



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

Inquiry into Used Tyre Disposal

22 September 2011

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Simon Hamilton (Deputy Chairperson)
Mr Cathal Boylan
Ms Paula Bradley
Mr John Dallat
Mr Patsy McGlone
Mr Peter Weir

Witnesses:

Ms Helen Anderson)
Mr Dave Foster) Department of the Environment
Ms Pamela Patterson)

Councillor Shaun Gallagher)
Councillor Hubert Nicholl) Northern Ireland Local Government Association
Dr Tim Walker)

The Deputy Chairperson:

Joining us today to give evidence are Pamela Patterson and Dave Foster, who are both from the Northern Ireland Environment Agency (NIEA), and Helen Anderson from the Department's environmental policy division. You are all very welcome. I am sorry for keeping you. Can you give a brief run through your paper, and then I will open the meeting to questions from members.

Mr Dave Foster (Department of the Environment):

Thank you, Chairperson. I am glad to have been invited here today. The Department very much

welcomes the inquiry that the Committee is undertaking on waste tyres. The Minister and the wider Department recognise that waste tyres are often a significant environmental health issue. Indeed, recently, there were two major fires involving waste tyres. We are seeking to be proactive in that regard and have been developing a tyres action plan to cover some of those issues. That is backed up by a joint working group of policy and NIEA officials, linking into other jurisdictions as well, to try to get an idea of best practice there.

Within the draft action plan, we have picked up five themes, which are outlined in more detail in the paper. First, there is a need to understand the scale of the issue and the number of waste tyres and their flows through the processes. Secondly, we are looking at the regulation and enforcement of existing legislation and the role that we in the Environment Agency and the wider Department play. Thirdly, we are looking at policy options to see if there is a need for policy change or legislative change, and we are looking at best practice in relation to policy legislation in other jurisdictions. Fourthly, we are exploring alternative uses for waste tyres and seeing what markets there are and what market development there might need to be to ensure that there is adequate end use for waste tyres. Finally, we are looking at co-ordination and communication and making sure that the various industrial sectors are aware of their obligations and duties and that we get a clear and consistent message out to them. Some of the detail is set out in the paper, which we circulated to the Committee, so I am happy to take questions and comments around that.

We welcome the opportunity to consider some of the ideas and recommendations that come from this inquiry and to put them into the final version of the action plan, which the Minister is keen to be involved with. Certainly, we hope that that some of our activities will help directly with the inquiry, particularly the proposed waste data survey that we hope to undertake in the next few months. That will help to inform some of the discussions of the inquiry. My colleagues and I are happy to help with any detail of the paper or, indeed, any wider issues that the inquiry may wish to look at.

The Deputy Chairperson:

I welcome the work that the Department is starting and your comments. I derive from what you say that you see Committees working alongside what the Department is doing. In some respects, we can inform each other, and that is helpful. When we were doing our initial examination of this issue before recess, one solution that many European states use is producer led, whereby

producers take the responsibility for getting rid of or recycling their used tyres. Are you working with any producers to look at a similar model for Northern Ireland?

Ms Helen Anderson (Department of the Environment):

In 2003, the Department for Environment, Food and Rural Affairs (DEFRA) did some consultation work looking at a producer responsibility scheme specifically for tyres. We followed the work on that, and, at that time, it was decided not to proceed with that scheme on the basis that it would have been viewed as being unwieldy and cost-prohibitive. However, the Department is keen to explore producer responsibility schemes in operation elsewhere, including the UK. Engagement with others on what they have in place, estimations of its effectiveness, and whether there may be applicability to Northern Ireland will be considered as part of the action programme that the Department intends to bring forward.

The Deputy Chairperson:

Presumably you will be talking to tyre producers as part of that.

Ms H Anderson:

Yes.

Mr D Foster:

Under the auspices of the North/South Ministerial Council, we met officials in Dublin over the summer. There is a scheme in the South called the Tyre Recovery Activity Compliance Scheme (TRACS) and officials there are very open about their experience of that and how it has worked. So, we are looking at that in the UK context to ensure that we have covered all the sides.

Mr Boylan:

This is a subject in which the Committee is keenly interested and would like to address. However, I am surprised to read in one document about no clear designation of responsibility and lack of a strategy. Meanwhile, the Department's briefing paper states that:

“NIEA has found Duty of Care to be an ineffective mechanism for tracking the disposal of waste tyres.”

The paper also refers to an EU Life+ funded project that:

“aims to develop an electronic data of case type system”.

That is fine and I agree with that. However, going back to the issue, about six months ago I was at a beauty spot in my own area. I walked into the forest, and there were 40 or 50 tyres sitting

there. I had been continually asking every single week for rubbish and everything to be removed, and here we had these tyres dumped. I phoned the local council. It is about responsibility, and it is very difficult. The ratepayer always picks up the tab in these cases. I am annoyed, however, to hear about this EU-funded project. There is obviously no strategy, and at the end of this inquiry there certainly will be a strategy and roles and responsibilities.

We currently pay £1.50 or £2 for the disposal of a tyre. At least, that is supposed to be the case if you go into any tyre company to get your tyres changed. We are taking money out of EU-funded projects that could be used elsewhere. That is my own personal feeling, if we want it resolved. However, where is that money going and where is the accountability up to now? That is something we need to look at seriously. The majority of the public believes that when you pay the moneys, that is what you are paying for. I do not want to get into the issue of burning — maybe other members would like to bring that up — all I am saying is that we know that people are paying the money and there has to be accountability and responsibility for that. Where is the tracking?

Mr D Foster:

I will pick up the initial point about the EU LIFE+ project and reassure you that that will not be diverting significant resource from elsewhere in the Department. The Department is effectively paying a relatively small amount of the overall amount, and are confident that we are getting a very good ratio of gain. We will get a significant benefit for a relatively small input. I recognise that that is not the bigger issue, but I chose to pick out that particular point.

Mr Boylan:

I agree, but if people are already paying, that money should be used as it has to be. It is not the case that I am asking about raising the levy or anything else. People are already paying, and they think that they are paying for the disposal of the tyres. That is not happening. Then we look at European projects. The project on its own might warrant some merit, I am not arguing that point, but I am concerned.

Ms Pamela Patterson (Department of the Environment):

Let us consider the retailers or producers. Ordinarily, producers add a voluntary recycling fee. When someone goes in and changes their tyres, they are told that there is a fee for recycling those tyres. At the moment, as I said, that is voluntary. The retailer would then assume that that fee is

going towards disposal. The retailer makes a payment to the collector who collects the tyres. For the most part, the industry is working; retailers are passing waste tyres to a reputable and registered carrier. However, there are those in a certain unscrupulous sector who are picking up the tyres. They may or may not fill in a transfer note, and they may or may not fill in the transfer note correctly. They may collect the tyres and perhaps state on the transfer note that they are going to an authorised facility, whereas we, the agency, know that that is not the case. You have there a breakdown in whether the duty of care is complied with at the outset or a breakdown along part of the chain.

The recycling fee itself is between the producer and the registered carrier, the collector. It is up to them how much they give that person to collect the tyres. At present, that is not down to the Department. It is not a Department tax or revenue. That is, as I said, between those parties.

The issue we have at the moment is that, under the duty of care, there are a number of links in the chain where people are not complying with the full rigours of the legislation. The agency is out there. We do audit the registered carriers. We audit the authorised recycling facilities. That is where we come in. We do keep a stringent control on those, but you still have, on the fringes and in the grey area, unscrupulous people who are breaching the law.

Mr Boylan:

I do not think that a retailer would be happy if I went in and asked for a price for a set of tyres, and he said that he would give me them for, say, £100, and I said, “Sure, I will give you £96”. There is a problem there.

The Deputy Chairperson:

That highlights quite succinctly the problem. There is an identified problem here, which the Committee has cottoned on to and the Department has now cottoned on to as well. If I go this afternoon to change a tyre, and the retailer says that there is a £2 fee — that is a rough figure — are you saying that that is a voluntary fee? As a consumer, I do not have to pay that?

Ms Patterson:

You do not have to pay it. For instance, if you want to hold onto your property, you can say that you will take that property with you to use, for example, on silage clamps.

The Deputy Chairperson:

This is becoming very hypothetical. If I do not pay the fee, do I have to take the tyre away?

Ms Patterson:

The retailer will not keep the tyre unless you are willing to pay the recycling fee.

The Deputy Chairperson:

That is where the voluntary element comes into it.

Ms Patterson:

As a member of the public, you can take your property away and dispose of it, hopefully legitimately.

The Deputy Chairperson:

We will find that beauty spot. *[Laughter.]*

Mr Boylan:

Do not come down my way with it at all. All coddling aside, Chairman —

The Deputy Chairperson:

It is a serious point; active fraud is going on in some cases where people are paying the recycling fee.

Mr Boylan:

You are 100% right. We may joke about it, but, in general, people pay the fee. You could challenge the retailer over the fee, if you wanted to, whether it is £1.50 or £2 or whatever, but you would rather the tyres were disposed of properly, and that is why you pay the fee in good faith. The fraud is not just happening in my area; it is happening all over the place. I hope that this inquiry will resolve something.

Mr Dallat:

To be honest, it does not seem as though we have made much progress. I suppose we have to start somewhere. The Department's paper states:

“NIEA will normally seek to prosecute where the activity is likely to cause pollution or harm to human health”.

There is a report from Ards Borough Council that states that, on one occasion, approximately 1,000 tyres were burned on one bonfire. Is anyone suggesting that that did not pose a risk to human health? I do not need to go to Ards to see that happening; I can see it in Coleraine. There is a large number of older people with asthma and other breathing difficulties who do not suffer that for just one night. They suffer for months afterwards because the residue from the burned tyres gets into the spouts and the eaves in the roofs of their houses. Yet, two days later, if a farmer lights a whin bush, he will have someone with him within 15 minutes to tell him that he is breaking the law.

The system has to be credible, for a start. If it has no credibility, it has nothing. This is total and absolute waffle from beginning to end, and I have no serious expectation that the problem is ever going to be solved. It is not a laughing matter anymore: it is serious.

Where do the tyres go? I know of a small business close to where I live that recycles tyres. I wonder what support is given to the owners of that business. I know that they had a struggle to get planning permission and to get going, but they are doing it.

There are two sides to the issue; the enforcement side and the encouragement. Let's face it, if you are penalised for taking off an old tyre, but someone else can gain from disposing of it illegally, where is the hope that that situation would transform itself into some kind of normal market process in which the obvious thing to do would be to recycle the tyre? I am not sure that I am using a fair analogy, but if I brought an egg in here today, you could tell me within five minutes practically which hen laid that egg. Yet we have a pile of stuff here that says that we cannot say anything about the tyres. If you go to McAtamney's, my local butchers, the best in the North, to buy a pound of meat, the traceability scheme can tell you within an hour which cow that meat came from.

If this inquiry is to be of any value at all, we need to stop messing around and saying that tyres are not traceable. Tyres are marked with reference numbers. A good policeman will have no problem in going into court to read out the reference number of a tyre that is under the legal tread limit and prosecute someone as a result. Yet we can have 1,000 tyres on a bonfire in Ards, and no one knows where they came from. That is not on.

Mr D Foster:

The issue of enforcement is very important. We are not specifically addressing the issue of bonfires at the moment, but our environmental crime team does pick up cases where illegal disposal of waste tyres has been taking place and significant financial gain is involved. We are pursuing a number of cases in that regard.

There are a lot of issues in relation to bonfires, which I am sure that the Committee has discussed on various occasions, such as issues of cultural sensitivity as to how we should deal with them and how we should work with local councils. Earlier, the Committee looked at the issue of fly-tipping, the fly-tipping protocol and the commencement of the Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011. As part of that process, we in the DOE have to sit down with local councils and work out exactly where responsibilities lie and devise practical mechanisms for making the Act work.

Pamela, do you want to say something on traceability?

Ms Patterson:

I have been regularly to sites where tyres have had the marks buffed off them. It is easy and quick to do. At other sites, the small square where the number is located has been cut out of the tyre.

Mr Dallat:

In defence of local councils, let me say that I have read the reports, and the one thing that strikes me is that local councils are genuinely trying to make an effort to bring the problem to an end, because they are the people who have to live with it every day. They do not get support from the Department, I am sorry to say. You really need to come up with something a little more robust than saying that numbers are buffed off tyres. I imagine that that might happen, but that might affect less than 1% of the tyres. Most have numbers on them, and no serious attempt has been made to find other ways of tracing the tyres. I will leave it at that.

The Deputy Chairperson:

I will follow on from John's point about enforcement. We received a copy of correspondence sent to Belfast City Council from the Environment Agency to the effect that there are no plans to carry out inspections in the Belfast area this year. We can furnish you with a copy of it. It

somewhat backs up John's point. It somewhat undermines efforts that are made elsewhere.

I do not want to push you to answer a question on something that you have not seen. I am just telling you. It does not look good.

Ms Patterson:

Does that refer to inspections of licensed sites?

The Deputy Chairperson:

No. I think it is about illegal sites.

Ms Patterson:

Right.

The Deputy Chairperson:

We will await a response.

Mr D Foster:

I suspect that, if that correspondence is in relation to illegal sites, the issue is one for our environmental crime team, which is severely understaffed. We have fewer than one investigator per council area to deal with illegal sites. We are actively recruiting to address that issue. However, we are happy to respond.

The Deputy Chairperson:

Sorry; it was not inspections of illegal sites; it was inspections of producers of waste tyres. I suppose that those could be acting illegally as well. We will await a response.

Mr McGlone:

I will pick up on a number of issues that were raised. The location of bonfires in many areas poses a health and safety risk to people. Aside from the tons of black smoke that go up into the air, it has come to the point now that — and I do not know whether you know this, but half the country knows it — if people want to get rid of substantial waste, they burn it on the night of 11 July. They know that there is no chance whatever, whether satellites or whatever are used, that anyone will come near them. That is the farcical point that we are now at. An opening has been

created, and people use it to do stuff. If someone lands out to them and challenges them, they will respond, "I am celebrating my culture". Or it could be some other night in the year when they are celebrating their culture. The celebration of cultural diversity has taken so many twists and turns now that it has led to the pollution of the environment and the encouragement of still more pollution.

The other thing that you touched on, Mr Foster, was that you are actively recruiting. How many people are you actively recruiting, and at what stage is that recruitment? Sorry, perhaps I should first ask what posts you are recruiting for. How many do you design to recruit, and what stage is the process at?

Mr D Foster:

The recruitment that I referred to is for the environmental crime team. That team is in a different part of the agency, but I can come back to you with specific figures. We are at an active stage in that recruitment. We are close to advertising for that, and the recruitment process has passed through all the internal approvals. That recruitment will see between 10 and 14 staff being employed in that team to take it back to full strength.

Mr McGlone:

Is that team under strength?

Mr D Foster:

Yes.

Mr McGlone:

Right. Will the recruitment just bring the team up to its complement?

Mr D Foster:

Yes.

Mr McGlone:

So, are you telling us that the team is between 10 and 14 people under complement?

Mr D Foster:

Yes. That is correct.

Mr McGlone:

Why is that the case? Perhaps you cannot tell me that at the moment.

Mr D Foster:

That team is in a different part of the agency, so I cannot give you specific reasons why that is the case.

Mr McGlone:

I think that we really need to know that. Perhaps I picked it up wrong. I thought that the agency was recruiting extra staff, but that recruitment will just bring it up to what it was.

The Deputy Chairperson:

To pick up on a comment that Patsy made, I understand that there is linkage between tyres and bonfires, but this is an inquiry into used tyres, not bonfires. John cited the example of Ards, where they are now down to three bonfires on which tyres were burnt. That is an area where there are approximately 30 bonfires. We are down to one in 10, and I am a ratepayer in that area. I daresay that I have been to more bonfires this year than Patsy, and I saw no tyres at any of the bonfires that I was at —

Mr Dallat:

Chair, he goes out checking them as well.

The Deputy Chairperson:

He does, perhaps more than I do. The only bonfire that I saw this year on which tyres were burnt was on television, and it was a bonfire to commemorate internment.

If this inquiry is to be worth anything, it cannot start to assault bonfires wherever they are. A great deal of progress has been made, and there will be no progress on any inquiry that we get into, if it starts to assault the eleventh night or any other occasion. That is not what this inquiry is meant to be about. We need to be careful about the language that we use.

Mr McGlone:

To clarify, I do not give a hoot about whose claimed culture it is that is using these oul' tyres. I really do not give a hoot. I could take you to bonfires on which tyres were burnt in Magherafelt and Coosktown, and I have a photograph of one in Moneymore. I do not care whose culture is being celebrated by these bonfires, all I am concerned about is the damage that they cause to the environment and to the health of those who live in close proximity to them. I had a visit from a lady yesterday who told me of one such instance. I am also concerned about damage to properties. The issue of bonfires needs to be touched on in this inquiry.

Mr Dallat:

In view of the Deputy Chairperson's remarks, I must say that all the complaints that I have received about bonfires have come from the unionist/loyalist community. You will not be surprised at that. Members of that community have had their plastic windows and doors melted, their oil tanks set on fire and a range of other related problems as a result of bonfires. When I spoke passionately about the issue of bonfires, I was, in fact, representing people from the unionist community who have had enough and cannot take any more.

The Deputy Chairperson:

I am making the point that we are not going to let the inquiry descend into an attack, no matter how it is expressed —

Mr Dallat:

You did that.

The Deputy Chairperson:

I did not raise the issue of the 11 July — we can go back over the Hansard report — and pinpoint it as a date on which anyone who wants to get rid of illegal tyres can do so. Mr McGlone said that. That is not the case, and it also ignores the fact that there has been substantive progress. If you read through the file, you will see that massive progress has been made. It is not perfect by any means, but huge progress has been made. The problem does not lie with bonfires to the same extent that it might have done five or 10 years ago, and I have said that before in the Committee. I hope we can all agree on that.

Mr Dallat:

Mr McGlone may not have said it, but he may be implying that there might be the odd fire on the 11th night that has nothing to do with King Billy crossing the Boyne.

Mr McGlone:

That is my point. To be perfectly clear, Simon, those people have fires elsewhere to dispose of their illegal rubbish.

The Deputy Chairperson:

That is a different matter entirely.

Mr McGlone:

Well, they are using the cover.

Mr Dallat:

It is just a convenient date to do it.

The Deputy Chairperson:

Sorry, we have kept the poor officials here as we have a bit of a spat.

Mr Boylan:

What happened to the egg? *[Laughter.]* Do not record that, please.

Mr Weir:

I am not sure whether it was John or Patsy who laid the egg rather than a hen.

Mr Boylan:

It was scrambled.

Mr Dallat:

I will bring you in a duck egg.

The Deputy Chairperson:

Dave, Helen and Pamela, thank you very much for your evidence. We appreciate it.

Joining us and representing the Northern Ireland Local Government Association (NILGA) are Councillor Shaun Gallagher, Councillor Hubert Nicholl and Tim Walker from the technical advisors group. You are all very welcome. I ask you to make a brief introductory presentation and then we will open it up for questions.

Councillor Shaun Gallagher (Northern Ireland Local Government Association):

I will be very brief; I am aware of the time and that lunch is ready. Thank you for your invitation to present evidence to the Committee as part of the inquiry into tyre disposal. I believe that this is the first time since the recent elections that NILGA has been invited, so I congratulate you all on your election and wish you well in your term. I hope that things go well for you folks.

I understand that members of the Committee have been furnished with a copy of the briefing from NILGA on the issues that we feel to be relevant to the inquiry's terms of reference. I do not intend to read through the briefing, but we will be happy to pick out key issues that our members have raised as being of the highest importance, and we will then obviously answer some questions.

NILGA welcomes the timely inquiry into an issue that is causing increasing concern for local councils. I understand that you have obtained figures from councils that go some way towards showing the extent of the problem of illegal tyre disposal in Northern Ireland. My colleagues and I are familiar with receiving complaints on issues that we have no powers to deal with, and I am encouraged that the Committee is now examining tyre disposal. I hope that the report from the inquiry will recommend solutions for the benefit of all our citizens.

As chair of NILGA's waste and environment working group and vice-chair of the waste programme board — the Minister is the chair — I have the opportunity to discuss tyre disposal with the Minister, tyre producers and a wide range of local government elected members and officers. As a councillor on Derry City Council, I have also witnessed at first-hand how serious an issue illegal activity with tyres can be. I vividly remember the recent fires in Pennyburn and Campsie in my own area, which caused serious air pollution and required an extensive clean-up exercise. Police and fire authorities estimate that there were between 500,000 and one million tyres set alight at the fire in Campsie. Police believe that the individual involved in that made at least £1 million, and is not in this jurisdiction at the moment. As the saying goes, he is sucking

piña coladas in Spain somewhere. That is the kind of level of crime that is going on at the moment.

NILGA has identified four main categories of illegal activity of concern to councils with regard to tyres. The thing to remember about those fires is the clean-up cost, which, for the Campsie fire, ran to about £800,000. I do not have a figure for the Pennyburn one. Those are the kinds of issues that we are dealing with. Large scale activity and stockpiling, such as in the incidents I just outlined, are the major concern. That trend seems to be increasing. Smaller scale activity and fly-tipping happen frequently, and regular occurrences of illegal tyre disposal poses an increasing cost to councils, although councils have no statutory authority to remove tyres unless on council-owned land. Tyres frequently end up with councils, which need to dispose of them legally and responsibly, incurring an extra cost to the ratepayer. You referred to that earlier, Chair.

The Committee will be aware that work is ongoing to develop a fly-tipping protocol for Northern Ireland, which I am keen to discuss with you on another day, as I believe that a full and frank conversation on that issue is necessary. I will add to that by saying that the views of some departmental officials on that issue are naive, to say the least.

The only example I can give you of seasonal burning of tyres and bonfires is on my own patch, where I recently watched a bonfire leading up to the anniversary of the introduction of internment. Up until the very last moment the tyres were not there, but suddenly they appeared. I estimated that there were around 1,800 of them. They just appeared, so that was organised. That was somebody disposing of tyres. If it happened with that bonfire, it would have happened with a lot of bonfires. I tried very hard to find out whether money exchanged hands between the young fellas organising the bonfire and the person who gave them the tyres, but I was amazed to find that they were actually stored in an empty house in an estate. We have work to do on that, and it is in all of our interests that we do it.

We are also concerned about grey areas of enforcement, which, regardless of improvements to enforcement regimes, may continue to pose a problem. As highlighted in our briefing, our members raised issues surrounding remoulds and part-worn tyres as well as the potential for individual customers of tyre depots to remove tyres to dispose of at their leisure, most likely illegally. Let us be honest: if you are going to get four tyres, and the boy says he needs £2 a tyre

to recycle the old ones, you will say that you will recycle them yourself. You will tell him to throw the tyres in the boot of the car, and think that councils will pick up those four tyres. When Hubert speaks to his case in a minute, he will give you an example of what happens on his property. I will bring in my colleague Hubert here, who lives in a more rural area, to give you a perfect example of recent tyre disposal.

Councillor Hubert Nicholl (Northern Ireland Local Government Association):

In March last year, I acquired a farm on the main road between Randalstown and Portglenone, which is one of the main roads from Belfast to Derry. In one week, I had 16 tyres tipped in four different places. Obviously, some young guy was sent out from one of these tyre depots with four tyres, and was asked to get rid of them somewhere. I am seven miles from Ballymena and eight miles from Antrim. They were thrown through the hedge into a sheugh on my farm. Those of you who come from the country will know what a sheugh is, and if you have four or five tyres thrown into one, you very soon get a bit of flooding in your field.

Prior to that, a neighbour of mine came along that same road one day to see boys there with a lorry. He reckons there were 200 or 300 tyres on it, and they were busy throwing them into a cut-out bog beside our lane. He stopped and made them put the tyres back on the lorry again and take them with him, and he said that they headed back to Belfast with them. There are pheasants and snipe in that bog at the minute. If those tyres had been thrown in there, they would have been burnt because the whole place would have been set on fire and there would have been scorched earth left. I listened to the Department today, and I do not think it is really aware of what the problem is.

Take July as an example. We do not want to blame the people who are building the bonfires; the people to blame are those who ring up an area and ask whether they could do with a load of tyres. Boys from Belfast ring up and ask whether people can take a load of tyres. There was one 11th night bonfire at Kellswater that had over 1,000 tyres on it. Not only that, but it burnt for a month after that. People in the area were ringing me asking whether I could get the stuff moved, even though it was still burning. You cannot move it until it stops burning. That is the big thing.

As a farmer, I have a lot of silage bales. When I remove the plastic from those bales, I have to get it recycled and I have to have a waste transfer note for that. When I apply for my single farm payment, they can come round and ask what I have done with my plastic, and I can tell them I

sent it to Emerald Isle Recycle at Groggan, and they will ask for a waste transfer note. These tyre people, however, do not have a waste transfer note.

According to what I have picked up from the internet, I understand that, under the new Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011, waste transfer notes will be requested and councils will have the power to ask for them and that, if they cannot be produced, an immediate on-the-spot fine of £300 will be issued. I do not think the Environment Agency is willing to enforce that. I think they are only tinkering around the edges of it.

It is a really big problem for those of us who have to farm on the roadsides where people dump this stuff regularly. It is not only tyres; it is fridges, televisions, freezers, anything at all is being dumped through the hedges into our fields. Tyres are a major obstacle to us. Some people say that they think farmers can use the tyres to place over the silos. They could drive 50 yards up the lane and, if there is nobody living in the house, they could dump them in the yard. That would be a lot easier than me pulling them out of a sheugh. We do not want the tyres at all; very few farmers use tyres on their silos. I was very disappointed when listening to the Department today. I do not think they are at the game.

We are the only people standing between the Committee and their lunch, and I know Simon likes his grub. *[Laughter.]*

Councillor Gallagher:

NILGA is here to represent all the councils in its membership. Our councils have very strong views on the actions necessary to address this problem. Hubert touched on the communications work that is necessary with the public, which I believe should be carried out through the Department's Rethink Waste campaign. There is an opportunity to do that. Aside from the public messages however, we have a direct and robust approach in dealing with operators who try to bend or break the law. I know that you are dealing with an extremely difficult issue here. We have no magic solution that we can give you, but parts of it can be tightened up through using common sense.

NILGA strongly supports partnership working. The report needs to be prioritised by all the agencies involved. On 19 October, NILGA and I will meet the Northern Ireland Environment Agency. Probably the best way to put it is that it will be an open and frank discussion.

Hopefully, as a result of that meeting, some of the issues and concerns of local government in Northern Ireland will be resolved. With that, I wish you all the best in your task. I know that you have a difficult task ahead. If there is anything that I or we can do for members, do not hesitate to contact us. Thank you.

The Deputy Chairperson:

The Committee very much appreciates input and evidence from local government because, as is the case in many such matters, local councils are at the front line in dealing with problems. If central government does not get it right, local government ends up dealing with the problem.

In your submission, you stated your preference for a producer-responsibility scheme, which we discussed earlier. You cited the example of battery disposal and how councils sometimes work on that. That might be a solution or part of a solution that we want to examine a bit more. I very much welcome that input from councils. It might be something that local government would be willing to support.

Councillor Gallagher:

Irrespective of whether you are a good operator or a bad operator, if you have just bought tyres for £2 each, you know they will cost at least £1.50 each to recycle, and someone comes along and tells you that they can dispose of them for 50p each, that is very attractive. They are off your hands. It is like what is happening in Campsie. A farmer rented a barn to an individual thinking that he would use it for storage. The fella put over a million tyres in it and set it alight. Under our legislation, the farmer is responsible. That is unfair on him that he was caught out. That individual was able to circulate easily and gather up those tyres. That is the difficulty that you face.

The Deputy Chairperson:

The attraction of producer responsibility is that you are dealing with a limited number of entities, whereas, at the moment, there are too many people in too many areas who are meant to be responsible for that, but simply are not.

Mr Boylan:

Thanks very much for your presentation. I am glad that someone mentioned “sheugh” at this meeting; I thought that people had forgotten about me. It is nice to hear such language. It is a

serious issue. I am glad that you highlighted it because people are indiscriminately stopping their vehicles in the middle of the countryside and firing tyres over hedges. There is a job of work for all of us. Most people go to their local local tyre fitter, especially in rural areas and small urban settings. The job of work is to try to bring them along to discuss the issue.

There are genuine operators out there who comply with legislation. Others, however, do not. We need to tackle the issue through the Committee, NILGA, local councils and local authorities, rather than making generalisations about every single operator. It is time that dumping in fields, beauty spots and other areas is stopped. It is ridiculous. People do not realise that it goes on. Until two major fires happened in the past 18 months, the issue was not being highlighted. Most people just lift tyres and take them away. There is a role for the Committee and councils to work with local communities in that respect.

Councillor Nicholl:

In 2006, when tyres stopped going to landfill, we were told that there would be traceability in tyres. Certainly, our council was told that all tyre fitters would have to have their tyres marked and that our inspectors could go in to see them. If those tyres ended up on a bonfire, they would know that they came from x or whoever. That is not happening. There is no traceability with tyres. As John said, if you buy beef, you could find out which cow it came from within a few hours. Surely, tyres could be traced. No attempt is being made to trace them. Look at other countries such as Belgium, the Czech Republic, France, Greece, Hungary and Norway, which all have producer responsibility. If they can do it, it can be done and tied up a lot tighter than it has been here.

Mr Weir:

Thank you for your presentation. I agree that some of the excuses that are used for traceability seem quite lame, to be perfectly honest. I appreciate that some people can go to some level forensically to make sure that there is nothing on the tyre that will identify where it has come from. However, if this means that those who are prepared to do this on a large scale are, at the very least, put to a higher level of inconvenience, it would be step forward.

You made a lot of very sensible points in your submission and mentioned the need to take this forward on a partnership basis, which everyone agreed with. However, I also get the impression from what you have written that there are some concerns that the response and level of co-

operation coming from NIEA is patchy and seems to vary from area to area. Will you give us some more information on that?

Councillor Gallagher:

Very briefly, Peter, because I have the authority only to speak about NILGA's position. One thing that councils do well is waste management. It would do the Committee no harm to look at the resourcing of NIEA and various facilities at local government to see whether they are the appropriate people to be doing some of the waste management that they are being asked to do. It is unfair on them, because they do not have the resources, expertise or the people on the ground. That is where progress can be made, because local authorities in Northern Ireland and local government officers have expertise in waste management that goes back a long time. Tell me anyone better who you can find?

Dr Tim Walker (Northern Ireland Local Government Association):

I thank the Committee for listening to us. This is a big issue, but it is really a subset of much of the fly-tipping agenda, which is also the subject of discussion between the NIEA and NILGA.

As the councillor said a minute ago, we will meet the Department shortly to discuss how to set up the working group to look at fly-tipping across Northern Ireland. It is imperative that, as we get further into that discussion, it is not just linked to the Department and councils. Others should also be brought to the table, be it the Department for Regional Development, the Department of Agriculture and Rural Development, the Farmers' Union, Translink, or whoever else. There is a huge issue with fly-tipping on a variety of properties and with a variety of material types.

We also heard about TVs, washing machines and everything else that is being dumped. Those are all valuable materials of one sort or other, and all have a further use. For example, tyres can be used for a variety of different things. However, we are turning a blind eye to some extent, and there has been an issue with resources, which the councillors mentioned, that we need to look at. We need to manage that much better in the future, and with the recent fly-tipping protocol, which identifies a role for discussion between the organisations — councils, the Department of the Environment and NIEA — we can hopefully start those discussions. They have been a long time coming.

Mr Dallat:

The comments just made by Tim are very relevant. I hope that our inquiry, when it is finally agreed, broadens into the wider sphere of recycling.

Shaun illuminated — maybe I should not use that term — the Campsie issue. That was one of the biggest disasters that I have ever witnessed. We need to learn from that about the acceptable number of tyres that can be stored, if they are stored legally, and the conditions under which they are stored, so that never again is any community subject to the amount of pollution that poured out from there for weeks afterwards.

Mr McGlone:

It is important that the communications, especially those between NILGA and the Committee, are kept open, particularly any conversation or dialogue that NILGA has with the Department on this. Quite clearly, with the inquiry that we are having, the dialogue that you engage in and the success or otherwise of it is important in how it feeds into what we are doing here.

I thank you for coming along today; it has been very useful. We have heard about the harsh reality today as opposed to the theory that we often get here.

Councillor Gallagher:

We have given you coalface examples, because I am sure that you are inundated with policies and procedures. I thank you for the opportunity to give evidence on behalf of NILGA members and wish you every success in your dealings.

The Deputy Chairperson:

Thank you all very much for your evidence.