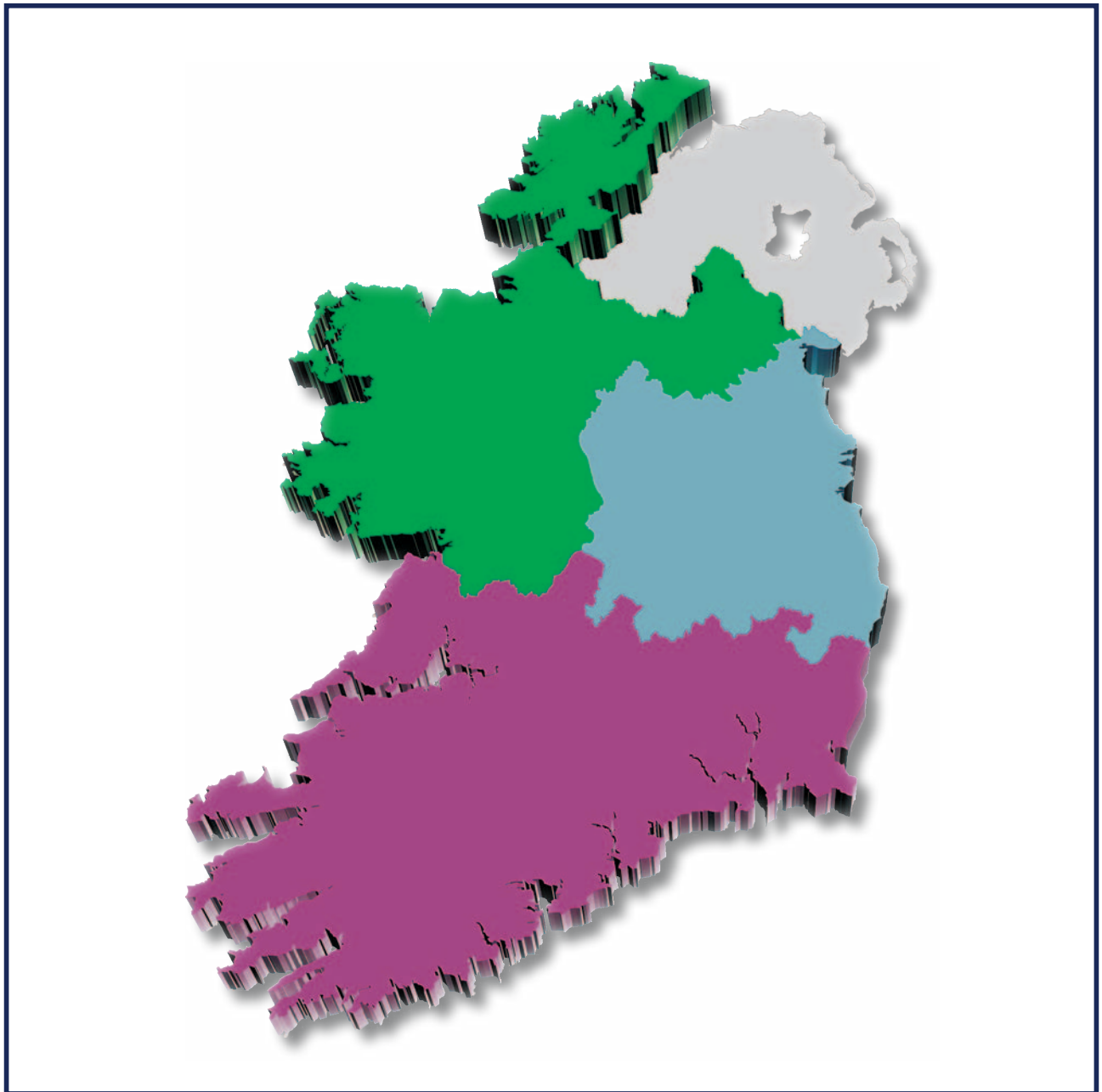


Regional Waste Management Plans

Strategic Environmental Assessment Screening Statement

May 2014



Lead Authorities



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RPS

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1 INTRODUCTION

A regional approach to managing waste in Ireland was given a legal basis by the Waste Management Act 1996 which allowed for one or more local authorities to come together for the purpose of preparing a waste management plan. Ten regions were formed, 7 of which were made up of two or more local authorities and covered the majority of the country and 3 were County Regions (these were Kildare, Wicklow and Donegal). The first regional waste plans were prepared in the late 1990s and most were based on a 15 year strategy to maximise recycling and to minimise disposal. This strategic vision remains valid to this day and is in keeping with the European Commission's aim for Member States to embrace and foster a recycling society.

The first generation of waste plans covered the period 1998 to 2004 and introduced a new approach to local waste management in Ireland. The plans followed the policy objectives of the State's first National Waste Policy Statement, Changing Our Ways, and the waste management hierarchy was placed at the heart of the regional plans. The plan objectives included the widespread introduction of source separated collection systems for households and business, significant improvements to local public recycling infrastructure, plans for the development of regional waste treatment capacities, awareness and education initiatives and enforcement activities. The scope of the Plans was (and still is) substantial and is defined in statute by the Waste Management Planning Regulations 1997. Furthermore, under new regulations in 2003, Waste Management Plans were deemed to be subsets of County Development Plans.

The first generation of waste plans were reviewed and replaced wholesale over the period 2005 to 2006. The second generation of waste plans built on the foundations of the first regional plans, expanding on policy objectives to reflect the nature of the operating environment, the growing market and the increased role of private sector operators. The targets set down in the original strategies remained in place and provided headline goals for most regions to 2013.

The second generation of the plans were designed to cover the period up to 2010 and 2011. A review of the regional structure extended the life of the current plans which remain in force. An evaluation of the existing waste plans was carried out by the local authorities in 2012 in line with the requirements of the EU Waste Framework Directive. The outcome of this process was to recommend the replacement of all of the Waste Plans to take account of the legislative changes brought into force by the European Communities Waste Directive Regulations 2011.

In July 2012 the latest Government National Waste Policy document, *A Resource Opportunity*, recommended the consolidation of the waste regions to a maximum of three. The time has come for the regional waste planning framework to be re-shaped to allow for greater efficiencies in the implementation of the plans and to better reflect the movement of waste. The new boundary lines will provide for greater consistency and co-ordination with other planning frameworks.

The transformation from ten to three has been undertaken with the new regions the:

- Eastern-Midlands Region;
- Connacht-Ulster Region; and the
- Southern Region.

The new plans will be in force for 6 years and are to cover the period 2015 – 2021.

1.1 PURPOSE OF THE PLANS

The main purpose of the regional waste management plans (RWMP) is to establish a framework which protects the health of the environment and its citizens through the sustainable management of wastes generated in the region. The waste plans have a statutory basis in Ireland and the measures contained must ensure implementation of European and National waste legislation and policy objectives.

Waste plans must provide an overview of the current waste management system in the region and report on the quantity of wastes generated and the management and treatment of wastes. The plans must be forward looking containing strategic options so wastes are managed in an environmentally sound manner in the years ahead. The focus for the Plans is both to comply with existing legislative targets while taking account of future policy direction and anticipated market developments.

The policy objectives of the waste plans set out to fundamentally implement the waste hierarchy and prioritise prevention, preparing for reuse, recycling and recovery of wastes ahead of disposal. The measures within the plans are an implementation roadmap for local authorities and stakeholders. The aim is to plan treatment capacity and collection systems so forecasted waste streams over the plan period and beyond are managed sustainably. The Plan must also define the roles and responsibilities of the authorities and stakeholders in the region and establish a monitoring programme to ensure progress and achievement of targets can be measured and reported.

2 OUTLINE LEGAL FRAMEWORK

2.1 WASTE MANAGEMENT

The framework for Ireland's waste policy is governed by the Waste Framework Directive in the first instance which sets out the management regime applicable to waste. The requirements of the Waste Framework Directive is reflected in Irish law by the Waste Management Act 1996 which has been amended by the European Communities (Waste Directive) Regulations 2011 (SI No. 126 of 2011) which transposed the requirements of the directive.

Article 4 of the Waste Framework Directive sets out the preferred priority which waste should be managed with prevention at the top of the hierarchy. This is followed by preparing for reuse, recycling, and recovery. The least preferred approach is disposal, which in Ireland generally involves waste being sent to landfill. One of the principal tasks for waste management in Ireland is to continue to reduce the level of disposal in favour of options higher on the hierarchy so disposal as a treatment solution is eliminated.

Development of new Irish waste legislation and policy has been shaped by a suite of EU Waste Directives including the Packaging Directive; the Waste Electrical and Electronic Equipment (WEEE) Directive; the Batteries Directive; and the Landfill Directive among others. These legislative frameworks are further informed by policy roadmaps and action programmes including the:

- Europe 2020 strategy;
- Resource Efficient Europe;
- Resource Efficiency Roadmap;
- Raw Materials Strategy; and
- 7th EU Environmental Action Programme;

2.2 STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic Environmental Assessment (SEA) is a process for evaluating, at the earliest appropriate stage, the environmental quality and consequences of policy, plan or programme initiatives by statutory bodies. The purpose is to ensure that the environmental consequences of plans and programmes are assessed both during their preparation and prior to adoption. The SEA process also gives interested

parties an opportunity to comment on the environmental impacts of the proposed plan or programme and to be kept informed during the decision making process.

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive), was transposed into national legislation in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004). Both pieces of legislation were amended in 2011 under S.I. 200/2011 and S.I. 201/2011.

The SEA Directive requires that certain plans and programmes, prepared by statutory bodies, which are likely to have a significant impact on the environment, be subject to the SEA process. This document screens the plans and records the reasons why SEA of the RWMP is required as outlined in Section 3 of this document.

2.3 BIRDS AND HABITATS DIRECTIVES

The conservation of biodiversity in Ireland has been strengthened and expanded by EU law, most notably by the EU Birds Directive and EU Habitats Directive. The essential aim of both directives is to maintain, and where necessary restore, the favourable conservation status of natural habitats and species, thereby contributing to sustainable development and promoting the maintenance of Europe's biodiversity. The establishment of Europe's most important wildlife sites as Natura 2000 sites and strong measures to protect those sites is a key policy in meeting those aims. The Natura 2000 network provides an ecological infrastructure for the protection of sites that are of particular importance for rare, endangered or vulnerable habitats and species within the EU and include both Special Areas of Conservation (SAC) and Special Protection Areas (SPA).

SACs are selected for the conservation and protection of habitats listed on Annex I and species (other than birds) listed on Annex II of the Habitats Directive, and their habitats. The habitats in Annex I require special conservation measures because they are under threat in the EU and because much of the global resource of the habitat occurs within the EU. A subset of these, Annex I priority habitats, are threatened with disappearance and, accordingly, merit special conservation measures. SPAs are sites that have been selected and notified for the conservation and protection of bird species listed on Annex I of the Birds Directive and regularly occurring migratory species, and their habitats, particularly

wetlands. Annex I birds are those that require special conservation measures because they are rare, in danger of extinction, or vulnerable to habitat changes in the EU.

Under Article 6 of the Habitats Directive, an Appropriate Assessment (AA) will be required for the RWMP.

3 SEA CRITERIA

Table 3.1 presents the criteria against which it is determined if the provisions of S.I. 435 of 2004 (as amended) apply. Table 3.2 presents the criteria for determining whether the plan is likely to have significant effects on the environment (Schedule 1 of S.I. 435 of 2004 as amended).

Table 1: Criteria for Determining if Provisions of S.I. 435 of 2004 (as amended) Apply

SEA Criterion	Yes/No	Explanation
Is the plan or programme (PP) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government	Yes	The regional waste plans are being prepared by: Dublin City Council on behalf of the local authorities in the East-Midlands Waste Region. Limerick City and County Council and Tipperary County Council on behalf of the local authorities in the Southern Waste Region. Mayo County Council on behalf of the local authorities in the Connacht-Ulster Waste Region.
Is the PP required by legislative, regulatory or administrative provisions?	Yes	The Waste Framework Directive requires that all Member States prepare, review and update their waste management plans. The directive has been transposed into Irish law by the Waste Management Act 1996 and the European Communities (Waste Directive) Regulations 2011.
Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive?	Yes Yes	The RWMP are prepared in respect of the waste sector. The plans will set a framework for waste management policy in Ireland including identification of infrastructure and capacity need. This will form the basis for specific project development in the plan period.
Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive?	Yes	The plans are at a regional scale and as such have potential to impact on Natura 2000 network. As such an assessment under Art 6(3) will be required.
Does the PP determine the use of small areas at local level	No	The plans are focussed at the regional level.

SEA Criterion	Yes/No	Explanation
OR is it a minor modification of a PP		
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)?	Yes	Many of the projects arising from the Plans will require development consent in the form of planning permissions and / or EIA.
Is the PP likely to have a significant effect on the environment?	Yes	In the context of Environment, as understood by the SEA Directive, the proposed plans have the potential to impact on: biodiversity, flora and fauna; water; material assets; soils; landscape, material assets, air quality and climate and cultural heritage.
Is the PP's sole purpose to serve national defence or civil emergency OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7 OR Is it a financial or budget PP?	No No No	The plans will be financed through the local authorities / Irish Government, however it is acknowledged that the private sector will also have a role in financing implementation.

Table 2: Criteria for Determining Whether a Plan is Likely to have Significant Effects on the Environment

Criteria for determining the likely significance of effects on the environment	Likely to have significant environmental effects? Yes/No	Summary of significant environmental effects (negative and positive)
The degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	Yes	The aim of the RWMP is to put into place a implementation framework so forecasted waste streams over the plan period and beyond are managed sustainably. The plan must also define the roles and responsibilities of the authorities and stakeholders in the region and establish a monitoring programme to ensure progress and achievement of targets can be measured and reported.
The degree to which the PP influences other plans and programmes including those in a hierarchy	Yes	The plans will affect the policies and objectives of county and local land use plans relevant to waste management and land use planning. The plans will also affect the sludge management plans prepared by Irish Water.
The relevance of the PP for the integration of environmental considerations, in particular, with a view to promoting sustainable development	Yes	The main purpose of the RWMP is to establish a framework which protects the health of the environment and its citizens through the sustainable management of wastes generated in the region.
Environmental problems relevant to the PP	Yes	Insufficient and / or over capacity in certain areas and within certain treatment categories, quality of waste produced, inconsistencies in application of waste hierarchy, pressures / risks to biodiversity from waste infrastructure, pollution to air / water/ soils / groundwater from waste disposal activities, lack of awareness of waste collection / disposal issues among stakeholders / uncontrolled impacts associated with backyard burning and illegal dumping.
The relevance of the PP for the implementation of Community legislation on the environment (e.g. PPs linked to waste management or water protection)	Yes	The Plans will be considered in the context of the requirements of the following Community legislation: <ul style="list-style-type: none"> • The Strategic Environmental Assessment Directive; • The Water Framework Directive; • The Environmental Impact Assessment Directive; • The Floods Directive;

		<ul style="list-style-type: none"> • The Habitats Directive; and • The Birds Directive. <p>As noted above, a decision has been taken to carry out Appropriate Assessment of the plan under the Habitats Directive.</p>
The probability, duration, frequency and reversibility of the effects	Yes	It is anticipated that the draft plans will give rise to both positive and negative impacts on the environment over the plan period. The new plans will be in force for 6 years and are to cover the period 2015 – 2021. Specific location information is not anticipated in the plans for future facilities however capacity requirements will be presented and as such will inform delivery of infrastructure in the region over the next 6 year period.
The cumulative nature of the effects	Yes	The plans will improve the overall framework for management of wastes at a regional and national level. Each waste region encompasses a number of local authority administrative areas allowing infrastructure requirements to be coordinated and delivered having regard firstly to regional requirements but also considering national needs. A coordinated role out of infrastructure will ultimately reduce the potential for cumulative negative impacts from over supply.
The transboundary nature of the effects	Yes	Currently Ireland transports waste out of Ireland for processing and disposal, including export to mainland Europe. The transport of waste between Ireland and Northern Ireland in particular is a consideration for the draft plans and therefore, transboundary consultation will take place with Northern Ireland.
The risks to human health or the environment (e.g. due to accidents)	No	Existing practices have the potential to impact negatively on human health and the environment, particularly with reference to illegal dumping, and backyard burning etc. In addition there is potential for negative impacts from existing facilities through noise and air emissions and emissions to surface and groundwater. The main purpose of the RWMP is to establish a framework which protects the health of the environment and its citizens through waste prevention and the sustainable management of wastes generated in the region.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	Yes	The plans are at the level of regional waste management areas, specifically: Eastern - Midlands Waste Region. Southern Waste Region.

		<p>Connacht-Ulster Waste Region.</p> <p>Each of these areas then encompasses a number of local authority administrative areas. It is also noted that the three regions are undertaking an integrated approach and as such the plans have regard to national needs as well as their own regional needs.</p>
<p>The value and vulnerability of the area likely to be affected due to:</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values</p> <p>(iii) intensive land-use</p>	Yes	<p>Land uses within each of the three regions include significant areas of biodiversity value [e.g. SAC, SPA, NHA] and cultural heritage importance. While location specific information for future facilities is not anticipated in the three plans, objectives may suggest potential for impact on land uses which may directly or indirectly impact on features of natural or cultural heritage value.</p> <p>The main purpose of the RWMP is to establish a framework which protects the health of the environment and its citizens through waste prevention and the sustainable management of wastes generated in the region. As such, they offer potential to improve existing problems with respect to exceedence of environmental quality standards or limit values.</p>
<p>The effects on areas or landscapes which have a recognised national, Community or international protection status</p>	Yes	<p>Existing practices have the potential to impact negatively on landscape and protected areas particularly with reference to illegal dumping, uncollected waste etc. It is not anticipated that there will be location specific information in the plans however it is noted that one of the main purposes of the RWMP is to establish a framework which protects the health of the environment through waste prevention and the sustainable management of wastes generated in the region.</p>

4 CONCLUSION OF SEA STATEMENT

Screening for SEA is required under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 of 2004) as amended. It is our view that:

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An SEA is required because the PP falls under the scope of Regulation 9(1)(a) of the Regulations and is likely to have significant environmental effects.

☒

An SEA is required because the PP falls under the scope of Regulation 9(1)(b) of the Regulations and is likely to have significant environmental effects.

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An SEA is required because the PP falls under the scope of Regulation 9(2) of the Regulations and is likely to have significant environmental effects.

☐

An SEA is not required because the PP is unlikely to have significant environmental effects.

