778 (N.I. 19) as relevantly amended by paragraph 12 of Schedule 11 to the Pollution Prevention and Control Regulations (Northern Ireland) 2003 (S.R.2003/46), by regulation 3 of the Controlled Waste (Duty of Care) (Amendment) Regulations (Northern Ireland) 2004 (S.R.2004/277), by paragraphs 2(2), (4), (5), (6) and (7) of the Waste Management Regulations (Northern Ireland) 2006 (S.R.2006/280), by paragraph 39(1) of Schedule 12 to the Water and Sewerage Services (Northern Ireland) Order 2006 (S.R.2006/3336 (N.I.21)) and by S.R.2011/127.

““bio-waste” means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

“food waste” means controlled waste that was at any time food intended for human consumption (even if of no nutritional value), and includes biodegradable waste produced as consequence of the processing or preparation of food, but does not include drink.”.

(3) In Article 5⁽²³⁾ (Duty of care, etc., as respects waste)—

(a) in paragraph (1) after sub-paragraph (aa) insert—

“(ab) to prevent any contravention by any other person of paragraph (2A), (2B), (2E) or (2F).”.

(b) after paragraph (2A) insert—

“(2B) It shall, from 1st April 2016, be the duty of any person who controls or manages a food business that produces controlled waste to take all such measures available as are reasonable in the circumstances to secure the separate collection of food waste produced by the business.

(2C) The duty in paragraph (2B) does not apply to food waste—

(a) produced by a business that produces less than 5 kilograms of food waste a week;

(b) that includes catering waste that originates from means of transport operating internationally;

(c) produced in the period beginning on 1st April 2016 and ending on 31st March 2017—

(i) by a hospital (as defined in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972⁽²⁴⁾); or

(ii) by a business that produces 5 kilograms or more, and less than 50 kilograms of food waste a week.

(2D) The duty in paragraph (2B) is deemed to be satisfied where food waste is mixed with other bio-waste to the extent that the mixed waste is presented for collection in a manner that ensures that the amount of food waste collected is not significantly less than would be the case were the wastes not mixed.

(2E) It shall be the duty of any person who transports controlled waste to collect and transport separately from other waste any waste presented for collection—

(a) in accordance with paragraph (2B);

(b) in a receptacle provided in accordance with Article 20A(2).

(2F) It shall, from 1st April 2017, be the duty of any person who produces food waste (other than an occupier of a domestic property as respects the household waste produced on the property) to ensure that food waste is not deposited in a lateral drain or public sewer, or in a drain or sewer that connects to a lateral drain or public sewer.”.

(c) in paragraph (7), for “the duty imposed by paragraph (1)” substitute “a duty imposed by paragraphs (1), (2B), (2E) or (2F)”;

(d) in paragraph (8)—

(i) after “fails” insert “without reasonable excuse”; and

(ii) after “(2A)” insert “(2B), (2E) or (2F)”;

(e) in paragraph (9), for “duty imposed on them by paragraph (1)” substitute “duty imposed on them by paragraphs (1), (2B), (2E) or (2F)”.

(f) after paragraph (13), insert—

⁽²³⁾ Article 5 as relevantly amended by S.R.2003/46, S.R.2006/280 and S.R.2011/127.
⁽²⁴⁾ 1972/1265 (N.I.14)

“(14) In this Article—

“business” includes the undertaking of a canteen, club, school, hospital or institution, whether carried on for profit or not, and any undertaking or activity carried on by a district council;

“catering waste” means all waste food, including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens;

“drain”, “lateral drain”, “public sewer” and “sewer” have the same meanings as in Article 2 of the Water and Sewerage Services (Northern Ireland) Order 2006⁽²⁵⁾;

“food business” means an undertaking, whether for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food;

“separate collection of food waste” means that food waste is presented for collection, and collected in a manner that ensures that food waste is kept separate from other waste.”.

(4) In Article 20 (Collection of controlled waste)—

(a) in paragraph (1)—

(i) at the end of sub-paragraph (a), omit “and”; and

(ii) after sub-paragraph (b), insert—

“; and

(c) if requested by the occupier of premises in its district to collect any food waste from the premises presented for collection in accordance with Article 5(2B), to arrange for the collection of the waste.”;

(b) after paragraph (1), insert—

“(1A) In sub-paragraph (1)(c), the reference to “food waste” does not include waste from an occupier of a domestic property as respects the household waste produced on the property.”.

(5) After Article 20 insert—

“Separate collection of food waste

20A.—(1) This Article applies when a district council is making an arrangement in accordance with Article 20(1)(a).

(2) A district council must, from 1st April 2016, arrange for there to be provided to the occupier of every domestic property in its area—

(a) a receptacle which enables the separate collection of food waste from the property; or

(b) where a district council is satisfied that the amount of food waste that will be collected is not significantly less than would be collected in a receptacle provided under paragraph (a), a receptacle which enables the occupier to present food waste and other bio-waste for collection.

(3) A district council may not arrange for a receptacle to be provided under paragraph (2) if the district council considers that the separate collection of food waste from the property would not be technically, environmentally or economically practicable.

(4) A district council shall, from 1st April 2015, take such steps as the council considers reasonable to promote separate collection of food waste (including the making of arrangements for the provision of a food waste receptacle).

(5) In this Article—

⁽²⁵⁾ 2006/3336 (N.I.12)

“domestic property” means a building or self-contained part of a building which is used wholly for the purposes of living accommodation;

“receptacle” has the same meaning as in Article 21(10).”.

Amendment of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

3.—(1) The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013⁽²⁶⁾ are amended as follows.

(2) In regulation 2(1) in the appropriate alphabetical order insert—

“separately collected food waste” means food waste which is presented for collection, and collected in a manner that ensures that food waste is kept separate from other waste.”.

(3) After regulation 13(10) insert—

“(11) A permit granted or varied on or after 1st April 2015 for an activity described in Chapter 5 of Part 1 of Schedule 1, or in Section 6.8 of Chapter 6 of that Part, shall contain any condition the enforcing authority considers necessary to ensure that no separately collected food waste is mixed with any other waste or any material, to the extent that mixing would hamper further recycling.”.

Amendment of the Landfill Regulations (Northern Ireland) 2003

4.—(1) The Landfill Regulations (Northern Ireland) 2003⁽²⁷⁾ are amended as follows.

(2) In regulation 9 (prohibition of acceptance of certain wastes at landfills)—

- (a) in paragraph (1)(g) for “criteria; and” substitute “criteria;”;
- (b) in paragraph (1)(h) for “recycling.” substitute “recycling); and”;
- (c) after paragraph (1)(h) insert—

“(i) as from 1st April 2015, waste which has been collected and transported in accordance with Article 5(2E) of the Waste and Contaminated Land (Northern Ireland) Order 1997.”.

Amendment of the Waste Management Licensing Regulations (Northern Ireland) 2003

5.—(1) The Waste Management Licensing Regulations (Northern Ireland) 2003⁽²⁸⁾ are amended as follows.

(2) After regulation 11B insert—

“Conditions of waste management licences: separately collected wastes

11C. The Department shall ensure that any waste management licence granted or varied on or after 1st April 2015 authorising the storage or treatment (or both) of waste contains such conditions as it considers necessary to ensure that no waste collected and transported in accordance with Article 5(2E) of the Waste and Contaminated Land (Northern Ireland) Order 1997 is mixed with any other waste or any material, to the extent that mixing would hamper further recycling.”.

(3) In regulation 17 (exemptions from waste management licensing), after paragraph (4) insert—

⁽²⁶⁾ S.R. 2013 No.160

⁽²⁷⁾ S.R. 2003 No.496 as relevantly amended by S.R.2004 No.297 and S.R.2009 No.159

⁽²⁸⁾ S.R. 2003 No.493 as relevantly amended by S.R.2006/519, S.R.2009/159 and S.R.2011 No.127

“(4A) In the case of an exempt activity involving the storage, treatment, recovery or disposal of waste by a person at a site other than the place at which the waste was produced, paragraph (1) only applies if that person ensures that no waste collected and transported in accordance with Article 5(2E) of the Waste and Contaminated Land (Northern Ireland) Order 1997 is mixed with any other waste or any material to the extent that mixing would hamper further recycling.”.

Sealed with the Official Seal of the Department of the Environment on 00th 2013.



Wesley Shannon
A senior officer of the Department of the Environment