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**FROM: PAUL MCGRANAGHAN
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DATE: 24 AUGUST 2026

**TO: DR. JANICE THOMPSON
AERA COMMITTEE CLERK**

The Waste (Fees And Charges) (Amendment No. 2) Regulations (Northern Ireland) 2026

Summary: Waste Fees and Charges regulations are made annually to uplift fees and charges to ensure full cost recovery of Northern Ireland Environment Agency (NIEA) functions in line with the principles of Managing Public Money Northern Ireland. For the past 2 years, combined staffing costs and overheads have been higher than the annual GDP deflator, which has previously been used to uplift the fees. This SR is therefore subject to the draft affirmative procedure.

Business Area: Environmental Resource and Policy Division (ERPD)

Issue: SR required to bring into effect the annual uplift to the NIEA Waste Charging Scheme for 2026-2027.

Restrictions: Not required

Action Required: To approve the SR

Officials Attending: Mr Colin Breen, Assistant Director, ERPD
Mr Keith Carlisle, Head of Branch, Waste Legislation

Background

The Department of Agriculture, Environment and Rural Affairs proposes to make the above named Statutory Rule under powers conferred on it by paragraph 7(2) of Schedule 4 of the European Union (Withdrawal) Act 2018 (EUWA) and Articles 39(1), (2) and (3) of the Waste and Contaminated Land (Northern Ireland) Order 1997.

The Statutory Rule is subject to the draft affirmative resolution procedure. A copy of the Statutory Rule is attached at **Annex A**, the associated Explanatory Memorandum is at **Annex B**.

Purpose of legislation/policy background

This Statutory Rule is required to give effect to the increase in fees and charges from the Waste Management Charging Scheme (Northern Ireland) 2026/27, which applied from 1 April 2026.

In line with the polluter pays principle and the principles of Managing Public Money Northern Ireland, NIEA recovers 100% of its costs in relation to its functions as the regulator of waste activities in Northern Ireland. This is achieved largely through receipt of fees and charges set out in waste management charging schemes which are updated and published on an annual basis.

Fees and charges in relation to the registration of brokers, dealers and carriers of waste are imposed directly via the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003. While the updated fees and charges for these registrations are set out in the Waste Management Charging (Northern Ireland) Scheme 2026/27, the Department is required to update the relevant legislation to give effect to the increases. The proposed Statutory Rule amends the relevant regulations to give effect to these specific charges by uplifting the relevant fees and charges in line with the agreed increase. While waste fees and charges are imposed directly through legislation, the other schemes within the NIEA Charging Policy are uplifted by the same percentage without the need for legislation. A copy of the Waste Management Charging (Northern Ireland) Scheme 2026/27 is available for download from the Department's website.

If the Statutory Rule is not updated, NIEA will not be able to recover all its costs in relation to its functions as regulator of waste activities in Northern Ireland and would thus be breaching the principles of Managing Public Money Northern Ireland.

Previous Engagement with the Committee

The Committee was consulted in 2025 regarding the previous years uplift to the fees and charges.

Financial Implications

The NIEA applies charges for its regulated activities to achieve full cost recovery, in line with Managing Public Money Northern Ireland requirements. Under the NIEA Regulatory Charging Scheme 2023, fees may be increased by the GDP deflator or another appropriate measure.

While the GDP deflator for December 2025 was 2.23%, staff costs, including associated overheads, are forecast to rise by 4.02% in 2026/27. Limiting the fee increase to the GDP deflator would create an estimated income shortfall of £207,000 against the cost of delivering the service. An increase of 4.02% aligns fee income with anticipated expenditure and supports the Agency in maintaining full cost recovery during 2026/27.

Consultation

NIEA consulted on its Regulatory Charging Policy for 2021-2023 between 18 January 2021 and 15 March 2021, with details on the proposed uplift of these charges included in that consultation. No significant issues were raised during this consultation. The Regulatory Charging Policy has been extended for a further three years to 2026. A specific consultation on the Statutory Rule was not considered necessary given that NIEA has already consulted separately on its charging policy and the increase in fees and charges is in line with this policy. The fees and charges have been uplifted annually in line with this policy since 2016 and no issues have previously been raised either by the Assembly Committees or by stakeholders.

Compliance with Section 24 of the Northern Ireland Act 1998

The proposed legislation is implementing an existing policy and complies with the requirements within Section 24 of the Northern Ireland Act 1998.

Consideration by the Executive

This SL1 and proposed Statutory Rule have not been considered by the Executive, as it is amending existing policy.

Equality Impact

An equality screening exercise was carried out when the charging policy was first introduced. This is implementation of an existing policy.

Regulatory Impact

A regulatory impact assessment was carried out for the original NIEA Policy. This Statutory Rule is required to implement existing policy.

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Rural Needs Impact

There is no significant impact on the social and economic needs of people in rural areas compared to other areas. The Statutory Rule is implementing existing policy.

Data Protection Impact

No data protection impacts have been identified. This Statutory Rule is implementing existing policy and all previous amending regulations have been published.

Child Rights Impact

These regulations are uplifting fees for NIEA and have no impact on child rights.

Position in Great Britain (if appropriate).

The Environmental Permitting (England and Wales) Regulations 2016 set out the waste management licensing requirements (as permits) for England and Wales, including the associated fees and charges. Waste permit fees and charges are also increased on an annual basis in England and Wales.

Any other information

Not applicable.

Proposed timing of consideration of the SL1

When the Rule together with the Explanatory Memorandum has been laid at the Assembly Business Office, the Business Office will submit copies to the Committee. The rule is to be made by draft affirmative resolution.

I can confirm the SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. It is proposed that the SL1 will be considered by the Committee in mid-October.

Please note that clearance of these regulations is required to allow NIEA to issue invoices to recoup full cost recovery by January 2027 at the very latest. As these regulations are draft affirmative, they must also be passed by the NI Assembly before they can be published.

Proposed Operational Date

It is proposed that the rule will come into operation on 30 December 2026.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Agriculture, Environment and Rural Affairs.

This SL1 is being copied to the Human Rights Commission, Equality Commission and Assembly & Legislation Section of The Executive Office.

Yours sincerely,

Paul McGranaghan
Departmental Assembly Liaison Officer

Enc.

AnnexA: Draft SR The Waste (Fees and Charges) (Amendment No.2) Regulations (Northern Ireland) 2026

Annex B: Explanatory Memorandum - Waste Fees and Charges (Amendment No.2) Regulations (Northern Ireland) 2026

Cc: Assembly & Legislation Section (Executive Office)
Human Rights Commission
Equality Commission

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