Appendix A17.1
Legislation and Policy

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Appendix A17.1: Legislation and Policy

17.1.1 Legislation

17.1.1.1 European

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

Directive 2008/98/EC, known as the 'Waste Framework Directive' came into force on 12th December 2008, It provides for a general framework of waste management requirements and sets the basic waste management definitions for the European Union (EU).

The Directive lays down the five-step hierarchy of waste management options, with waste prevention as the preferred option, followed by re-use, recycling, recovery and safe disposal, in descending order. In addition, the Directive also deals with the issue of 'end of waste' and clarifies the definitions of recovery, disposal, and by-product. The Directive states that '*The recovery of waste and the use of recovered materials should be encouraged in order to conserve natural resources.*'

Directive 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste

This Directive amends the Waste Framework Directive (2008/98/EC). It provides a number of updated waste management definitions. The Directive allows Member States to use economic instruments including taxes and levies as an incentive for the application of the waste hierarchy. The Directive was transposed into national law in August 2020 - S.I. No. 323 of 2020.

The Directive sets targets for the preparing for re-use and the recycling of municipal waste as follows:

- By 2025, at a minimum 55% (by weight) will be prepared for re-use or recycling;
- By 2030, at a minimum 60% (by weight) will be prepared for re-use or recycling; and
- By 2035, at a minimum 65% (by weight) will be prepared for re-use or recycling.

With regards to construction and demolition waste, Member States must take measures to promote selective demolition in order to enable removal and safe handling of hazardous substances, facilitate re-use and high-quality recycling. It obligates Member States to take measures to prevent waste generation including reduction of waste generation in processes related to construction and demolition, taking into account best available techniques.

Commission Decision 2014/955/EU amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council is based on Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

This decision (referred to as 'The List of Waste' (LoW)) and regulation consolidate the legislation relating to waste classification and allows the generators of waste to classify the waste as hazardous or non-hazardous and in the process assigning the correct List of Waste entry. Each list of waste entry is a three-digit code which is closely linked to the list of the main characteristics which render waste hazardous contained in Annex III to the Waste Framework Directive. It is noted that Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex 111 to Directive 2008/98//EC of the European parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic' provides additional criteria in relation to determining whether ecotoxicity of wastes would result in a hazardous classification.

17.1.1.2 National

Waste Management Acts, 1996, as amended and Regulations Made under the Acts

The Waste Management Act, 1996 was enacted in May 1996 and sets out the responsibilities and functions of various persons in relation to waste. The Act, as amended:

- Prohibits any person from holding, transporting, recovering, or disposing of waste in a manner which causes or is likely to cause environmental pollution;
- Requires any person who carries on activities of an agricultural, commercial, or industrial nature to take all such reasonable steps as are necessary to prevent or minimise the production of waste;
- Prohibits the transfer of waste to any person other than an authorised person (i.e., a holder of a waste collection permit or a Local Authority);
- Requires the Environmental Protection Agency (EPA) to make a national plan in relation to hazardous waste;
- Requires Local Authorities to make waste management plans in relation to non-hazardous waste;
- Imposes certain obligations on Local Authorities to ensure that a service is provided for collection of household waste and to provide facilities for the recovery and disposal of such waste;
- Enables the Minister for the Environment and Local Government to make Regulations for various purposes to promote better waste management; and
- Provides for substantial penalties for offences including fines, imprisonment and/or liability for clean-up measures.

Waste Management (Collection Permit) Regulations, 2007, S.I. No 820 of 2007, as amended

Waste from the proposed development may only be collected by the holder of a waste collection permit or a Local Authority. Waste collection permits are granted in accordance with the Waste Management (Collection Permit) Regulations, 2007 as amended. Waste storage and collection areas on site should be designed to prevent environmental pollution. All Waste Collection Permits are now issued by the National Waste Collection Permit Office (NWCPO).

Waste Management (Shipments of Waste) Regulations 2007, S.I. No. 419 of 2007, as amended

Where waste from the proposed development is exported outside of Ireland for recovery or disposal, the National Transfrontier Shipment (TFS) Office within Dublin City Council must be notified. Certain financial guarantees must be in place and a certificate issued by the National TFS Office prior to the waste movement taking place.

S.I. No. 323/2020 - European Union (Waste Directive) Regulations 2020 amending European Communities (Waste Directive) Regulations 2011, S.I. No.126 of 2011

The European Communities (Waste Directive) Regulations 2011, as amended, significantly changed the provisions of the Waste Management Acts, 1996, as amended.

The 2011 regulations were amended by S.I. No. 323/2020 - European Union (Waste Directive) Regulations 2020 giving effect to Directive 2018/851 of the European Parliament and of the Council of 30 May 2018 on waste as per the above. This amends definition of “waste” and “non-hazardous waste”.

The Regulations define “waste disposal” and “waste recovery” as well as setting out tests which must be complied with in order for material to be described as a “by-product” or achieve “end of waste” status.

The Regulations formally set out the following waste hierarchy which shall apply as a priority order in waste prevention and management legislation and policy:

(a) prevention;

(b) preparation for re-use;

(c) recycling;

(d) other recovery (including energy recovery); and

(e) disposal.

The Regulations required that all waste management plans and hazardous waste management plans in existence at the commencement of the Regulations be evaluated by 31 December 2012 and where appropriate be revised to be brought into line with Directive 2006/12/EC on Waste.

The Regulations also required the Environment Agency to establish a waste prevention programme by December 2013.

17.1.2 Policy

17.1.2.1 European Policy

Roadmap to a Resource Efficient Europe, European Commission (2011)

The Roadmap to a Resource Efficient Europe outlines a 'roadmap' to transform Europe's economy into a sustainable one by 2050.

It proposes ways to increase resource productivity and decouple economic growth from resource use and its environmental impact. The roadmap aims to address resource inefficiency in the sectors that are responsible for the greatest share of environmental impacts – namely food, buildings and mobility, whose combined effects account for 70–80% of all environmental impacts.

Measures are set out aimed at transforming production and consumption, with incentives for investors to promote green innovation, and a greater role for eco-design, eco-labelling, and greener spending by public bodies. Governments are invited to shift taxation away from labour towards pollution and resources, and to provide fresh incentives to push consumers towards resource-efficient products. The roadmap also recommends adapting prices to reflect the real costs of resource use, especially on environment and health.

8th Environmental Action Programme, European Commission (2022)

The 8th Environmental Action Programme came into force in May 2022 and will guide European environment policy until 2030. The 10-year programme keeps the 2050 vision and enforces it by aiming to accelerate the EU transition to a climate-neutral, resource-efficient clean and circular economy in a just and inclusive way, fully endorsing the environmental and climate objectives of the European Green Deal. There is a special focus on turning waste into a resource, with more prevention, re-use, and recycling, and phasing out wasteful and damaging practices like landfilling.

The six priority objectives to 2030 as as follows:

- achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050
- enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change
- advancing towards a regenerative growth model, decoupling economic growth from resource use and environmental degradation, and accelerating the transition to a circular economy
- pursuing a zero-pollution ambition, including for air, water and soil and protecting the health and well-being of Europeans
- protecting, preserving and restoring biodiversity, and enhancing natural capital
- reducing environmental and climate pressures related to production and consumption (particularly in the areas of energy, industry, buildings and infrastructure, mobility, tourism, international trade and the food system)

European Commission Circular Economy Strategy

In December 2015 the European Commission adopted an ambitious Circular Economy Package, which includes revised legislative proposals on waste to stimulate Europe's transition towards a circular economy.

The Circular Economy Package consists of an EU Action Plan for the Circular Economy that establishes a programme of action, with measures covering the whole cycle: from production and consumption to waste management and the market for secondary raw materials. The annex to the action plan sets out the timeline when the actions will be completed.

The proposed actions will contribute to 'closing the loop' of product lifecycles through greater recycling and re-use and bring benefits for both the environment and the economy.

The revised legislative proposals on waste set clear targets for reduction of waste and establish an ambitious and credible long-term path for waste management and recycling. Key elements of the revised waste proposal include:

- An EU target for recycling 65% of municipal waste by 2030;
- An EU target for recycling 75% of packaging waste by 2030;
- A target to reduce landfill to maximum of 10% of all waste by 2030;
- A ban on landfilling of separately collected waste;
- Promotion of economic instruments to discourage landfilling;
  Simplified, improved definitions and harmonised calculation methods for recycling rates throughout the EU;
- Concrete measures to promote re-use and stimulate industrial symbiosis - turning one industry's by-product into another industry's raw material; and
- Economic incentives for producers to put greener products on the market and support recovery and recycling schemes (e.g., for packaging, batteries, electric and electronic equipment, vehicles).

The Circular Economy Package was updated in 2018 to comprise a new set of measures including:
- A Europe-wide EU Strategy for Plastics in the Circular Economy;
  A Communication on options to address the interface between chemical, product and waste legislation;
- A Monitoring Framework on progress towards a circular economy at EU and national level; and
- A Report on Critical Raw Materials and the circular economy.

It was subsequently further updated in 2020 (see below).

Key legislative measures adopted to date under the plan include:

- Directive (EU) 2018/851 amending Directive 2008/98/EC on waste;
- Directive (EU) 2018/850 amending Directive 1999/31/EC on the landfill of waste;
- Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste; and
- Directive (EU) 2018/849 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment.
- European Commission, 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A new Circular Economy Action Plan For a cleaner and more competitive Europe. COM (2020).

EU Circular Economy Action Plan 2020

In March 2020 the European Commission adopted the second EU Circular Economy Action Plan. The action plan adopted initiatives along the entire life cycle of products, targeting for example, their design, promoting circular economy processes, fostering consumption and aiming to ensure that resources used are kept in the EU economy for as long as possible.

Construction and Demolition is identified as a priority value chain in the plan and the Commission is drafting a Strategy for a Sustainable Built Environment in which will promote circularity principles through the lifecycle of buildings by:

- Addressing the sustainability performance of construction products in the context of the revision of the Construction Product Regulation, including the possible introduction of recycled content requirements for certain construction products, taking into account their safety and functionality;
- Promoting measures to improve the durability and adaptability of built assets in line with the circular economy principles for buildings design and developing digital logbooks for buildings;
- Using Level(s) to integrate life cycle assessment in public procurement and the EU Sustainable Finance Framework (2022) and exploring the appropriateness of setting of carbon reduction targets and the potential of carbon storage;
- Considering a revision of material recovery targets set in EU legislation for construction and demolition waste and its material-specific fractions; and
- Promoting initiatives to reduce soil sealing, rehabilitate abandoned or contaminated brownfields and increase the safe, sustainable, and circular use of excavated soils.

Furthermore, the 'Renovation Wave' initiative announced in the European Green Deal to lead to significant improvements in energy efficiency in the EU will be implemented in line with circular economy principles, notably optimised lifecycle performance, and longer life expectancy of build assets. As part of the revision of the recovery targets for construction and demolition waste, the Commission will pay special attention to insulation materials, which generate a growing waste stream.

European Commission, 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A new Circular Economy Action Plan For a cleaner and more competitive Europe. COM (2020).

The European Commission has adopted a new Circular Economy Action Plan - one of the main 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, targeting for example their design, promoting circular economy processes, fostering sustainable consumption, and aiming to ensure that the resources used are kept in the EU economy for as long as possible.

It introduces legislative and non-legislative measures targeting areas where action at the EU level brings real added value. The new Circular Economy Action Plan presents measures to:

- Make sustainable products the norm in the EU;
- Empower consumers and public buyers;
- Focus on the sectors that use most resources and where the potential for circularity is high such as: electronics and ICT; batteries and vehicles; packaging; plastics; textiles; construction and buildings; food; water and nutrients;
- Ensure less waste;
- Make circularity work for people, regions and cities; and
- Lead global efforts on circular economy.

European Commission (2019) European Green Deal

The European Green Deal, published by the European Commission in December 2019, provides an action plan to boost the efficient use of resources by moving to a clean, circular economy while cutting pollution and restoring biodiversity.

The plan outlines investments needed and financing tools available. It explains how to ensure a just and inclusive transition.

The EU aims to be climate neutral in 2050. A European Climate Law has been proposed by the European Commission to turn this political commitment into a legal obligation. Reaching this target will require action by all sectors of the Irish economy, including;

- Investing in environmentally friendly technologies;
- Supporting industry to innovate;

- Rolling out cleaner, cheaper, and healthier forms of private and public transport; • Decarbonising the energy sector;
- Ensuring buildings are more energy efficient; and
- Working with international partners to improve global environmental standards.

17.1.2.2 National Policy

Introduction

The first national waste policy statement was published by the Department of Environment and Local Government in 1998.

A number of statements have been published since, each of which builds on the objectives of the previous plans to improve how waste is managed in Ireland, move waste away from landfill and towards a more sustainable option. The statements published to date include:

- Department of the Environment and Local Government (1998). 'Waste Management – Changing Our Ways' – A Policy Statement;
- Department of the Environment and Local Government (2002). Preventing and Recycling Waste – Delivering Change – A Policy Statement;
- Department of the Environment, Heritage and Local Government (2004). Waste Management – Taking Stock and Moving Forward;
- Department of the Environment, Heritage and Local Government (2006). National Strategy on Biodegradable Waste Management;
- Department of the Environment, Climate and Communications (2020). Waste Action Plan for a Circular Economy; and
- Department of the Environment, Community and Local Government (2012). A Resource Opportunity – Waste Management Policy in Ireland.

From 2012 a number of policy documents and reports have been published which are summarised in the sections below.

Department of the Environment, Community and Local Government (2012). A Resource Opportunity – Waste Management Policy in Ireland

This policy document sets out measures through which Ireland will increase recycling rates and reduce delivery of waste to landfill following coming into force of the EU Waste Framework Directive. Key measures set out in the report are as follows:

- Significant reduction of Planning Regions from 10 to three. A review of regional waste management plans will be undertaken to comply with the requirements of the Waste Framework Directive;
- Timing and nature of the application of landfill bans will be considered taking into account the level of diversion being achieved and the development of viable beneficial uses for waste in support of the virtual elimination of our dependence on landfill;
- Ireland requires an adequate network of quality waste treatment facilities. The EPA will undertake a review of recovery infrastructure to advise on national requirements for managing municipal waste in accordance with the principles of proximity and self-sufficiency;
- All householders will be obliged to demonstrate that they are availing of an authorised waste collection service or are otherwise managing their waste in an environmentally acceptable manner; • Through waste collection permits waste collectors will be required to manage waste in accordance with the waste hierarchy and operate pricing structures to incentivise environmentally sustainable behaviour by households in terms of waste reduction;
- Separate collection of organics will be a required waste permit condition for those collecting from households within population centres of a given size and will be introduced on a phased basis over a four-year period, beginning with larger population centres; and

- All current and future producer responsibility schemes will be required, as part of the conditions of their approval, to formulate, implement and demonstrate significant waste prevention and re-use initiatives for their particular waste streams.

EPA National Waste Statistics and Bulletins

The EPA publishes national statistics and bulletins relating to waste generation, management, and disposal in Ireland. The published data provides information on key statistics and trends in waste as well as information on Ireland's progress in meeting EU waste collection, recovery, and disposal targets. Key topics include:

- Municipal waste generation and management;
- Packaging waste;
- Waste electronic and electrical equipment;
- End of life vehicles, tyres;
- Hazardous waste; and
- Construction and demolition waste and waste infrastructure.

The data is available on the EPA website at *http://www.epa.ie/nationalwastestatistics/*.

EPA (2014) National Municipal Waste Recovery Capacity. An Assessment for the Department of the Environment, Community and Local Government

In 2012 the EPA were tasked by the Department of the Environment, Community and Local Government to undertake an assessment of municipal waste recovery infrastructural capacities in the State. This report documents the outcome of that assessment. This task was articulated in A Resource Opportunity – Waste Management Policy in Ireland (Department of the Environment, Community and Local Government 2012) (see above).

The EPA assessment, undertaken during 2013, has yielded an electronic register holding estimated municipal waste recovery capacity figures for authorised waste activities. The Capacity Register compromises different worksheets containing capacity data on:

- EPA waste licences;
- EPA IPPC licences;
- Sites authorised under an EPA Certificate of Registration;
- Local Authority issued Waste Facility Permits; and
- Local Authority issued Certificates of Registration.

The data in this study reflects a snapshot in time – May 2013 when there was an estimated 5,800 to 6,000 'live' waste facility authorisations in the state. This assessment report presents a synthesis of the Capacity Resister information.

EPA (2021). National Hazardous Waste Management Plan, 2021-2027

The Environmental Protection Agency has prepared this National Hazardous Waste Management Plan (NWHMP) for the Republic of Ireland covering a six-year period from 2021 to 2027. It sets out the priorities to be pursued over the next six years and beyond to improve the prevention and management of hazardous waste. The purpose of this plan is to protect the environment and human health in Ireland through best-practice management of hazardous wastes through the following objectives:

- Support and drive priority prevention actions by industry and the public to reduce the generation of hazardous waste;
- Support the identification of adequate and appropriate collection infrastructure for all hazardous wastes with a view to mitigating environmental and health impacts;

- Endorse the proximity principle such that hazardous wastes are treated as close to the point of production as possible – including within Ireland, taking into account the need for specialised installations for certain types of waste.
  Support effective regulation of the movement and management of hazardous wastes in line with national policy priorities; and
- Promotion of safe reuse and recycling pathways in support of the circular economy.

The plan sets out a set of recommendations to be actioned within its lifetime to strengthen protection of the environment and human health through best-practice management of hazardous wastes. The recommendations are grouped into the following categories: Policy & Regulation; Prevention; Collection & Treatment; and Implementation. Each recommendation is accompanied by an 'owner' and specific actions to be implemented in the first half of the plan period.

EPA (2019) Waste Classification – List of Waste and Determining if Waste is hazardous or Non-Hazardous.

Waste classification is based on:

- Commission Decision of 18 December 2014, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EU);
- Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives; and
- Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex 111 to Directive 2008/98//EC of the European parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic'.

This waste classification system applies across the EU and is the basis for all national and international waste reporting obligations. This document consolidates the Decision and Regulations and provides guidance on how to follow them.

There are two main elements:

- List of Waste (LoW) (Appendix 1); and
- Determining if waste is hazardous or non-hazardous (Appendix 2).

Government of Ireland (2020) A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025

The 'Waste Action Plan for a Circular Economy' is an action focused plan that reflects the 2020 Circular Economy Action Plan 'For a cleaner and more competitive Europe' from the European Commission (see above).

The overarching objectives of this action plan are to:

- Shift the focus away from waste disposal and treatment to ensure that materials and products remain in productive use for longer thereby preventing waste and supporting reuse through a policy framework that discourages the wasting of resources and rewards circularity;
- Make producers who manufacture and sell disposable goods for profit environmentally accountable for the products they place on the market;
- Ensure that measures support sustainable economic models (for example by supporting the use of recycled over virgin materials);
- Harness the reach and influence of all sectors including the voluntary sector, research and development, producers/manufacturers, regulatory bodies, civic society; and
- Support clear and robust institutional arrangements for the waste sector, including through a strengthened role for Local Authorities.

The plan identifies opportunities for the application of circular economy principles across a range of areas in Ireland including:

- Municipal waste;
- Consumer Protection;
- Food waste;
- Plastic and packaging waste;
- Construction and demolition waste; • Textiles; and
- Procurement.

Department of the Environment, Climate and Communications (2024) Climate Action Plan

The Government published its third annual update Climate Action Plan in 2024. The Plan sets out the actions the Government intends to take to address climate breakdown across sectors such as electricity, transport, waste, built environment, industry, and agriculture.

The Climate Action Plan provides that the Government will lead the transformation from waste management to circular economy practice through delivery of a new national policy. It is also intended that waste legislation will be revised to incorporate new or updated circular economy requirements.

The implementation plan for actions by Government and other actors in relation to waste and the circular economy are as follows:

- Streamlining 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;
- Publication of the second Whole-of-Government Circular Economy Strategy;
- Ongoing work to support the adoption of modern methods of construction, including the use of circular design, will contribute to reducing the material footprint of the construction sector;
- Reduce demand for virgin raw materials and support re-use, by keeping material out of waste streams through streamlined end-of-waste and by-product decision-making processes, and national end-of-waste decisions for specific construction and demolition waste streams;
- Develop and implement new Regional Waste Management Plans that will guide our transition to a circular economy; and
- Develop new and expanded environmental levies to encourage reduced resource consumption and incentivise higher levels of re-use and recycling.

Minimising waste generation, and improving segregation, reuse and recycling will lead to fewer emissions associated with waste transport and treatment. To achieve Ireland's targets, all these areas need improvement, particularly developing better prevention strategies; improving capture rates; and reducing both contamination and the amount of non-recyclable materials.

Whole of Government Circular Economy Strategy 2022 – 2023: Living more, Using Less (Government of Ireland 2021)

The Government of Ireland released a Whole Government Circular Economy Strategy 2022-2023 (Government of Ireland 2021), setting out a policy framework for transitioning to a circular. The strategy will address a policy gap that exists in Ireland's national policy framework. It sets out a vision for Ireland's transition to circularity; explaining the concept of the circular economy, describing what initiatives are undergoing, what opportunities are available and how Government will drive the changes required. The strategy estimates Ireland's current circular material use at 1.6% and aims to exceed the EU average by 2030, currently 12.8%. The strategy will:

- Showcase public sector leadership, using policy tools such as green public procurement as well as supporting circular economy practices across the entire public sector;
- Establish and implement an education and awareness campaign – for individuals, households, communities, and the public and private sectors;

- Recognise priority sectors for the development of sectoral circular economy roadmaps;
- Assemble a consultative advisory group, from amongst stakeholders, to input into policy development and implementation; and
- Develop an interdepartmental working group to oversee the integration of circular economy policies and practices across public policy.

The strategy sets out draft roadmaps for the transport and construction sectors, including the following objectives:

- Construction
  - Increased use of offsite design and manufacture;
  - Modular building design;
  - Refurbishment and retrofitting of existing stock;
  - Tackling dereliction and bringing stock back into occupancy; and
  - Increase use of Construction & Demolition Waste as a secondary construction material.

- Transport
  - Increased use of telecommuting, as well as of local and regional hubs;
  - Prioritising resource efficient personal mobility (e.g., walking and cycling);
  - Expanding public transport capacity and promoting shared mobility schemes; and o Efficient end-of-life vehicle waste management schemes.

17.1.2.3 Regional Policy

The Connacht – Ulster Region Waste Management Plan 2015-2021

For the purposes of waste management planning, Ireland is now divided into three regions: Southern, Eastern-Midlands, and Connacht-Ulster. The Connacht-Ulster Region include Galway City Council and Galway, Mayo, Roscommon, , Sligo, Leitrim, Donegal, Cavan and Monaghan County Council areas. The Connacht-Ulster Region Waste Management Plan 2015-2021 was launched in 2015. The strategic approach of the plan places a stronger emphasis on preventing wastes and material reuse activities. Three strategic targets have been set in the plan which include:

- 1% reduction per annum in the quantity of household waste generated per capita over the period of the plan;
- Achieve a recycling rate of 50% of managed municipal waste by 2020; and
- Reduce to 0% the direct disposal of unprocessed residual municipal waste to landfill in favour of higher value pre-treatment processes and indigenous recovery practices.

The plan looks to 2030 and includes a long-term goal of reaching a recycling rate of 60%.

Construction and Demolition Waste Soil and Stone Recovery / Disposal Capacity – Updated report 2020 (Regional Waste Management Offices 2020)

The Construction and Demolition Waste Soil and Stone Recovery/Disposal Capacity report states that:

'*This report was undertaken on behalf of the Irish regional waste management offices to analyse the national waste capacity market for safe treatment of waste soils. A review was undertaken of soil waste generation and available capacity to accept soil waste in authorised facilities within the three waste regions. The report identifies that the future authorised capacity available to recover soil and stones is an issue in each waste region in the context of likely strong construction activity. Possible options recommended include existing capacities at existing sites and the use of Article 27 By Product notifications*.'

Galway City Development Plan 2023-2029

The Galway City Development Plan 2023-2029 sets out Galway City Council's policies and objectives to guide the sustainable development of the City over the lifetime of the Plan to 2029. The Plan seeks to ensure that measures will be adopted to ensure sustainable waste management while it also aims to support initiatives that will develop the circular economy through implementation of the Regional Waste Management Plan for the Connacht Ulster Region 2015-2021 and its successor.

17.1.3 Guidance

Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects (EPA 2021b)

These guidelines supersede the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Waste Projects' which were published by the Government in July 2006. The replacement guidelines reflect current waste legislation and policy including 'A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025' published in September 2020. Since the publication of the 2006 guidelines, waste management legislation and policy have evolved towards prioritising waste prevention and life-cycle thinking as follows:

- An increased emphasis on waste prevention, in line with the waste hierarchy, through established principles such as designing out waste and the use of green procurement.
- The guidelines have also been prepared to promote more circular design and construction principles in line with the EU Circular Economy Action Plan under the EU Green Deal. The circular economy model tries to avoid using unnecessary resources in the first place and keep resources 'in flow' by means of effective and smart reuse and recycling strategies reducing the use of virgin materials.

The guidelines provide a practical and informed mechanism to document the prevention and management of Construction and Demolition wastes and resources from design to construction or demolition of a project. They provide clients, developers, designers, practitioners, contractors, sub-contractors and competent authorities with a common approach to preparing and determining Resource and Waste Management Plans (RWMP) for the construction and demolition sector in Ireland.

- The guidelines address the best practice approach for the following phases of a project:
- Prior to Construction – including the stages of design, planning and procurement in advance of works on site; and
- During Construction – relating to the effective management of resources and wastes during construction or demolition operations.

Guidance on Soil and Stone By-products in the context of Article 27 of the European Communities (Waste Directive) Regulations 2011 (EPA 2019a)

Article 27 of the European Communities (Waste Directive) Regulations, 2011, as substituted by Reg. 15 S.I. No. 323 of 2020, states the following:

'Economic operators may decide, in accordance with the following conditions of article 27, that their substance or object is a by-product:

(a) further use of the substance or object is certain;

(b) the substance or object can be used directly without any further processing other than normal industrial practice;

(c) the substance or object is produced as an integral part of a production process; and

(d) further use is lawful in that the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.'

Decisions made by economic operators under Article 27 must be notified to the Environmental Protection Agency. Conditions a) to d) must be satisfied for an Article 27 notification to be successful.

The purpose of the guidance is to inform economic operators how to prevent waste soil and stone by classifying it as a by-product in accordance with the legislation and the EPA's regulatory approach to determinations on soil and stone by-products. This guidance document covers soil and stone only.

It is aimed at Local Authorities, developers, the construction sector, the waste management sector, and consultants.

Its environmental objective is by making certain that excess uncontaminated soil and stone is beneficially used with no overall adverse impacts on the environment or human health, a material producer will ensure that the material is regarded as a by-product rather than a waste.

EPA By Product Guidance Note. A guide to by-products and submitting a by-product notification under Article 27 of the European Communities (Waste Directive) Regulations, 2011 (EPA 2019b)

This guidance note published in June 2019 applies to all other sectors and materials apart from soil and stones. It aims to inform economic operators how to prevent waste by classifying it as a by-product in accordance with the applicable Regulations.

Environmental Protection Agency (2020) End of Waste Guidance Part 1 and Part 2

Part 1 describes the context and benefits and introducing the end-of-waste test to potential under Article 28. Part 2 provides guidance for applicants on how to address the requirements of the end-of-waste test under Article 28 of the European Communities (Waste Directive) Regulations, 2011, as amended.

EPA National End-of-Waste Criteria for Recycled Aggregates (2023)

This document sets out national criteria applicable to aggregates recycled from construction and demolition waste, including soil and stone, concrete, bricks and ceramics. These criteria will allow for the safe reclassification of recycled aggregates from a waste to a product, which can be subsequently placed on the market.

End-of-waste refers to a process where material which is recovered or recycled from waste ceases to be a waste. End-of-waste criteria specify when certain waste ceases to be waste and become a product, often referred to as a secondary product or secondary raw material. The recycling/ recovery of material from waste is a waste activity. Accordingly, any producer of end-of-waste material must hold an appropriate waste authorisation.

The criteria serve to meet the following targets set out in the 2021, Waste Action Plan for a Circular Economy:

- Streamline the end-of-waste application and decision-making process. This will encourage greater use of the process by industry and assist in meeting Ireland's recycling targets, thereby reducing pressure on waste disposal and recovery infrastructure;
- Obtain end-of-waste status for a number of priority waste streams, particularly in the C&D sector.

IEMA Guide to Materials and Waste in Environmental Impact Assessment (2020)

This document offers guidance and recommendations for EIA practitioners and stakeholders concerned with the impacts and effects of materials and waste on the environment. The guidance provides considerations for screening, scoping, consultation, assessment, and subsequent reporting and monitoring.

The aim of this document is to provide initial guidance on the key terms, concepts and considerations for assessing the environmental impacts and effects of materials and waste, as part of the EIA process. This includes providing practitioners with a process and checklist applicable to each stage of the EIA process