



**Northern Ireland
Assembly**

COMMITTEE FOR THE ENVIRONMENT

Please use this form to submit written submissions in relation to the Environmental Better Regulation Bill.

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Organisation: arc21

Date: 6 August 2015

Introduction

arc21 is a Local Government sector entity embracing six Councils located along the Eastern Region of Northern Ireland which covers approximately 33% of the land base, populated by approximately 59% of the national population and accounts for approximately 60% of the national Local Government controlled municipal waste arisings.

The establishment of arc21 together with its functionality has been enshrined in various pieces of legislation with the most recent provision being The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2015.

In essence, it is primarily responsible for activities associated with the production, ongoing development and implementation of a Waste Management Plan for the arc21 area.

The six Constituent Councils of arc21 are Antrim and Newtownabbey Borough Council, Ards and North Down Borough Council, Belfast City Council, Lisburn & Castlereagh City Council, Mid and East Antrim Borough Council and Newry Mourne and Down District Council.

Response

arc21 appreciate the opportunity to provide views on the proposed Bill. In our response to the consultation in 2013, arc21 were supportive of the principles of Better Regulation and continue to remain so in respect of the introduction of this Bill. We welcome this as a positive step forward in this regard.

In our previous response, we indicated that the development of the legislation covered by the Better Regulation programme should consider the following issues;

- Interaction with the planning regime;
- Interaction with producer responsibility obligations;
- Other bodies involved in environmental regulation that will be directly affected e.g. councils;
- Development of an appropriate fees and charges scheme;
- Potential rationalisation of NIEA structures and operations; and
- Consolidation of key performance indicators.

arc21 recognise that the terms of the proposed Bill are enabling in nature and as such some of the above issues may be more pertinent to the consequential legislative provisions flowing from the enactment of the final Bill. The Committee may wish to satisfy themselves that the above issues, if not already, will be the subject of appropriate consideration during the process.

The proposed Bill does have an accompanying Regulatory Impact Assessment (RIA) but this can only be obtained via a request to the Department of the Environment. In the interests of transparency, the Committee may wish to consider if a more publically and easily accessible method e.g. publishing on an appropriate website would be preferable.

arc21 did request a copy of the RIA from the Department of the Environment and were very promptly provided with a copy. The RIA only contains some very basic financial estimation. However it does make it clear that there is very significant uncertainty associated with the estimate but goes on to suggest that it will be refined when a detailed specification is developed. Given that a similar regime has been in place in England for some years, any future RIA should be able to draw on the real costs experienced in that administration since the introduction of their provisions.

In terms of the various clauses proposed in the Bill, arc21 would only comment in relation to clauses 3 and 12;

Clause 3

There may be merit in slightly amending clause 3(1) (a) to cover cases whereby the regulations would also remove functions from any regulator as well as conferring new functions.

Clause 12

The provisions of clause 12 do not envisage any role for the Assembly. Other similar provisions such as that covering the Duty of Care in Article 5 of the Waste and

Contaminated Land (Northern Ireland) Order 1997 do provide for a role for the Assembly. These provisions read;

“(11) The draft of the code prepared under paragraph (9) shall be laid before the Assembly.

(12) If within the statutory period beginning with the day on which a copy of the draft is laid before the Assembly, the Assembly so resolves, no further proceedings shall be taken thereon but without prejudice to the laying before the Assembly of a new draft.”

The Assembly may wish to consider if it would be appropriate to adopt some provision, similar in nature, for incorporation into the final drafting.

arc21 trust the above makes a constructive contribution to the Committee’s consideration of the Bill.

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