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STATUTORY RULES OF NORTHERN IRELAND

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**2020 No. 285**

**The Waste (Circular Economy) (Amendment)  
Regulations (Northern Ireland) 2020**

**PART 2**

Amendment of primary legislation

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

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

(2) In Article 2(2)—

(a) insert the following definitions in the appropriate alphabetical order—

““municipal waste” means—

(a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture; and

(b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households,

but does not include waste from production, agriculture, forestry, fishing, septic tanks and sewage network and treatment, including sewage sludge, end-of-life vehicles or waste generated by construction and demolition activities;

“preparing for re-use” means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

“re-use” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;”;

(b) for the definition of “bio-waste” substitute—

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

(c) in the definition of—

(i) “the Packaging Waste Directive” at the end insert “, as last amended by Directive (EU) 2018/852(1)”; and

(ii) “the Waste Framework Directive” at the end insert “, as last amended by Directive (EU) 2018/851(2)”.

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(1) OJ No. L150, 14.6.2018, p. 141–154

(2) OJ No. L150, 14.6.2018, p. 109–140

- (d) omit the definition of “Commission Directive (EU) 2015/1127”.
- (3) In Article 2(7), after ““recycle”” insert “(except in Schedule 3)”.
- (4) In Article 2, after paragraph (7) insert—
  - “(7A) In Schedule 3—
    - “prevention” means measures taken before a substance, material or product has become waste that reduce—
      - (a) the quantity of waste, including through the re-use of products or the extension of the life span of products;
      - (b) the adverse impacts of the generated waste on the environment and human health; or
      - (c) the content of hazardous substances in materials and products;
    - “recycling” means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes, including the reprocessing of organic material but not including energy recovery or reprocessing into materials that are to be used as fuels or for backfilling operations.
  - (7B) In paragraph (7A) “backfilling” means any recovery operation where an amount of suitable non-hazardous waste is used, in substitution for non-waste materials, for the purposes of reclamation in excavated areas or for engineering purposes in landscaping, and that amount is no more than is strictly necessary to achieve those purposes.”.
- (5) In Article 19(2) for “7(b), (c), (d) and 8” substitute “8 to 11”.
- (6) In Article 19(4)—
  - (a) after sub-paragraph (b), omit “and”;
  - (b) in sub-paragraph (c), for “.” substitute “; and”;
  - (c) after sub-paragraph (c), insert—
    - “(d) for the purposes of litter prevention, must conform to—
      - (i) the programmes of measures published pursuant to regulation 14(1) of the Marine Strategy Regulations 2010(3); and
      - (ii) each programme of measures proposed under regulation 12(1) of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017(4).”.
- (7) For Schedule 3 substitute—

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(3) [S.I. 2010/1627](#) to which there are amendments not relevant to these Regulations

(4) [S.R. 2017 No. 81](#) to which there are amendments not relevant to these Regulations

“SCHEDULE 3

Article 19

THE WASTE MANAGEMENT PLAN

Part 1

Objectives

**Overall objective**

1. To protect the environment and human health by preventing or reducing the generation of waste and the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

**Application of the waste hierarchy**

2.—(1) To apply the following waste hierarchy as a priority order in waste prevention and management policy—

- (a) prevention;
- (b) preparing for re-use;
- (c) recycling;
- (d) other recovery (for example energy recovery); and
- (e) disposal.

(2) To apply the waste hierarchy in sub-paragraph (1) in a manner which—

- (a) encourages the options that deliver the best overall environmental outcome, which may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste; and
- (b) takes into account—
  - (i) the general environmental protection principles of precaution and sustainability;
  - (ii) technical feasibility and economic viability;
  - (iii) protection of resources; and
  - (iv) the overall environmental, human health, economic and social impacts.

(3) To make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as those listed in Part 4 of this Schedule or other appropriate instruments and measures.

**Protection of human health and the environment**

3. To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—

- (a) without risk to water, air, soil, plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

### **Principles of self-sufficiency and proximity**

4.—(1) To establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.

(2) The network must be designed so as to enable the European Union as a whole to become self-sufficient in waste disposal as well as in the recovery of mixed municipal waste collected from private households, and to enable the United Kingdom to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

(3) The network must enable waste to be disposed of, or mixed municipal waste collected from private households for recovery to be recovered, in one of the nearest appropriate installations and by means of the most appropriate methods and technologies, so as to ensure a high level of protection for the environment and human health.

(4) This paragraph does not require that the full range of final recovery facilities is located in Northern Ireland.

## **Part 2**

### **Matters which must be included in the waste management plan**

#### **Analysis of the current waste management situation etc.**

5. The waste management plan must include an analysis of the current waste management situation, an analysis of the measures to be taken to improve environmentally sound preparation for re-use, recycling, recovery and disposal of waste and an evaluation of how the waste management plan will support the implementation of the objectives and provisions of the Waste Framework Directive.

#### **General policies in relation to waste and litter**

6. The waste management plan must include such matters as the Department of Agriculture, Environment and Rural Affairs considers appropriate, taking into account the geographical level and geographical area to which the waste management plan relates and including at least the following—

- (a) the type, quantity and source of waste generated within Northern Ireland;
- (b) the waste likely to be shipped from or to Northern Ireland;
- (c) an evaluation of the development of waste streams in the future;
- (d) existing major disposal and recovery installations, including any special arrangements for waste containing significant amounts of critical raw materials, waste oils, hazardous waste, or waste streams addressed by specific European Union legislation;
- (e) an assessment of the need for closure of existing waste installations, and for additional waste installation infrastructure in accordance with the objective in paragraph 4;
- (f) an assessment of the investments and other financial means required, including for district councils, to meet the needs identified following the assessment in sub-paragraph (e);
- (g) an assessment of existing waste collection schemes, including the material and territorial coverage of separate collection and measures to improve their operation, of any exceptions to the requirement for waste to be subject to separate collection and of the need for new collection schemes;

- (h) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;
- (i) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems;
- (j) measures to combat and prevent all forms of littering and to clean up litter; and
- (k) appropriate qualitative or quantitative indicators and targets, including on the quantity of generated waste and its treatment and on municipal waste that is disposed of or subject to energy recovery.

#### **Policies in relation to packaging waste**

7. The waste management plan must, in pursuance of the objectives and measures referred to in the Packaging Waste Directive, include a chapter on the management of packaging and packaging waste, including measures taken—

- (a) that consist of—
  - (i) Northern Ireland, or United Kingdom, programmes;
  - (ii) incentives through extended producer responsibility schemes; or
  - (iii) similar actions,to prevent generation of packaging waste and minimise the environmental impact of packaging;
- (b) to achieve a sustained reduction in the consumption of lightweight plastic carrier bags;
- (c) to actively encourage public information and awareness campaigns concerning the adverse environmental impact of the excessive consumption of lightweight plastic carrier bags; and
- (d) to encourage the increase in the share of re-usable packaging placed on the market and of systems to re-use packaging in an environmentally sound manner without compromising food hygiene or the safety of consumers.

#### **Policies in relation to separate collection of waste**

8. The waste management plan must include measures to promote high quality recycling including the setting up of separate collections of waste, subject to regulation 18 of the Waste Regulations (Northern Ireland) 2011<sup>(5)</sup>.

#### **Policies in relation to bio-waste**

9. The waste management plan must contain measures, as appropriate, in accordance with the objectives in paragraphs 2 and 3—

- (a) to encourage the recycling, including composting and digestion, of bio-waste in a way that fulfils a high level of environment protection and results in output which meets relevant high-quality standards;
- (b) to encourage home composting; and
- (c) to promote the use of materials produced from bio-waste.

#### **Policies in relation to preparing for re-use**

10. The waste management plan must include measures to be taken to promote preparing for re-use activities, in particular—

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(5) [S.R. 2011 No. 127](#); relevant amending Regulations are [S.R. 2013 No.241](#), [S.R. 2016 No.95](#) and [S.R. 2018 No.200](#)

- (a) measures to encourage the establishment and support of preparing for re-use and repair networks;
- (b) measures to facilitate, where compatible with proper waste management, the access of preparing for re-use and repair networks to waste held by collection schemes or facilities that can be prepared for re-use but is not destined for preparing for re-use by those schemes or facilities;
- (c) the use of economic instruments;
- (d) the use of procurement criteria; and
- (e) the setting of quantitative objectives.

**Policies in relation to recycling targets and landfill reduction targets**

11. The waste management plan must include policies in relation to preparing for re-use, recovery and recycling targets including—

- (a) measures to be taken to ensure that—
  - (i) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to at least 55% by weight;
  - (ii) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to at least 60% by weight; and
  - (iii) by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to at least 65% by weight; and
- (b) measures to be taken to ensure that the amount of municipal waste landfilled is reduced to 10% or less of the total amount of municipal waste generated (by weight) by 2035.

### Part 3

#### Matters which may be included in the waste management plan

12. The waste management plan may include provision about any of the following, taking into account the geographical area to which the plan relates—

- (a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private operators carrying out waste management;
- (b) an evaluation of the usefulness and suitability of the use of economic and other means of tackling various waste problems;
- (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers; and
- (d) measures for the remediation of historical contaminated waste disposal sites.

### Part 4

#### Examples of economic instruments and other measures to provide incentives for the application of the waste hierarchy

13. The economic instruments and other measures referred to in paragraph 2(3) are—

- (a) charges and restrictions for the landfilling and incineration of waste which incentivise waste prevention and recycling, while keeping landfilling the least preferred waste management option;
- (b) ‘pay-as-you-throw’ schemes that charge waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste;
- (c) fiscal incentives for donation of products, in particular food;
- (d) extended producer responsibility schemes for various types of waste and measures to increase their effectiveness, cost efficiency and governance;
- (e) deposit-refund schemes and other measures to encourage efficient collection of used products and materials;
- (f) sound planning of investments in waste management infrastructure;
- (g) sustainable public procurement to encourage better waste management and the use of recycled products and materials;
- (h) phasing out of subsidies which are not consistent with the waste hierarchy;
- (i) use of fiscal measures or other means to promote the uptake of products and materials that are prepared for re-use or recycled;
- (j) support to research and innovation in advanced recycling technologies and remanufacturing;
- (k) use of best available techniques for waste treatment;
- (l) economic incentives for Northern Ireland authorities and authorities for any area of Northern Ireland, in particular to promote waste prevention and intensify separate collection schemes, while avoiding support to landfilling and incineration;
- (m) public awareness campaigns, in particular on separate collection, waste prevention and litter reduction, and mainstreaming these issues in education and training;
- (n) systems for coordination, including by digital means, between all competent public authorities involved in waste management; and
- (o) promoting continuous dialogue and cooperation between all stakeholders in waste management and encouraging voluntary agreements and company reporting on waste.”.