EXPLANATORY MEMORANDUM TO

The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2025

S.R. 2025 No. 30

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by paragraph 7(2) of Schedule 4 of the European Union (Withdrawal) Act 2018 (EUWA) and by Articles 39(1),(2) and (3) of the Waste and Contaminated Land (Northern Ireland) Order 1997 (the 1997 Order) and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1 The Waste (Fees and Charges) (Amendment) Regulations (Northern Ireland) 2025 increase fees and charges in relation to the processing of applications for the registration of brokers, dealers and carriers of waste which 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. The purpose of the fees and charges is to recover the costs incurred by the Department in carrying out its functions in relation to processing applications for these registrations. Through this Statutory Rule, the relevant fees and charges highlighted above will be uplifted by 9.5%.

3. Background

3.1 In line with the polluter pays principle and the principles of Managing Public Money Northern Ireland (MPMNI) the Northern Ireland Environment Agency (NIEA) operates under full cost recovery 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 with the approval of the Chief Executive of NIEA.

3.2 Fees and charges in relation to the registration of brokers, dealers and carriers of waste and the processing of registrations for exemptions from waste management licensing 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 2024/25, the Department is also required to update the relevant legislation to give effect to the increases.

3.3 This Statutory Rule amends the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations (Northern Ireland) 1999 and the Waste Management Licensing Regulations (Northern Ireland) 2003 to increase the relevant fees and charges associated with these registrations, ensuring that the fees and charges within these Regulations are consistent with those set out in the Waste Management Charging (Northern Ireland) Scheme 2024/25.

4. Equality Impact

An equality screening exercise on the proposed uplift in waste fees and charges was carried out which showed no evidence of any impact on equality issues. Therefore, it was not necessary to complete a full Equality Impact Assessment.

5. Regulatory Impact

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

6. Financial Implications

6.1 The Regulations enable the Department to recover its costs as the regulator of waste activities in Northern Ireland. The Statutory Rule will introduce increases of between £4 to £16 for a mixture of fees which are applied annually or tri-annually dependent on the activity.

The increase in fees for the current year is higher than usual. Normally the increase is calculated by using the GDP Deflator figure issued by HM Treasury every December. The deflator figure for the current year is 0.8%. However, NIEA staff costs have increased by 7.5% and will increase by a further 2%. This is based on an analysis of the projected cost profile for the 2024/5 financial year, by NIEA Finance, includes two separate and distinct payroll years with different rates applied and includes associated employers' pay costs. If the deflator figure only is applied, it will result in a shortfall of £1m. This is contrary to the principles laid down in Managing Public Money Northern Ireland and Treasury guidance which requires that public bodies operate under full cost recovery.

7. Section 24 of the Northern Ireland Act 1998

7.1 The Statutory Rule complies with the provisions set out in Section 24. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

8. EU Implications

8.1 The Statutory Rule will help the Department to comply with the requirements of retained domestic law associated with the Waste Framework Directive (2008/98/EC) and in particular the polluter-pays principle.

9. Parity or Replicatory Measure

9.1 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.

10. Additional Information

11.1 Not applicable.