

# ENVIRONMENTAL IMPACT ASSESSMENT REPORT FOR THE EXPANSION OF A MATERIALS RECOVERY FACILITY AT CAPPOGUE AND DUNSINK, BALLYCOOLIN ROAD, DUBLIN 11.

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## Volume 2 – Main Body of the EIAR Chapter 5 – Planning and Policy Context

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## 5. PLANNING AND POLICY CONTEXT

### 5.1 Introduction

This chapter of the Environmental Impact Assessment Report (EIAR) examines waste management and climate action policy and legislation at international, European, national, regional and local levels and its relevance to the proposed development. The chapter also examines applicable planning policy and legislation at national, regional and local levels and its relevance to the proposed development.

The chapter is structured having regard to the hierarchical structure of policy and legislation relevant to the areas of waste management, climate change and planning. This structured approach ensures that all relevant policy and legislation, and its relevance to the proposed development, is considered and examined.

#### 5.1.1 Statement of Competency

This chapter was prepared Richard Deeney. Richard Deeney is a Senior Environmental Scientist with Fehily Timoney and Company. Richard has over 10 years' experience in environmental and planning consultancy. Richard has a B.Sc. in Environmental Management and an Advanced Diploma in Planning and Environmental Law with the Kings Inns. He has a vast amount of experience coordinating and completing EIAR's for a wide variety of development types including waste facilities, tourism development, quarries and manufacturing facilities. Richard has been involved in the completion of numerous planning and policy assessments for a wide range of development types.

### 5.2 Waste Legislation, Policy and Guidance

There are several significant pieces of legislation and policy documents addressing waste management which highlight the appropriateness of the proposed development. This section of the chapter sets out the key pieces of European, national, regional and local waste policy and legislation relevant to the proposed development.

#### 5.2.1 European Waste Legislation

##### **Council Directive 1999/31/EC on the Landfilling of Waste**

Council Directive 1999/31/EC on the landfilling of waste (i.e. the 'Landfill Directive') sets out the regulation of all EU landfills.

The overall objective of this Directive is to tightly define and unify the nature of acceptable landfill usage, by reducing and minimising the potential environmental impacts which may otherwise occur at any point in the life-cycle of a landfill.



Directive 1999/31/EC was amended by Directive (EU) 2018/850, the European Union (Landfill) Regulations 2020 (S.I. No. 321/2020) give effect to the 2018 Directive. Several key proposals to reduce landfilling across EU Member States and in Ireland have been defined in this legislation:

- Member States must ensure that all waste suitable for recycling or other recovery, in particular in municipal waste, shall not be accepted in a landfill with the exception of waste for which landfilling delivers the best environmental outcome in accordance with Article 4 of Directive 2008/98/EC (i.e. the ‘Waste Framework Directive).’
- only waste that has been subject to treatment is landfilled. This provision may not apply to inert waste for which treatment is not technically feasible, nor to any other waste for which such treatment does not contribute to the objectives of the Directive.
- Member States must ensure that by 2035, the amount of municipal waste landfilled is reduced to 10% of the total amount of municipal waste generated (by weight).
- from 2020 the biodegradable municipal waste going to landfills must be reduced to below 35% of the total amount (by weight) of biodegradable municipal waste produced in 1995.
- separately collected biodegradable municipal waste is prohibited from being landfilled by Member States
- landfilling of waste that is suitable for recycling or recovery shall be restricted by Member States by 2030.

The Directive also states that, *‘Member States shall endeavour to ensure that as of 2030, all waste suitable for recycling or other recovery, in particular in municipal waste, shall not be accepted in a landfill with the exception of waste for which landfilling delivers the best environmental outcome in accordance with Article 4 of Directive 2008/98/EC’.*

#### **Relevance to the Proposed Development**

All recoverable and recyclable waste accepted on-site will be diverted from landfill. This will contribute to the achievement of the targets defined in this directive. In particular, biodegradable municipal waste (BMW) fractions contained in residual Municipal Solid Waste (rMSW) accepted at the facility will be separated, and dispatched for appropriate biological treatment, rather than being landfilled. This will contribute to the achievement of the defined BMW landfill reduction target. All separately collected BMW (termed ‘food waste’ elsewhere in this EIAR) will be accepted on-site for bulking before being directed to off-site for composting (in Thorntons Recycling own facility), in accordance with policy defined in the Directive.

#### **Council Directive 2008/98/EC on waste (and repealing certain Directives) and Directive 2018/851 amending Directive 2008/98/EC on waste**

A revised Waste Framework Directive (the “new” Waste Framework Directive) was adopted in 2008. One of the objectives of the Waste Framework Directive (2008/98/EC) is to provide a framework for moving towards a European recycling society with a high level of resource efficiency. It also places a binding obligation on Member States to develop national waste prevention programs and report on prevention and waste prevention objectives.

The Directive clearly defines several important definitions, such as recycling, recovery and waste in order to resolve previous interpretation problems.



It also alters the impression of waste as an unwanted burden to become a valued resource in Europe, for example, incineration will be considered a recovery operation provided it meets certain energy efficiency standards. The five-stage waste hierarchy has also been more clearly defined and lays down waste operations in prevention, re-use, recycling, recovery and safe disposal in order of preference.

While the Directive does not require each Member States to “*possess the full range of final recovery facilities within that Member State*”, its intention is that Member States should, on the whole and excepting for “*certain types of waste*”, be able to appropriately manage waste generated within their own country in line with waste hierarchy principles.

The WFD was amended in 2018 by Directive (EU) 2018/851. This amendment was approved by the EU in July 2018 and was transposed into Irish Law by 5 July 2020. The amended WFD broadly requires EU Member States to further improve their waste management systems, to improve the efficiency of resource use, and to ensure that waste is valued as a resource.

Key focus areas of the amended WFD includes the following.

- Measures to prevent waste generation.
- Minimum operating requirements for EPR schemes, to include fee modulation and the concept of necessary costs.
- The management of municipal waste.
- Incentives for the application of the waste hierarchy.
- Measures to encourage the development, production, marketing and use of products suitable for multiple use that contain recycled materials, suitable for re-use and recycling.
- Measures to promote the re-use of products constituting the main sources of critical raw materials to prevent those materials from becoming waste.
- The promotion of sustainability in production and consumption in Member States, including communication and educational initiatives as well as measures to promote prevention and reduction of food waste.
- Member States’ obligation to set up separate collection for paper, metal, plastic, and glass waste.

The amended WFD defines the following targets in relation to the recycling and preparing for re-use of municipal waste:

- 55% by 2025
- 60% by 2030.
- 65% by 2035.

The Directive defines the following target in relation to the recovery, recycling and preparing for re-use of non-hazardous C&D waste:

- 70% by 2020.



The Directive establishes and prescribes criteria and rules for having wastes achieve ‘End of Waste’ and ‘By-product’ status, which supports waste recycling and material re-use, respectively, reducing the environmental impact of waste, increasing resource efficiency, and the reduction of waste being sent to landfill.

Article 11 of the Directive was also amended through the addition of the following paragraph, which sets out the broad intention to promote re-use and recycling of wastes:

*‘By 31 December 2024, the Commission shall consider the setting of preparing for re-use and recycling targets for construction and demolition waste and its material-specific fractions, textile waste, commercial waste, non-hazardous industrial waste and other waste streams, as well as preparing for re-use targets for municipal waste and recycling targets for municipal bio-waste.’*

### European Communities (Waste Directive) Regulations 2011 / 2020

Directive 2008/98/EC was implemented in Ireland through the European Communities (Waste Directive) Regulations 2011 (S.I. 126 of 2011). Therefore, the obligations of the Directive, as previously described, are legislative requirements in Ireland. The 2011 regulations were amended with the European Union (Waste Directive) Regulations 2020 (S.I. No. 323/2020), which gave effect to the updated Waste Framework Directive (Directive (EU) 2018/851).

#### **Relevance to the Proposed Development**

The proposed development will contribute to the implementation of the principles of the Waste Framework Directive (as amended) through the facilitation of increased recovery/recycling of rMSW, C&D, food waste and MDR.

The proposed development supports the management of waste through an adequate network of waste management facilities, while ensuring that waste accepted at the facility is ultimately managed in a manner that is as ‘high up’ on the hierarchy as possible, through facilitating material recovery/recycling and reducing consumption of natural resources.

The proposed development will contribute toward achieving municipal waste and C&D waste targets defined in the Directive. The high degree of C&D waste processing and separation has the potential to underpin and support separated waste fractions achieving future ‘end-of waste’ status in accordance with the Directive.

#### 5.2.2 European Waste Policy

#### **Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the Circular Economy Action Plan (2019)**

This report from the Commission to the European Parliament outlines an agenda and a set of initiatives to establish a more circular and sustainable economy in Europe.

The report states that although the recycling of municipal waste has increased between 2008 and 2016, on average recycled materials only meet less than 12% of the EU demand for materials.



The report also states that the construction sector is responsible for over 35% of the EU's total waste generation. To improve material efficiency a Strategy for Sustainable Built Environment was launched. As well as other methods this strategy promotes circularity principles throughout the lifecycle of buildings by considering a revision of material recovery targets set in EU legislation for construction and demolition waste and its material-specific fractions. Material recovery is identified as being an essential aspect of improving material efficiency within the built environment and construction sector.

#### ***Relevance to the Proposed Development***

The proposed development will support the maximization of recovery and recycling of rMSW, C&D, food waste and MDR in line with Circular Economy principles. This will contribute to achieving resource efficiency and the establishment of a more sustainable, circular economy.

### **European Green Deal 2019**

The European Green Deal in 2019 sets out the aim of the European Union to be carbon neutral by 2050. A key element of the Green Deal Action Plan is to boost the efficient use of resources by moving towards a circular economy, to minimise waste going to landfill and maximise waste as a resource.

#### ***Relevance to the Proposed Development***

The proposed development will increase capacity for waste recovery/recycling. This will improve the efficient use of resources and reduce waste disposal levels in line with the circular economy related principles and policies defined in the European Green Deal.

### **EU Circular Economy Action Plan (2020)**

The European Commission adopted the new circular economy action plan (CEAP) in March 2020. It is one of the main building blocks of the European Green Deal, Europe's new agenda for sustainable growth.

The new action plan announces initiatives along the entire life cycle of products. It targets how products are designed, promotes circular economy processes, encourages sustainable consumption, and aims to ensure that waste is prevented, and the resources used are kept in the EU economy for as long as possible. A key tenet defined in the Plan is its objective to ensure resources are utilised to the maximum extent possible and for as long as possible.

#### ***Relevance to the Proposed Development***

The proposed development will increase capacity for waste recovery/recycling. The proposed development supports the maximisation of recovery and recycling of resources in line with Circular Economy Principles.





### 5.2.3 National Legislation and Policy

#### **Historic Waste Management Policy**

Historic waste management policy in Ireland has underpinned the broad strategic and policy approach in the area of waste management over the course of the last 25 years.

Government policy in relation to waste management was previously set out in the policy statement entitled *Waste Management: Changing Our Ways* published by the Department of the Environment and Local Government (DoELG) in September 1998. The policy statement incorporated the EU Waste Management hierarchy of waste prevention/minimisation/reuse/recycling/energy recovery/disposal, as well as earlier policy statements including Government strategy documents such as *Recycling for Ireland* (July 1994) and *Sustainable Development: A Strategy for Ireland* (April 1997).

It outlined a clear commitment to reduce dependency on landfill as a primary waste disposal route.

*Waste Management: Changing Our Ways* outlined ambitious targets for waste management as follows:

- a diversion of 50% of overall household waste away from landfill
- a minimum 65% reduction in biodegradable wastes consigned to landfill
- the development of waste recovery facilities employing environmentally beneficial technologies as an alternative to landfill, including the development of composting and other feasible biological treatment facilities capable of treating up to 300,000 tonnes of biodegradable waste per annum nationally
- recycling of 35% of municipal waste
- recycling at least 50% of construction and demolition (C&D) waste within a five-year period, with a progressive increase to at least 85% over fifteen years
- rationalisation of municipal waste landfills, with progressive and sustained reductions in numbers, leading to an integrated network of some 20 state-of-the-art facilities incorporating energy recovery and high standards of environmental protection
- an 80% reduction in methane emissions from landfill, which will make a useful contribution to meeting Ireland's international obligations.

Another historic waste management related policy statement was issued by the Minister for the Environment and Local Government in 2002. In this policy statement entitled '*Preventing and Recycling Waste - Delivering Change*', the Government set out objectives for developing recycling and recovery facilities.

This policy statement incorporated the EU waste management hierarchy of waste prevention, minimisation, reuse, recycling, recovery and disposal as outlined in '*Waste Management: Changing our Ways*' as well as earlier policy statements. This policy document:

- highlighted the necessary disciplines that must be imposed within waste management systems to secure real progress on waste prevention, reuse and recovery,
- outlined a range of measures that would be undertaken in the interests of minimising waste generation and ensuring a sustained expansion in reuse and recycling performance and;
- set out a number of clear objectives which the Government proposed to implement to meet the targets identified in *Changing Our Ways*.



### ***Relevance to the Proposed Development***

The proposed development will contribute to achieving the broad strategic aims, policy objectives and principles defined in Changing our Ways (1998) and Delivering Change (2002), which underpin waste management policy in Ireland, through the facilitation of increased waste recovery/recycling. The development will facilitate the diversion of waste from being sent for landfilling in accordance with the goals of these policy documents.

## **A Resource Opportunity – Waste Management Policy in Ireland – 2012**

This policy document was produced in July 2012 and outlined the measures through which Ireland would make *“the further progress necessary to become a recycling society, with a clear focus on resource efficiency and the virtual elimination of landfilling of municipal waste”*.

A range of policy measures were outlined in relation to the elements of the waste hierarchy i.e. prevention, reuse, recycling, recovery and disposal that concentrate on the supporting legislative and market environment in relation to the waste industry.

Amongst other things, the policy document recommended that the number of waste management planning regions be reduced from ten to three. This streamlining was considered to allow a greater concentration of resources, while still addressing geographical and other relevant differences. Consequently, three Regional Waste Management Plans were made.

These are:

1. Eastern - Midlands Region Waste Management Plan 2015 – 2021;
2. Southern Region Waste Management Plan 2015 – 2021; and
3. Connacht - Ulster Region Waste Management Plan 2015 – 2021.

The Waste Management Plans set out the strategic vision for waste management nationally and the policy objectives outlined in each Plan are complementary while recognising waste movements across regional waste boundaries.

### ***Relevance to the Proposed Development***

The proposed development will contribute to achieving the principals and policies defined in A Resource Opportunity (2012) through the facilitation of increased waste recovery/recycling. The proposed development will facilitate the diversion of waste from being sent for landfilling in accordance with the goals of this policy document.

## **Towards a Resource Efficient Ireland, 2014**

This was Irelands national strategy for waste prevention and ran to 2020.



The overarching objective of this strategy document was to implement EU and national policy on resource efficiency to break the link between economic growth and environmental impact. The objectives of the strategy are to:

- reduce wasteful consumption of material, water and energy resources by changing behaviours in businesses, households and the public sector.
- enhance competitiveness and reduce business costs by delivering programmes that stimulate resource efficiency and the circular economy.
- support sustainable growth and employment in the green economy - including re-use enterprises.
- minimise generation of hazardous wastes through efficient practices and use of safer alternatives.
- manage hazardous substances in products through efficient regulation.
- inform and influence evidence-based decision-making by compiling and publishing high quality data on waste.

#### ***Relevance to the Proposed Development***

The proposed development will contribute to achieving resource efficiency through the facilitation of increased waste recovery/recycling. The proposed development will facilitate the diversion of waste from being sent for landfilling in accordance with the goals of this policy document.

### **Waste Action Plan for a Circular Economy, 2020**

In September 2020, the government published 'A Waste Action Plan for a Circular Economy – Ireland's National Waste Policy 2020-2025, which sets out the measures through which Ireland will become a circular economy, with a clear focus on resource efficiency.

This waste policy seeks to match the level of ambition in the Waste and Climate areas across the EU and in accordance with the Green Deal which is a roadmap for a climate neutral continent by 2050.

The policy focus is to change how we view waste and prioritise prevention at every opportunity. It seeks to ensure we lessen our impact on the environment by helping to reduce greenhouse gas emissions and reduce the generation of all waste streams.

The policy for municipal waste is to meet municipal waste recycling targets<sup>1</sup> as outlined by the Waste Framework Directive and to ensure that by 2035, the amount of municipal waste landfilled is reduced to 10% of the total amount of municipal waste generated (by weight) as per the Landfill Directive and to:

- to incentivise the waste industry by incorporating municipal waste recycling targets as conditions of waste collection permits.
- improve waste segregation in commercial sector through awareness campaigns, enforcement actions requiring segregated bins and incentivised charging.
- standardise colour coding of bins across the state.

<sup>1</sup> 55% by 2025, 60% by 2030, 65% by 2035



- introduce waste recovery levy to recovery operations at rMSW landfills, waste to energy plants and co-incineration plants and the export of rMSW.
- ensure household and commercial waste management will be an operational and enforcement priority for all stakeholders.
- improve public behaviour to encourage waste prevention and recycling.
- revisit existing national standardised list of items acceptable in Mixed Dry Recyclables (MDR) bins to capture more recyclable materials.
- ensure segregated waste receptacles are provided by commercial premises for customers.
- introduce further measures to incentivise prevention and segregation of waste.
- improve waste segregation in apartment complexes.
- make provision of organic waste bin mandatory as part of waste collection service for all households.
- develop quality waste management assurance scheme for businesses to improve compliance with best practice in terms of waste prevention and recycling.
- ensure waste sector is responsive to emerging trends and best practice in waste collection and treatment options.
- encourage rollout and adoption of my waste package labelling.

The policy for C&D waste is to meet and continue to meet the target of preparing for reuse, recycling and other material recovery of 70% by weight of C&D non-hazardous waste and to:

- develop national end of waste decisions for specific C&D waste streams.
- develop a 'best available techniques' document for the Construction Sector.
- DCCAE will seek to work with the Department of Housing, Planning and Local Government to produce Section 28 Planning Guidelines on Construction Waste to further drive the prevention and recycling of C&D waste.
- incentives will be put in place to encourage the use of recycled materials.
- implement and monitor Green Public Procurement specifications for public construction contracts to use recycled material and for the design of buildings to allow their future demolition in such a way as to facilitate reuse/recycling of the materials.
- development of reuse and recovery targets for plastic from the C&D sector.

The proposed development is supportive of these policies as it will divert waste from landfill, and will facilitate the segregation of materials for further reprocessing, recycling and recovery, and for end of waste processes.

The policy is supportive of driving improvement in the prevention, reuse or recycling of bulky waste. It identifies a lack of sufficient and appropriate facilities for the reception of household bulky waste.



### **Relevance to the Proposed Development**

The proposed development is generally supportive of these policies as it enhances waste separation and recovery/recycling, and divert waste from being sent to landfill, in accordance with circular economy principles currently guiding public waste policy.

BMW fractions contained in rMSW accepted at the facility will be screened and separated, and dispatched for composting or anaerobic digestion, rather than being landfilled. All separately collected BMW (termed 'food waste' elsewhere in this EIAR) will be accepted on-site for bulking before being sent off-site for composting or anaerobic digestion, in accordance with policy defined in the Directive.

A high degree of C&D waste processing and separation will take place at the facility. This will enhance C&D waste recycling and will facilitate the reduction of C&D waste disposal to landfill (10% of C&D waste was sent for landfill disposal in 2019). Improved levels of C&D waste separation will further enhance the recycling of separated C&D waste fractions such as wood, glass and plastic. The high degree of C&D waste processing and separation has the potential to underpin and support having separated waste fractions achieve 'end-of waste' status in accordance with the Directive.

### **National Waste Statistics - Progress towards EU targets (EPA, 2021)**

The Environmental Protection Agency (EPA) published updated statistics and detail on the status of EU waste recycling, recovery and diversion targets associated with the Packaging Directive, WEEE Directive, End of Life Vehicles Directive, Batteries Directive, Landfill Directive and Waste Framework Directive in December 2021<sup>2</sup>. This was for the reporting year 2019.

A number of these targets pertain to wastes which will be accepted at the proposed development. Table 5-1 details EU waste targets relevant to the proposed development and describes progress in relation to target achievement as per the National Waste Statistics Report.

**Table 5-1: Progress to EU Waste targets**

EU Directive	Historic EU Target	Historic EU Target Achievement Date	Current EU Target	Current Rate (as of 2019)	Ireland's Outlook for Target Achievement (as of 2019)
Waste Framework Directive (2008/98/EC as amended)	Preparing for reuse and recycling of 50% by weight of household derived paper, metal, plastic & glass	12/12/2020.	Preparing for re-use and recycling of municipal waste: ≥ 55% by 2025 ≥ 60% by 2030 ≥ 65% by 2035	53% Based on method 1 37% Based on OECD / Eurostat municipal indicator	Largely not on track

<sup>2</sup> <https://www.epa.ie/nationalwastestatistics/targets/>



EU Directive	Historic EU Target	Historic EU Target Achievement Date	Current EU Target	Current Rate (as of 2019)	Ireland's Outlook for Target Achievement (as of 2019)
Waste Framework Directive (2008/98/EC as amended)	Preparing for reuse, recycling and other material recovery (incl. beneficial backfilling operations using waste as a substitute) of 70% by weight of C&D non-hazardous waste (excluding natural soils & stone)	12/12/2020.	None	84%	Largely on track
Landfill Directive (1999/31/EC)	<610,000 tonnes of biodegradable municipal waste BMW to landfill	16/12/2020	None	145,000 t	Largely on track
	-	-	≤ 10% of municipal waste disposed to landfill by 2035	-	Partially on track

#### **Relevance to the Proposed Development**

The proposed development will serve to enhance and maximize waste recovery and recycling, and will therefore contribute to the achievement of the targets referenced in the table above for the relevant waste streams.

#### **Circular Economy and Miscellaneous Provisions Act 2022**

The need for increased recovery and recycling of waste is further promoted within the recently enacted Circular Economy and Miscellaneous Provisions Act 2022. This Act underpins and promotes Ireland's move away from the 'take-make-waste' linear economy model toward a circular economic model which promotes recovery, recycling and reuse of materials.

The Act:

- defines the Circular Economy for the first time in Irish domestic law;
- incentivises the use of reusable and recyclable alternatives to a range of wasteful single-use disposable packaging and other items;



- re-designates the existing Environment Fund as a Circular Economy Fund, which will remain ring-fenced to provide support for environmental and circular economy projects;
- introduces a mandatory segregation and incentivised charging regime for commercial waste, similar to what exists for the household market. This will increase waste separation and support increased recycling rates;
- provides for the GDPR-compliant use of a range of technologies, such as CCTV for waste enforcement purposes. This will support efforts to tackle illegal dumping and littering, while protecting the privacy rights of citizens;
- places the Circular Economy Strategy and National Food Loss Prevention Roadmap on a statutory footing, establishing a legal requirement for governments to develop and periodically update these 2 policies;
- streamlines the national processes for End-of-Waste and By-Products decisions, tackling the delays which can be encountered by industry, and supporting the availability of recycled secondary raw materials in the Irish market; and
- consolidates the government’s policy of keeping fossil fuels in the ground – by introducing prohibitions on exploration for and extraction of coal, lignite and oil shale.

The Act builds on the government’s commitment to achieving a circular economy, as set out in the 2020 Waste Action Plan for a Circular Economy and the 2021 Whole-of-Government Circular Economy Strategy. This Act now places that strategy on a statutory footing, putting the recycling and re-use of resources at the heart of the Irish economy.

#### ***Relevance to the Proposed Development***

The proposed development will serve to enhance and maximize waste sorting and separation and recovery, and onward recycling of segregated waste fractions, and will therefore support the principles and policies underpinning the Circular Economy and Miscellaneous Provisions Act 2022.

#### **5.2.4 Regional Policy**

##### **Eastern-Midlands Region Waste Management Plan 2015-2021 / Southern Region Waste Management Plan 2015 – 2021 / Connacht-Ulster Region Waste Management Plan**

As set out above in Section 5.2.2, the policy document *A Resource Opportunity (DoECLG, 2012)*, recommended that the number of waste management plans in Ireland be reduced in order to provide for a concentration of resources and efficiencies. The three Waste Management Plans set out the strategic vision for waste management nationally and the policy objectives outlined in each Plan are complementary. Given the scale of the proposed development and given that it will serve both the region it is situated in (the Eastern-midlands region) and surrounding regions, all three regional plans are relevant to the proposed development.

The following tables present the policies defined in the Eastern-Midlands Waste Management Plan (which are in turn replicated in effect in the Southern and Connacht-Ulster Region Waste Management Plans) considered relevant to the proposed development. A discussion on the relevance of these policies to the proposed development follows.





#### **Policy A1.**

In order to achieve Strategic Objective A of the Waste Management Plan, which states that *‘the region will implement EU and national waste and related environmental policy, legislation, guidance and codes of practice to improve management of material resources and wastes’*, Policy A1 sets out to *‘take measures to ensure the best overall outcome by applying the waste hierarchy to the management of waste streams’*. An indicator of achieving this target will be the overall percentage decrease in the volumes of residual municipal waste sent directly to landfill.

#### **Relevance to the Proposed Development**

The proposed development will maximize waste separation, recovery and recycling, and aligns with the overarching objective of the Waste Management Plan for the region and surrounding region.

#### **Policy A4.**

Aim to improve regional and national self-sufficiency of waste management infrastructure for the reprocessing and recovery of particular waste streams, in accordance with the proximity principle. The future application of any national economic or policy instrument to achieve this policy shall be supported.

#### **Relevance to the Proposed Development**

The proposed development will serve to meet demand for indigenous waste management capacity, thereby ensuring the principles of self-sufficiency and proximity defined in RWMPs are adhered to. The proposed development will serve as a key piece of indigenous waste management infrastructure which will serve to maximize the recovery / recycling of waste within Ireland through sorting and separation of incoming waste, and onward transfer of sorted waste to recovery and recycling facilities based in Ireland, including composting facilities, soil recovery facilities, C&D waste recovery facilities, recycling facilities, and energy recovery facilities, for management in a manner that is as high up the waste hierarchy as possible.

#### **Policy E**

The region will promote sustainable waste management treatment in keeping with the waste hierarchy and the move towards a circular economy and greater self-sufficiency.

#### **Relevance to the Proposed Development**

The proposed development will increase the volume of waste materials which are recovered/recycled, facilitating the move towards a circular economy and increasing self-sufficiency.

#### **Policy E.1**

Future authorisations by local authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activity being proposed meets the requirements of Policy E2.

#### **Relevance to the Proposed Development**

C&D and municipal waste accepted at the proposed development will undergo pre-treatment. The proposed pre-treatment activities are consistent with the definition of pre-treatment outlined in Section 16 of the Plan as being *“the processing of waste which still results in a waste which subsequently undergoes other waste recovery or disposal treatment.”* (e.g. organic fines separated during rMSW processing will be sent onwards for biological treatment, separated waste fractions will be suitable for energy recovery).

It has been determined that there is a need for the proposed pre-treatment activities. For further details regarding the necessity of the proposed pre-treatment activities, please refer to Chapter 2 Need for the Proposed Development in Volume 2 of this EIAR. The proposed development does not therefore contravene Policy E.1 of the plan.





## Policy E.2

The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary, and the proposed activities will improve the quality and add value to the output materials generated at the site.

### **Relevance to the Proposed Development**

It has been determined that there is a need for the proposed pre-treatment activity. For further details regarding the necessity of the proposed pre-treatment activity, having regard to available market capacities for waste management, please refer to Chapter 2 Need for the Proposed Development in Volume 2 of this EIAR.

The proposed pre-treatment operation will facilitate material separation and recovery, and onward energy recovery / recycling of separated materials. It will improve the quality and value to rMSW and C&D output material fractions.

The EMRWMP 2016/2017 annual report (most recent report) states that waste capacity for treatment, recovery, disposal and export of waste continues to be a key challenge nationally.

With respect to municipal waste the reports states that *'MSW waste arisings will continue to grow in 2018, 2019 and 2020 and this will put pressure on processing options going forward.'*

The annual report further states that *'We remain reliant on export for processing of 20% of the MSW generated'*

With respect to C&D waste the annual report noted *'that the volume output in the construction sector grew by an estimated 16.6% in 2017'* and that *'this growth put pressure on the processing options for construction and demolition (C&D) waste.'*

It is noted that in recent years there has been further increases in the need for C&D processing capacity. the EPA's National Waste Statistics Report for 2019 reports that 8.8 m tonnes of C&D waste was collected and managed in 2019, up from 6.2 m tonnes in 2018, and 4.7 million tonnes in 2017. This need is further discussed in Chapter 2 – Need for the Proposed Development, of Volume 2 of this EIAR.

### **Relevance to the Proposed Development**

The proposed development will increase rMSW and C&D waste recovery and recycling capacity in support of the principles defined in the RWMPs.

Section 16.5 of the Plan establishes environmental protection criteria for the development of waste facilities. These criteria are presented below. A description of how the proposed development will meet these criteria is also presented.



<b>Relevance to the Proposed Development</b>	
Avoid siting waste infrastructure in areas protected for landscape and visual amenity, geological heritage and/or cultural heritage value.	The development site is not situated in an area that is protected for its landscape and visual amenity, geological heritage and/or cultural heritage value.
Avoid siting waste infrastructure in areas pNHA's, NHA's, Statutory Nature Reserves, Refuges for Fauna and Annex 1 Habitats	The development site is not situated in a designated areas.
Invasive Alien Species Survey	An Invasive Species Management Plan has been developed for the proposed development (See Appendix 8.2 in Volume 3 of this EIAR).
Protection of Protected Habitats	The development site is not situated in or within the sphere of influence of a protected habitat.
Minimum 15 m development distance from bank of any river, stream or watercourse	Not applicable as no watercourses classed as a stream or river is within 15 m of the development site.
Apply SuDS to development	The development has been designed in accordance with SuDS principles and requirements.
Avoid development in flood risk areas, apply riparian buffer zones	The development site is not situated in a flood risk zone.
Avoid geologically unsuitable areas including karst – due consideration to primary water source and degree of surface water/groundwater interaction	The development site is not situated within a geologically unsuitable area.
Consultation with airport	The applicant has consulted with airport authorities. This is addressed in Chapter 6 – Scoping and Consultation.
Traffic impact to be assessed	The impact of development related traffic is assessed in Chapter 13 – Traffic and Transportation.
Co-development on landfill sites, sites that offer the opportunities to integrate differing aspect of waste processing will be preferred choices.	Not applicable to the proposed development due to the unsuitability of any landfill site that could be potentially be considered, due to inappropriate locations, accessibility, ownership and economic considerations.
Avoid siting new waste infrastructure in European site, including SACs or SPAs	The development site is not situated within a European site
Undertake Appropriate Assessment Screening for all waste related activities	Appropriate Assessment AA Screening has been undertaken for the proposed development. An AA Screening report has been produced and accompanies the planning application for the proposed development.
An NIS will be sought where significant effects are identified or where there is uncertainty in regard to effects.	An Appropriate Assessment Screening report has been prepared for the proposed development and accompanies this planning application.



	This report concludes <i>‘beyond reasonable scientific doubt, in view of best scientific knowledge and on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed project individually or in combination with other plans and projects, would not be likely to have significant effect on any European sites.’</i> A Natura Impact Statement is therefore not required for the proposed development.
Where expansion, enlargement etc. to existing waste activities is proposed, the competent authority shall seek evidence to demonstrate no negative impact on European sites	See above.
Avoid damage to features of the landscape which are essential to the migration, dispersal or genetic exchange of wild species	It has been concluded in Chapter 8 – Biodiversity that the proposed development will not have a significant adverse effect on ecology.

It is noted that the Regional Waste Management Plan Offices are in the process of preparing a National Waste Management Plan which will run from 2022 onwards and which will consolidate the three prior Regional Waste Management Plans. This National Waste Management Plan will define measures for achieving the policies defined in the National Waste Action Plan for the Circular Economy. The proposed development supports and promotes the achievements of the policy objectives defined in the Action Plan.

## 5.3 Climate Change

### 5.3.1 European and International Policy and Treaties

#### United Nations Framework Convention on Climate Change

In 1992 countries joined an international treaty, the United Nations Framework Convention on Climate Change (UNFCCC), to cooperatively consider what they could do to limit average global temperature increases and the resulting climate change, and to cope with whatever impacts were, by then, inevitable. Preventing “dangerous” human interference with the climate system is the ultimate aim of the UNFCCC. The UNFCCC entered into force on 21 March 1994. Ireland ratified the United Nations Framework Convention on Climate Change in April 1994.

The Kyoto Protocol, which was signed in 1997 and ran from 2005 to 2020, was the first implementation of measures under the UNFCCC. Ireland ratified the Kyoto Protocol in principle in 1997 and formally in May 2002. The Kyoto Protocol was superseded by the Paris Agreement, which entered into force in 2016.

The Paris Agreement sets out a global framework to avoid dangerous climate change by limiting global warming to well below 2°C and pursuing efforts to limit it to 1.5°C. It also aims to strengthen countries’ ability to deal with the impacts of climate change and support them in their efforts.

The Paris Agreement is the first-ever universal, legally binding global climate change agreement, adopted at the Paris climate conference (COP21) in December 2015.



The EU and its Member States are among the close to 190 Parties to the Paris Agreement. The EU formally ratified the agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016.

The 24th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP24), was held in December 2018 in Katowice, Poland. The key outcome of the conference was an agreement to implement the Paris Agreement (UN, 2015) amongst all members, which will come into force in 2020.

### EC Climate and Energy Framework 2030 / Green Deal

The EU, on the 23<sup>rd</sup>/24<sup>th</sup> of October 2014, agreed the “2030 Climate and Energy Policy Framework”. The European Council endorsed a binding EU target of at least a 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990. The target will be delivered collectively by the EU in the most cost-effective manner possible, with the reductions in the Emission Trading Scheme (ETS) and non-ETS sectors amounting to 43% and 30% by 2030 compared to 2005, respectively. Secondly, it was agreed that all Member States will participate in this effort, balancing considerations of fairness and solidarity. The policy also outlines, under “Renewables and Energy Efficiency”, an EU binding target of at least 27% for the share of renewable energy consumed in the EU in 2030.

In relation to the EU 20-20-20 targets for CO<sub>2</sub>, Ireland has a target of a 20% reduction in non-Emission Trading Scheme (non-ETS) greenhouse gas emissions by 2020 relative to the 2005 levels. The EPA has confirmed that Ireland has exceeded its 2016 target by 0.3 Mt CO<sub>2</sub>eq and projections to 2020 are also projected to exceed the initial targets.

The European Green Deal, approved 2020, is a set of policy initiatives by the European Commission with the overarching aim of making the European Union (EU) climate neutral in 2050. Under the EGD, the European Commission also adopted a set of proposals to make the EU's climate, energy, transport and taxation policies fit for reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

#### 5.3.2 National Legislation and Policy

##### Climate Action and Low Carbon Development Act 2015, as amended

The *Climate Action and Low Carbon Development Act 2015* specifies plans to be drafted and approved by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy. The act required the establishment of the Climate Change Advisory Council and the creation and approval by the government of a *National Mitigation Plan* (to be published every five years), *National Adaptation Framework* and an *Annual Transition Statement*. The first *National Mitigation Plan* for Ireland was published in July 2017 and outlines the central roles of the key Ministers responsible for the sectors covered by the Plan – Electricity Generation, the Built Environment, Transport and Agriculture. This first Plan outlines the initial foundations to be implemented to transition Ireland to a low carbon, climate resilient and environmentally sustainable economy by 2050. The Plan also includes over 100 individual actions for various Ministers and public bodies to take forward.

In addition to the publication of the *National Mitigation Plan* (DCCA, 2017), the government subsequently published a *Climate Action Plan* in 2019 (Government of Ireland, 2019). This Climate Action Plan was updated in 2021.



## Climate Action Plan, 2021

On the 4<sup>th</sup> of November 2021 the Department of the Environment, Climate and Communications (DECC) published a revised Climate Action Plan (CAP) (2021) following a public consultation period which ceased on the 18<sup>th</sup> of May 2021. The plan sets out actions that must be taken to ensure delivery of commitments in the Programme of Government and the Climate Act 2021 e.g. halving overall greenhouse gas emissions by 2039 and to achieve net zero emissions by 2050.

Of relevance to the proposed development is the incorporation of measures and objectives relating to the implementation of a more 'circular economy' to improve resource efficiency and reduce energy usage associated with material production. It is planned that all plastic packaging is reusable or recyclable by 2030 and that the capacity to recycle packaging waste is increased by 70% and plastic package waste by 55%.

It is stated within the CAP that in 2018 the waste sector accounted for 1.5% of Irelands total GHG emissions, with primarily attributed to waste treatment and 'predominantly methane emissions as a result of disposal to landfill'. It is also stated that 'minimising waste generation, an improving segregation, reuse and recycling, will lead to less emissions associated with waste transport and treatment'

With respect to Recycling the CAP sets targets to:

- recycle 65% of municipal waste by 2035.
- recycle 70% of packaging waste by 2030.
- recycle 55% of plastic packaging by 2030.
- separate collection obligations extended to include hazardous household waste (by end of 2024), bio-waste (by end 2023), and textiles (by end 2024).

The CAP identifies plastics, food, construction and commercial waste as being priority areas for prevention planning. As per the waste hierarchy prevention is followed by reuse, recycling, recovery and disposal. Where waste cannot be prevented, Materials Recovery Facilities such as the proposed development serve to increase levels of material reuse, recycling or recovery. This supports the diversion of waste from landfill and avoidance of disposal.

### 5.3.3 [Local Policy](#)

#### Fingal County Council - Climate Change Action Plan 2019 - 2024

In 2019 Fingal County Council published its Climate Change Action Plan. This plan discusses outlines Fingal County Councils strategy to respond to climate change and the risks it poses. The plan includes measures to be introduced relating to waste and resource management. The plan acknowledges the Eastern Midlands Regional Waste Management Plan as being the framework for the sustainable management of waste. The Climate Change Action Plan does include a range of actions that are currently budgeted. Of most relevance to the proposed development is action R9 as follows

- *R9 - Promote and support circular economy initiatives.*



## Fingal County Council Development Plan 2017- 2023

Fingal County Council's latest Development Plan defines the relevant climate related strategic aims and policy objectives. The Plan aims to mitigate for climate change by reducing emissions and unsustainable energy consumption.

The Development Plan contains provisions for dealing with climate change mitigation and adaptation throughout, in areas such as flood risk management, transportation, surface water, waste management, water services, urban design, energy, natural heritage and green infrastructure.

The following aims and objectives are outlined in the Plan:

- reduce climate change through settlement and travel patterns and reduced use of non-renewable resources.
- minimise the County's contribution to climate change, and adapt to the effects of climate change, with particular reference to the areas of land use, energy, transport, water resources, flooding, waste management and biodiversity, and maximising the provision of green infrastructure including the provision of trees and soft landscaping solutions.
- Objective EN01 - Support International, National and County initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources using the natural resources of the County in an environmentally sustainable manner where such development does not have a negative impact on the surrounding environment, landscape or local amenities.

### ***Relevance to the Proposed Development***

The Air and Climate Chapter of this EIAR has concluded that the proposed development will not have a significant adverse impact on climate. The provision of a renewable energy infrastructure in the form of a rooftop solar installation at the proposed facility supports climate change/action related policy.

The proposed facility will facilitate the recovery and recycling of waste, thereby promoting resource efficiency and adherence to circular economy principles, and reducing energy usage associated with material production. The proposed development will contribute substantially toward achieving recycling targets defined in the CAP. The proposed will development will therefore accord with the various European and international policy and treaties, national policy and legislation, and local policy, relating to climate, defined in Sections 1.3.1, 1.3.2 and 1.3.3.



## 5.4 Planning and Policy

### 5.4.1 National Planning Policy

#### Project Ireland 2040: The National Planning Framework (2018)

As a strategic development framework, Project Ireland 2040: The National Planning Framework (NPF) (Government of Ireland, 2018), demonstrates an approach that joins up ambition for improvement across the different areas of the communities requirements, bringing the various government departments, agencies, State owned enterprises and local authorities together behind a shared set of strategic objectives for rural, regional and urban development.

*“The National Planning Framework, is a planning framework to guide development and investment over the coming years.*

*It does not provide every detail for every part of the country; rather it empowers each region to lead in the planning and development of their communities, containing a set of national objectives and key principles from which more detailed and refined plans will follow.”*

The Framework sets out the key goals and objectives for the State, and central to this framework is the theme of *Realising Our Sustainable Future*.

National Strategic Outcome 9 of the NPF outlines the objectives relating to the sustainable management of water and other environmental resources including waste and waste management. Two relevant objectives are as follows:

- *‘Regional Spatial and Economic Strategies and the core strategies of MASPs and city and county development plans will support national and regional waste policy and efficient use of resources.’*
- *‘Adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner and remediation of waste sites to mitigate appropriately the risk to environmental and human health’.*

A series of National Policy Objectives (NPOs) were developed to set the context for regional and local planning policy in Ireland.

**NPO 56** - *‘Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society’*

#### **Relevance to the Proposed Development**

The proposed development will support the maximisation of waste recovery, reprocessing and recycling in accordance with these policy documents. The proposed development will aid Ireland in achieving NPO 56 and the National Strategic Outcomes relating to waste management.





## The National Development Plan (2021 - 2030)

Regarding waste management and resource efficiency the National Development Plan (NDP) states the following:

*‘While the overall focus of Government waste policy is on prevention and waste minimisation, investment in indigenous waste treatment capacity remains critical to our environmental and economic well-being’.*

The plan also makes reference to the Waste Action Plan for a Circular Economy which ‘provides a clear roadmap to support continued private sector investment in waste treatment infrastructure, including anaerobic digestion, recycling and recovery infrastructure that will be needed to ensure Ireland continues to meet our EU targets’.

The NDP states that ‘Investment in waste management infrastructure is critical to our environmental and economic well-being for a growing population and to achieving circular economy and climate objectives’.

*‘The infrastructure to deliver waste management policy has been to date, largely delivered through private investment with some public sector investment. Significant infrastructure capacity development will be required to separate and process various waste streams at municipal and national levels to achieve EU legally-binding targets...’.*

### **Relevance to the Proposed Development**

The NDP emphasises the importance of private sector investment and development of waste management infrastructure which will facilitate recovery and recycling such as the proposed development. The plan makes it clear that further development of such waste infrastructure in Ireland is required to ensure EU targets are achieved. The proposed development will aid increasing waste management capacity of the state and will support the achievement of waste management targets.

### 5.4.2 Regional Planning Policy

#### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2031**

The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives for the Eastern and Midlands region including the greater Dublin region. At this strategic level it provides a framework for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031.

The following policy objective contained in the RSES is relevant to the proposed development.

- RPO 10.25: Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum’s of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan.





### **Relevance to the Proposed Development**

The proposed development will facilitate the maximization of waste recovery and recycling in the region in accordance with waste hierarchy principles and is therefore supportive of the policy objective defined above.

#### 5.4.3 Local Planning Policy

##### **Fingal County Development Plan (2017 - 2023)**

It is a specific planning policy requirement under Section 28 of the Planning and Development Act 2000 (as amended) that in making development plans, a planning authority has regard to national policy on waste management as contained in the aforementioned policy documents.

A County Development Plan is required to indicate how the implementation of the development plan will contribute to realising overall national targets on waste management.

Under the Fingal County Development Plan 2017 – 2023 (Fingal County Council (FCC), 2017), a number of strategic objectives, in line with national and regional objectives, are set out in order to improve waste management in the region and ensure the implementation of relevant regional and national strategies and to achieve regional, national and international targets.

The key objectives of relevance to the proposed development are outlined as follows:

**Objective RF92** - *Encourage the recycling of construction and demolition waste to reduce the need for extraction.*

**Objective WM02** - *Facilitate the implementation of national legislation and national and regional waste management policy*

**Objective WM03** - *Implement the provisions of the Eastern Midlands Region Waste Management Plan 2015-2021 or any subsequent Waste Management Plan applicable within the lifetime of the Development Plan. All prospective developments in the County will be expected to take account of the provisions of the Regional Waste Management Plan and adhere to the requirements of that Plan.*

**Objective WM04** - *Facilitate the transition from a waste management economy to a green circular economy to enhance employment and increase the value recovery and recirculation of resources.*



### **Relevance to the Proposed Development**

The proposed development will support the objectives of the Fingal County Development Plan 2017 – 2023 in several ways:

- the proposed development will serve as a key piece of waste infrastructure will provide an important waste management service.
- the facility will support the objective to protect against harmful effects of inadequate waste management by improving waste management services.
- facility operations will be supportive of Circular Economy principles.
- facility operations will be strictly controlled through the adoption of environmental mitigation and control measures, thereby ensuring facility operations will not give rise to adverse environmental impacts.
- the facility will be developed in cognisance of and accordance with waste legislation and regulations.
- the facility will be supportive of Waste Hierarchy principles as it will facilitate the recovery and recycling of waste in manners that are as 'high up' the hierarchy as possible.
- the proposed development will support policy principles and policies defined in the Regional Waste Management Plans.

The proposed development site is situated in an area that is zoned for GE - General Employment under the Fingal County Development Plan.

The objective of and vision for lands assigned this zoning designation are as follows:

- **Objective:** Provide opportunities for general enterprise and employment.  
**Vision:** Facilitate opportunities for compatible industry and general employment uses, logistics and warehousing activity in a good quality physical environment. General Employment areas should be highly accessible, well designed, permeable and legible.

The purpose of the General Employment (GE) zoning is to facilitate opportunities for general employment uses and compatible forms of industry, logistics and warehousing. The GE zoning is the largest economic development zoning in Fingal with over 1,850 ha of GE zoned lands located principally in Blanchardstown and Balbriggan, with notable zonings in locations such as Dardistown, Cloghran, and Baldoyle.

Waste Disposal and Recovery Facilities (excluding 'high impact' facilities) are permitted in principle on lands that are assigned the General Employment zoning designation under the Fingal County Development Plan.

The Written Statement Appendices of the Fingal County Development 2017 - 2023 defines "Waste disposal/recovery facilities (excluding High Impact)" as:

*The use of land or buildings for the removal or re-use of industrial or domestic refuse which has a low potential for odour, noise, dust and other nuisances and includes non-putrescible waste. Examples of such waste management facilities may be: transfer stations, processing of dry recyclable material which are contained within buildings, short term storage of small quantities of garden waste, civic waste facilities accepting material for recycling including the acceptance of WEEE and household hazardous waste, facilities for the treatment of end of life vehicles provided there is no stacking of vehicles, processing storage of de-polluted vehicles, scrap metal or recycling residues outside of buildings. Excludes landfills and waste facilities with high potential for odour, noise, dust, fire, and other nuisances in particular operations dealing with putrescible waste.*



Waste disposal/recovery facilities (High Impact)” are defined as:

*The use of land or buildings for facilities with high potential for odour, noise, dust and other nuisances including putrescible waste. Examples of high impact facilities are transfer stations and treatment plants for organic waste and residual waste which have a potential for odour, crushing and processing of construction and demolition waste, and facilities where waste is stored outside of buildings and which is visually intrusive or otherwise likely to be a nuisance, including scrapyards. Excludes landfills.*

Having regard to the above definitions, it is noted that an appropriately operated waste management facility should not create any significant impacts on sensitive receptors in terms of odour, dust, noise and any other nuisances, with the adoption of proper environmental management and mitigation measures.

Such possible impacts and associated management and mitigation measures are assessed by the relevant statutory bodies involved in determining the appropriateness of granting the relevant waste authorisation for a waste facility (i.e. licence or permit), and are subject to oversight by the appropriate regulatory authority under the granted waste authorization for such a facility.

The definitions highlighted previously also make distinction between facility types on the basis of waste materials accepted at facilities. The definitions above distinguish between a transfer facility accepting dry recyclable material (as non-high impact) and a transfer facility accepting residual and/or organic wastes (as high impact). While dry recyclables, residual waste and organics are different waste types, the capacity for any impact from the acceptance of residual or organic wastes (in terms of odour) will typically be mitigated by installation of odour control infrastructure and rapid closing doors, for example. Such mitigation will be regulated under the waste authorization for a waste facility. With the adoption of mitigation, a waste facility accepting residual waste and organics and operating under a waste authorization should therefore have the level of impact as a facility accepting dry recyclable material (i.e. non-high impact).

In any case, the proposed development will not be a ‘high impact’ waste management facility given the following:

- The facility will be a modern ‘state of the art’ waste management facility and will have the highest level of environmental mitigation required to prevent the occurrence of any significant environmental impact due to the carrying out of facility operations.
- The proposed development has been designed and will operate in accordance with best practice standards for waste facilities as defined EU Law in the following document: European Commission - Best Available Techniques (BAT) Reference Document for Waste Treatment (BREF Document), 2018.
- Facility operations; proposed management and mitigation measures for preventing environmental impacts; and facility emissions, will be regulated and controlled by an IE licence granted and administered by the EPA.
- The facility will operate under an Environmental Management System (EMS) certified to the ISO140001:2015 EMS standard.
- All waste acceptance, handling, storage and processing will occur within fully enclosed buildings, thereby preventing odour, dust, and noise emissions from facility operations.
- There will be no outdoor handling, storage or loading of waste at the facility.
- The facility will not create any significant impacts on local receptors in terms of odour, dust, noise, or nuisance.



- The Air and Climate chapter of this EIAR (Chapter 11 of Volume 2) has concluded, based on odour modelling results, that no nearby receptors are predicted to experience odour nuisance issues as a result of the proposed development. The MRF1 building, which houses food waste storage, bulking and handling activities, will be served by an odour abatement system. Odour generated within the building will be captured and treated by this system. Fast acting roller doors will also be used in MRF1 to prevent odour emissions. These measures will prevent the emission of odour from this building.
- The Air and Climate chapter of this EIAR has further concluded that the facility will not generate significant levels of airborne dust given that waste handling, storage and processing activities will all take place within enclosed building, and given the adoption of the dust mitigation measures proposed.
- The Noise chapter of this EIAR (Chapter 12 of Volume 2 of this EIAR) has concluded, based on noise prediction modelling results, that no nearby receptors are predicted to experience significant noise impacts due to facility operations.
- Environmental monitoring will be undertaken regularly at the facility during its operation to continually demonstrate and verify that facility operations are not generating emissions to the environment of any significance.
- Overall, this EIAR has determined that proposed development will not have any significant adverse residual impact in terms of population and human health; biodiversity; soils, geology and hydrogeology; surface water and hydrology; air quality and climate; noise; traffic and transport; cultural heritage; or landscape and visual impact.
- This EIAR has determined that proposed development will not have any significant residual cumulative, indirect or interacting impacts on environmental receptors.
- A comprehensive set of environmental mitigation measures will be adopted at the proposed development to ensure the prevention and control of potential adverse environmental impacts and emissions. These mitigation are presented in a collated manner in Chapter 17 – Schedule of Commitments, of Volume 2 of this EIAR. These mitigation measures will be embedded into the planning permission and IE licence for the facility, in the event of these being granted.
- Landscaping in the form of native planting will be provided around the perimeter of the proposed development site to soften and partially screen views of facility operations from surrounding visual receptors. This will serve to merge the facility with the existing local landscape environment. The Landscape and Visual Impact Assessment chapter of this EIAR (Chapter 15 of Volume 2) has concluded that the proposed development will not have a significant impact of landscape character or visual amenity.

The proposed development is therefore ‘permitted in principle’ on lands zoned for General Employment such as the development site.

### **Note on the Material Contravention of the Fingal County Development Plan (2017 - 2023)**

In the context of this planning application, it is important to note the legislative provisions, relevant to Strategic Infrastructure Development (SID) and waste management facilities, which allow for the Fingal County Development Plan to be materially contravened.

Section 37G (2) of the Planning and Development Act, as amended, requires that An Bord Pleanála have regard to the provisions of County Development Plans in the case of Strategic Infrastructure Development (SID) applications. Section 37G(6) of the Act however allows the Board to grant permission for development which is SID, even if the proposed development materially contravenes a County Development Plan.



Section 22(10A)(b) of the Waste Management Act, as amended, provides that the objectives of a regional waste management plan must prevail and override County Development Plan policy, in the event of conflict between policy objectives defined in each of these plans.

## 5.5 The Development and Compliance with Policy

The proposed development accords with all legislation and policy presented in this document, as indicated in the 'relevance boxes' presented throughout the document.

The proposed development will serve as a key piece of indigenous waste management infrastructure which will serve to maximize the recovery / recycling of waste within Ireland.

In terms of European legislation, the proposed development will accord and comply with the Waste Framework and Landfill Directive, and transposing legislation obligations. The proposed development will support, promote and directly contribute to the management of waste as 'high up' the waste hierarchy as possible in accordance with EU Waste Law principles and EU waste management policy.

The proposed development will accord with national waste legislation, and national, regional and local waste policy, including the recently published National Waste Action Plan for the Circular Economy. The proposed development will accord with and support relevant policy objectives defined in all three regional waste management plans in Ireland.

The proposed development will support the achievement of EU, national and local climate policy objectives.

National planning policy, outlined in Project Ireland 2040 and the National Development Plan, will be supported by the proposed development. The proposed development will support the maximization of waste recovery, reprocessing and recycling in accordance with the principles and policies established in these policy documents.

The proposed development will support relevant waste management related policy objectives defined in the Regional Economic and Spatial Strategy for the Eastern Midlands Region.

A range of policy objectives including waste management, planning and climate related policy objectives outlined in the Fingal County Development Plan 2017 - 2023 are supported by the proposed development. The promotion of sustainable waste management is an important overarching goal identified in the Development Plan. The proposed development will support, promote and directly contribute to the achievement of this aim.

## 5.6 References

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- European Commission (2018). Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste.
- European Commission (2008) Council Directive 2008/98/EC on waste (and repealing certain Directives)
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- European Commission (2014) EC Climate and Energy Framework 2030
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- Fingal County Council - Climate Change Action Plan 2019 - 2024
- European Commission (2020) Europe 2020 - A European strategy for smart, sustainable and inclusive growth
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- Fingal County Development Plan 2017 - 2023



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