

**ENVIRONMENTAL IMPACT ASSESSMENT REPORT
FOR THE DEMOLITION OF AGRICULTURAL
STRUCTURES AND THE DEVELOPMENT OF A
MATERIALS RECOVERY FACILITY AT DERRYARKIN,
RHODE, CO. OFFALY**

**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, planning and regional policy and the legislative context at International, European, national, regional levels and local with regards to their relevance to the proposed development.

The chapter is structured having regard to the hierarchical structure of policy, legislation and guidelines of relevance to the areas of waste, climate change and planning policy. This structured approach ensures that all relevant policy, legislation and guidelines is considered to provide the supportive context for the proposed materials recovery facility.

5.1.1 Statement of Competency

This chapter was prepared by Eoin O’ Connor and Richard Deeney.

Eoin is a Project Environmental Scientist with Fehily Timoney and Company. He has over 7 years’ experience in the environment section and holds a BSc. in Environmental Science and Health and an MSc. in Environmental Technology. Eoin has a substantial amount of experience completing planning application and EIAR chapters including planning and policy assessments. He has carried out such work for a variety of project types including materials recovery facilities, waste transfer stations, integrated waste management facilities and anaerobic digestion facilities.

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 conformance assessment for a wide range of proposed development types.

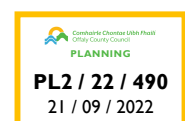
5.2 Waste Legislation, Policy and Guidance

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 International, European, National, Regional and Local waste policy and legislation relevant to the proposed development.

5.2.1 European and International Waste Legislation

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

Council Directive 1999/31/EC (The Landfill Directive), on the Landfilling of Waste sets out for 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.

The 1999 Landfill Directive was amended by Directive (EU) 2018/850 which sets out several proposals to reduce landfilling across EU Member States. Such proposals include the implementation of measures by Member States 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).

The Directive also states, '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'.

The European Union (Landfill) Regulations 2020 (S.I. No. 321/2020) give effect to the 2018 Directive.

Relevance to the Proposed Development

The Directive is cognisant with and makes reference to Article 189c of the Treaty establishing the European Community.

Article 189c (3) *Whereas the prevention, recycling and recovery of waste should be encouraged as should the use of recovered materials and energy so as to safeguard natural resource and obviate wasteful use of land.*

The proposed facility will serve to segregate and process incoming wastes in a manner that will facilitate on-site and onward recovery and recycling of wastes, thereby leading to improved resource efficiency and the wider minimization of natural resource usage. It will facilitate diverting Municipal Solid Waste (MSW), Construction and Demolition (C&D) / Commercial and Industrial (C&I) skip waste, and Dry Mixed Recyclable (DMR) waste away from landfilling.

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 also 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.



The Directive introduced the concepts of “self-sufficiency and proximity” which requires Member States “to take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.”

It is envisaged that this network will “enable waste to be disposed of or waste referred to in paragraph 1 (i.e. mixed municipal waste collected from private households, including where such collection also covers such waste from other producers) to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.”

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 in a position 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 of the European Parliament, amending Directive 2008/98/EC on waste. 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 recycling targets in relation to municipal waste:

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



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.’

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 MSW, C&D/C&I and DMR waste fractions.

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).

Relevance to the Proposed Development

The proposed development will contribute to the implementation of the principles of the Directive through the facilitation of increased recovery and recycling of MSW, C&D/C&I and DMR waste fractions. The facility will serve waste collection operations in the midlands region and wider areas, thus supporting the self-sufficiency and proximity tenets of the Directive on a national scale.

The proposed development will support 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.

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.

In order to improve material efficiency this Commission will launch a Strategy for Sustainable Built Environment. 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 built environment and construction sector.



Relevance to the Proposed Development

The proposed development will increase capacity for MSW, C&D/C&I and DMR waste recovery/recycling. The recovery and reuse of resources is a vital aspect of establishing a circular economy.

European Green Deal 2019

The publication of 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 to a clean, 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 MSW, C&D/C&I and DMR 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 utilized to the maximum extent possible and for as long as possible.

Relevance to the Proposed Development

The proposed development will increase capacity for MSW, C&D/C&I and DMR waste recovery/recycling. The recovery and reuse of resources is a vital aspect of establishing a circular economy.

5.2.2 National Legislation and Policy Documents

Waste Management: Changing Our Ways (1998)

Government policy in relation to waste management was 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.

Relevance to the Proposed Development

The proposed development will contribute to achieving the principals and policies defined in *Changing our Ways* (1998) through the through the facilitation of increased MSW, C&D/C&I and DMR waste recovery/recycling. The proposed facility will facilitate diversion of waste sent for landfilling in accordance with the goals of this policy document.

Preventing and Recycling Waste – Delivering Change – a Policy Statement – 2002

Another 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 principals and policies defined in Delivering Change (2002) through the through the facilitation of increased MSW, C&D/C&I and DMR waste recovery/recycling. The proposed facility will facilitate diversion of waste sent for landfilling in accordance with the goals of this policy document.

A Resource Opportunity – Waste Management Policy in Ireland – 2012

This policy document was produced in July 2012 and outlines 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 are 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. It is acknowledged that *“Ireland requires an adequate network of quality waste treatment facilities”* and that a review of waste infrastructure in Ireland is being undertaken by the EPA that will examine the *“capacity for managing municipal waste in conformity with the principles of proximity and self-sufficiency”*.

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 through the facilitation of increased MSW, C&D/C&I and DMR waste recovery/recycling. The proposed facility will facilitate diversion of waste 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 MSW, C&D/C&I and DMR waste recovery/recycling. The proposed facility will facilitate diversion of waste 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 Solid Waste (MSW) is to meet MSW recycling targets¹ 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 MSW 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.
- Introduce waste recovery levy to recovery operations at MSW landfills, waste to energy plants and co-incineration plants and the export of MSW.

¹ 55% by 2025, 60% by 2030, 65% by 2035



- 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.
- 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 mywaste 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 construction and demolition 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 construction and demolition sector.

The proposed development is supportive of these policies as it diverts waste from landfill, it segregates 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. The applicant provides a skip service to householders and bulky waste will be collected and brought to the proposed D facility for processing. Bulky waste materials will be separated and sorted on-site, thereby facilitating onward recovery and recycling.

Relevance to the Proposed Development

The proposed development will contribute to improving resource efficiency in line with Circular Economy thinking and the principles and policies defined in the Action Plan through the through the facilitation of increased MSW, C&D/C&I and DMR waste recovery/recycling. The proposed facility will facilitate diversion of waste sent for landfilling.



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 2021². 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 (at the time of writing in 2019).

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
Waste Framework Directive (2008/98/EC as amended)	Preparing for reuse, recycling and other mother 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

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



Relevance to the Proposed Development

The proposed facility will serve to promote waste recovery and recycling, and will therefore support the achievement of the current and future targets defined 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 promote 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.



5.2.3 Regional Policy Context

Eastern-Midlands Region: Waste Management Plan 2015-2021 / Southern Region Waste Management Plan / 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.

Regional waste management plan, for the period 2015 – 2021, were made in April 2015 for the Eastern - Midlands Region, which comprises twelve local, the Southern Region, and the Connacht-Ulster Region. The Plans address many topics, with varying degrees of direct relevance to the proposed development.

The policies and strategic objectives set out within the Waste Management Plans primarily relate to the functioning at national and local authority level (which are also reflective of other regional waste management plans). The following tables outline the comments and 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, with discussion on their relevance following:

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 waste management capacity in the midlands region and nationally, thereby ensuring the principles of self-sufficiency and proximity defined in WMP’s are adhered to. The proposed development will serve as a key piece of waste management infrastructure which will facilitate the onward recovery / recycling of MSW, C&D / C&I and DMR

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

MSW processing proposed as part of the proposed development will involve the production of RDF. This activity is 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*” – through the production of a recovered fuel in the proposed process, further recovery through thermal treatment is required, thus the material will initially be ‘pre-treated’ at the site.

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, please refer to Chapter 2 Need for the Proposed Development in Volume 2 of this EIA. 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 EIA.

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 MSW 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 for the region.

With respect to MSW 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 stated that ‘We remain reliant on export for processing of 20% of the MSW generated’ and ‘MSW waste arisings will continue to grow in 2018, 2019 and 2020 and this will put pressure on processing options going forward.’



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 which resulted in a correlated increase in the construction and demolition waste generated to an estimated 6.3m tonnes. This growth put pressure on the processing options for construction and demolition (C&D) waste.'*

Relevance to the Proposed Development

The proposed development will increase the volume of waste materials which are recovered/recycled.

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 Legislation

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.



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.

EC Climate and Energy Framework 2030 / Green Deal

The EU, on the 23rd/24th 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 CO₂, 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 CO₂eq 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.

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 installation 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.

5.3.2 National Legislation and Policy Documents

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.

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 installation 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.

Climate Action Plan, 2021

On the 4th 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 18th 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.

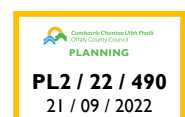
Of relevance to the proposed development is the incorporation of measures and objectives relating to the implementation of a more ‘circular economy’ to improve resource efficiency and reduce energy usage associated with material production. It is planned that all plastic packaging is reusable or recyclable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

With respect to potential improvements in the construction sector the plan notes a key element is ‘Facilitating the use of alternative fuels and non-recyclable wastes in cement kilns’. The proposed development will ultimately serve to produce Refuse Derived Fuel (RDF) (during Phase 2 of operations). This RDF will in part be sent to Cement Kilns where it will be further processed to form Solid Recovered Fuel (SRF). As such, the proposed development will support the production of SRF and use of alternative fuels and non-recyclable waste in cement kilns.

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.

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 installation in the form of a rooftop solar installation at the proposed facility supports climate change/action related policy.

Facility operations will serve to increase waste recovery and recycling levels. In particular, they will serve to increase waste recovery and recycling levels, increase RDF production, divert waste streams away from landfill. This will ensure greater levels of resource efficiency, thereby reducing the need for newly produced materials and associated greenhouse gas emissions, in accordance with circular economy and climate action principles and policies.

5.3.3 Local Policy

Offaly County Council - Offaly Climate Change Adaptation Strategy (September 2019)

In 2019 Offaly County Council published its Offaly Climate Change Adaptation Strategy.

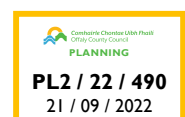
“This Offaly Climate Change Adaptation Strategy is the start of the process of adaptation planning in Offaly County Council and is the first step in increasing knowledge and understanding of our changing climate, growing resilience, and enabling effective responses to the threats posed by climate change.”

The Offaly Climate Change Adaptation Strategy takes on the role as the primary instrument at local level to:

- ensure a proper comprehension of the key risks and vulnerabilities of climate change;
- bring forward the implementation of climate resilient actions in a planned and proactive manner;
- ensure that climate adaptation considerations are mainstreamed into all plans and policies and integrated into all operations and functions of Offaly Local Authority.

High level goals to guide planned and coherent response to the effects of climate change include Infrastructure and Built Environment Goal: Increased capacity for climate resilient structural infrastructure is centred around the effective management of climate risk, informed investment decisions and positive contribution towards a low carbon society.

Land use and development Goal: Sustainable policies and measures are devised influencing positive behavioural changes, supporting climate adaptation actions and endorsing approaches for successful transition to low carbon and climate resilient society.





Natural Resources and Cultural Infrastructure Goal: Fostering meaningful approaches to protecting natural and key cultural assets through an appreciation for the adaptive capacity of the natural environment to absorb the impacts of climate change.

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 installation 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.

Offaly County Council – County Development Plan 2021 – 2027

Offaly County Council's latest CDP defines the following relevant climate related strategic aims and policy objectives:

- Strategic Aim: To achieve a transition to an economically competitive, low carbon climate resilient and environmentally sustainable county, through reducing the need to travel, promoting sustainable settlement patterns and modes of transport, and by reducing the use of non-renewable resources, whilst recognising the role of natural capital and ecosystem services in achieving this.
- CAEP-07 It is Council policy to support and facilitate European and national objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and drainage):
 - Climate Action Plan (2019 and any subsequent versions);
 - National Mitigation Plan 2017 (or subsequent editions);
 - National Climate Change Adaptation Framework (2018 and any subsequent versions);
 - Relevant provisions of any Sectoral Adaptation Plans prepared to comply with the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050, and Offaly Climate Change Adaptation Strategy.
- CAEP-10 It is Council policy to support local, regional, national and international initiatives for climate adaptation and mitigation and to limit emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of all natural resources, including publicly owned lands, in an environmentally acceptable manner.
- CAEP-11 It is Council policy to support the transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, by way of reducing greenhouse gases, increasing renewable energy, and improving energy efficiency.
- CAEP-25 It is Council policy to encourage and facilitate the production of energy from renewable sources, such as from bioenergy, waste material, solar, hydro, geothermal and wind energy, subject to proper planning and environmental considerations.



- CAEP-34 It is Council policy to promote the development of solar energy infrastructure for on-site energy use, including solar PV, solar thermal and seasonal storage technologies subject to environmental safeguards and the protection of natural or built heritage features, biodiversity views and prospects.

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 installation 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.

5.4 Planning and Policy

5.4.1 European and International Planning Policy

Europe 2020 Strategy

Europe 2020 Strategy (EC, 2010) is the European Commission's strategy for smart, sustainable and inclusive growth. It acknowledges the EU's agenda for growth and jobs and outlines a means to overcome the structural weaknesses in Europe's economy, improve its competitiveness and productivity and underpin a sustainable social market economy.

The Strategy contextualises the three priorities that should be the heart of Europe 2020:

- *"Smart growth – developing an economy based on knowledge and innovation.*
- *Sustainable growth – promoting a more resource efficient, greener and more competitive economy.*
- *Inclusive growth – fostering a high-employment economy delivering economic, social and territorial cohesion."*

These three priorities are mutually reinforcing and offer a vision of Europe's social market economy for the 21st century which Ireland is a part of, and the proposed materials recovery facility will help toward achieving this.

Relevance to the Proposed Development

The proposed development aligns with planning policy and relevant development management standards including environmental protection criteria. The facility will support embedding resource efficiency within the economy. The proposed development therefore accords with principles of proper planning and sustainable development as enshrined in the Europe 2020 Strategy.



5.4.2 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 broadly align with these policies and needs considering the potential for the development to help maximize waste recovery, reprocessing and recycling in the region. The proposed facility will aid Ireland in achieving this NPO and National Strategic Outcomes.



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 recycling and recovery such as the proposed facility. The plan makes it clear that further development of such waste infrastructure in Ireland is required to ensure EU targets are achieved. The proposed facility will aid increasing waste management capacity of the state and will support the achievement of waste recycling/recovery targets

5.4.3 Regional Planning Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region

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 County Offaly. 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.

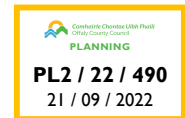
The following policy objective contained in the RSES is relevant to the proposed development.

- 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.



5.4.4 Local Policy Planning

Offaly County Development Plan (2021 - 2027)

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.

The Offaly County Development Plan 2021 – 2027 (Offaly County Council (OCC), 2021), 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 policies and objectives of relevance to the proposed development are outlined as follows:

Policies

CSP-01 It is Council policy to implement the Core Strategy for Offaly in order to be consistent with policies at a national and regional level, in particular population targets and distribution.

EnvP-09 - It is Council policy to facilitate the provision of adequate waste recovery and disposal facilities for the county.

EnvP-10 - It is Council policy to promote circular economy principles, prioritising prevention, reuse, recycling and recovery, and to sustainably manage residual waste. New developments will be expected to take account of the provisions of the Waste Management Plan for the Region and observe those elements of it that relate to waste prevention and minimisation, waste recycling facilities, and the capacity for source segregation.

EnvP-11 - It is Council policy to ensure that all waste disposal shall be undertaken in compliance with the requirements of the Environmental Protection Agency and relevant Waste Management Legislation

EnvP-13 - It is Council policy to require the provision of recycling infrastructure where it is considered necessary and will assess requirements for recycling facilities on a case-by-case basis as part of the development management process.

EnvP-24 - It is Council policy to assess, as relevant, proposals for development in terms of, inter alia, potential impact on existing adjacent developments, existing land uses and/or the surrounding landscape. Where proposed developments would be likely to have a significant adverse effect on the amenities of the area through pollution by noise, fumes, odours, dust, grit or vibration, or cause pollution of air, water and/or soil, mitigation measures shall be introduced in order to eliminate adverse environmental impacts or reduce them to an acceptable operating level.



Application of this policy will take into account instances whereby activities are licensed by other bodies through other processes (such as Integrated Pollution Control Licensing or Industrial Emissions Licensing).

EnvP-25 - It is Council policy to ensure that hazardous waste is addressed through an integrated approach of prevention, collection, and recycling and encourage the development of industry-led producer responsibility schemes for key waste streams.

CAEP-02 - It is Council policy to require that, in all new developments, local services such as medium and low voltage electricity cables shall be undergrounded, with multiple services accommodated in shared strips underground and that access covers are shared, whenever possible.

CAEP-29 - It is Council policy to support the circular economy and within that the bio-economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development, resulting in optimal socioeconomic and environmental impacts such as resource efficiency and reduction of greenhouse gas emissions.

Objectives

EnvO-05 - It is an objective of the Council to implement the Eastern-Midlands Regional Waste Management Plan 2015-2021, the Council's Litter Management Plan and Waste Byelaws.

EnvO-06 - It is an objective of the Council to use statutory powers to prohibit the illegal deposit and disposal and collection of waste materials, refuse and litter, and to authorise and regulate, waste disposal within the county in an environmentally sustainable manner.

Relevance to the Proposed Development

The proposed development will support the objectives of the Offaly County Development Plan 2021 – 2027 in a number of ways:

- The proposed facility will serve as a key piece of waste infrastructure in the county and 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 in the county and region.
- Facility operations will be supportive of Circular Economy principles.
- Existing overhead lines traversing and in the vicinity of the site will be re-routed underground as part of the proposed development in line with CDP policy objectives.
- The facility will be developed in cognisance of and accordance with waste legislation and regulation. The facility will be regulated by way of a Waste Facility Permit before transitioning to an Industrial Emissions Licence. The waste activity undertaken at the facility, emissions from the facility and environmental risk at the facility will therefore be strictly controlled.
- 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 facility will support policy principles and policies defined in the Regional Waste Management Plans.

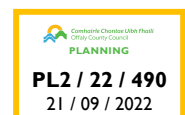


Development Management Standards (DMS)

In addition to the relevant policies and objectives the CDP also includes a number of Development Management Standards for ‘waste recovery/disposition (sic) sites’ as follows:

<p>DMS-115 Waste Recovery/Disposition (sic) Sites</p>	<p>Planning applications for waste related facilities shall:</p> <ul style="list-style-type: none"> • Ensure that the proposed development does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), sensitive landscape areas, visual amenity, geology, heritage or cultural value, or areas at risk of flooding; • Detail the type, source and volume of waste material to be processed and its method of processing, including hours of operation and duration of permission sought; • Phasing programme showing the development in layout drawings and site sectional drawings for each phase of development including the restoration of the site; • Show by the submission of a Traffic and Transport Assessment indicating details of road access, sightlines / visibility, vehicle turning manoeuvres, parking areas, pull-in areas, the number and types of vehicles which will frequent the site, the carrying loads of vehicles, and haul routes and that the roads infrastructure in the area can accommodate the proposed development; • Submit evidence that the proposed development is in accordance with the requirements of the EU Water Framework Directive and associated River Basin Management Plans; • Ensure that environmental emissions such as noise, fumes, odours, dust, grit, vibration and lighting, along with controls and monitoring of same are adequately mitigated and do not impact significantly upon residences in close proximity to the proposed development; • Provide for adequate screening of the proposed development through the submission of detailed landscaping plans and boundary treatment proposals; and • Ensure that sufficient detail is submitted in relation to restoration and remediation measures following cessation of the proposed development, including a timeframe for implementation and anticipated finished landform.
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The proposed development has been designed in accordance with these development management standards. This EIA addresses conformance to each of these standards, as set out below:

- A supporting NIS has been developed which has concluded the proposed development will not adversely impact any protected site in the form of an SAC or SPA.
- A Landscape and Visual Impact Assessment has been undertaken and demonstrates the proposed development will not have a significant effect on landscape character or visual amenity within the receiving environment.
- A Cultural Heritage Impact Assessment was carried out which demonstrates that the proposed development will not impact features of cultural heritage with the adoption of appropriate mitigation.
- A Traffic and Transport Assessment has been undertaken which demonstrates the proposed development will not have a significant impact on road capacity, integrity or safety.
- A Hydrological Impact Assessment was undertaken which serves to demonstrate that the proposed development will not contravene principles, policies and measures defined in the Water Framework Directive or River Basin Management Plan for the area.
- Appropriate environmental control and mitigation measures have been adopted to prevent nuisance impacts in the areas of dust, noise or odour associated with the proposed development.
- The site will be sufficiently screened from surrounding visual receptors through the provision of perimeter fencing and walls.
- A Closure Plan is proposed to facilitate the safe and proper decommissioning of the facility upon cessation of operations in the future.

Regional Waste Management Plan overriding County Development Plans in the event of conflict between Objectives

In the context of this project, it is important to consider relevant planning and environmental legislative provisions affecting the development policy relevant to waste management facilities.

Section 10(2)(b) of the Planning and Development Act, 2000 (PDA) requires that a development plan must contain objectives for the provision of waste recovery and disposal facilities.

Section 22(10A) of the Waste Management Act (1996) (WMA) makes clear that the development plan “shall be deemed to include the objectives for the time being contained in the waste management plan in force in relation to that area”.

In the event of any tension or conflict between objectives of a development plan and the waste management plan, section 22(10A)(b) of the WMA provides that the objectives of the waste management plan must prevail and override the development plan. That remains true even where the development plan was made subsequent to the waste management plan.

Further, under Section 22(10AA), planning permission shall not be refused solely on the grounds that the proposed development was not specifically mentioned in a waste management plan, if the planning authority (or An Bord Pleanála) consider the development will facilitate achievement of the waste management plan objectives.



Under Section 22(10B) of the WMA, a planning authority may grant planning permission for a development which is consistent with the provisions, including objectives, and is necessary for the implementation of a waste management plan, where in the opinion of the manager that permission would materially contravene any other objective of the development plan. The granting of a material contravention to the development under subsection (10B) does not require a vote of elected members provided procedures set out in the act are adhered to.

5.5 The Development and Compliance with Policy

It is considered that the proposed development is in compliance with the policy and objectives listed previously, as indicated in the “relevance boxes”.

In terms of European policy, the proposed development will ensure compliance with Waste Framework and Landfill Directive and transposing legislation obligations. The proposed development will support and promote the management of waste as ‘high up’; the waste hierarchy as possible in accordance with EU Waste Law principles.

The Proposed Development will accord with National Waste Policy including the recently published National Waste Action Plan for the Circular Economy. Current national waste policy will be supported in a number of ways by the proposed development, namely through the proposed development facilitating the maximization of waste recovery and recycling, and through contributions to the achievement of the self-sufficiency and proximity principles in Ireland.

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 through the provision of an effective and efficient waste management facility, which is identified as essential in the promotion of balanced regional development.

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

A range of policy objectives including climate and planning related policy objectives outlined in the Offaly County Development Plan 2021 – 2027 are supported by the proposed development. The promotion of waste recovery and recycling practices is an important goal identified in the Development Plan. This aim will be supported by the proposed development.



5.6 References

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