



Ms. Philippa King  
Regional Waste Coordinator,  
Southern Region Waste Management Office,  
Limerick City & County Council,  
Lissanalta House,  
Dooradoyle,  
County Limerick.

Sent by email only to: [rwm@limerickcoco.ie](mailto:rwm@limerickcoco.ie)

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**Re: Southern Draft Regional Waste Management Plan 2015 - 2021**

Dear Ms. King,

The Irish Waste Management Association (IWMA) has reviewed the above referenced Draft Waste Management Plan, issued for public consultation in November 2014. We offer our comments and suggestions below, but firstly we wish to congratulate the Regional Waste Management Office on a well presented document that encapsulates the broad range of waste management activities in the Region in a well laid out manner.

The IWMA supports the reduction of waste management planning regions from 10 to 3 and we further support the co-ordination of the 3 regional plans to achieve national consistency and effectively a single national plan with regional variation, where appropriate.

Our comments are intended to be helpful to further improve the document and to ensure that waste management in Ireland progresses as intended, whilst avoiding unintended consequences. The IWMA members have decades of experience in waste management, so our submission should play an important part in finalising the Plan.

Our comments are provided in sequence with the document for ease of reference. We address issues as small as typographical errors as well as larger issues such as challenges to policy statements, where we hope that you will respect our opinion, which is based on the combined experience of our members.

The diagrams and other figures in the document provide excellent illustrations on many topics, but the quality of some of the images is very poor for some reason. We urge that the quality issue be addressed in preparation of the final plan.

## Waste Management Infrastructure

Our biggest concern with all three plans relates to the future provision of waste management infrastructure. We understand that the regional authorities have an obligation to provide details of existing waste management infrastructure and to highlight infrastructure gaps and future needs, but we are very concerned that the analysis presented in the draft plans is incomplete and the policies will therefore hinder rather than encourage the future provision of waste management infrastructure.

In our experience, any tonnages provided in waste management plans are taken as limits rather than needs and this leads to the unintended consequence of stagnation in infrastructure development.

Forward planning and planning decisions should not be used to control waste destinations in an open competitive market. The market will decide where and when infrastructure is needed and in many cases infrastructure will be planned and not developed as the market shifts and companies gain and lose market share or change their strategy for one of many reasons, including acquisitions. Command and control has no place in this market, above the 'disposal' tier in the hierarchy.

Capacity can be limited by Planning at the lowest tier of the waste hierarchy to drive waste out of landfill, but that is clearly not needed when the landfill levy does the job more effectively. Limiting the availability of recovery facilities is debatable as the preferred outcome can be achieved in other ways. Over-capacity is important in pre-treatment, transfer, biological treatment, recycling, etc, to allow competition, efficiencies and contingencies so that waste is not left on the streets or disposed when it should be recycled.

Over-capacity will be limited by the funders as financing projects that will not survive in an open market is unlikely to occur in waste management in Ireland. Funders carry out very comprehensive due diligence that is more informative than the infrastructural analysis contained in this waste management plan.

The waste market in Ireland can be compared to other open competitive markets where the number of facilities is unrestricted, but their locations must be consistent with the zoning included in the County Development Plans. For example, it would be wrong to refuse planning for a new supermarket or petrol station in a town on the basis that there is adequate capacity provided by other companies to serve the population of that town.

Here are a few examples of the problems that we expect will arise when the planning authorities follow the policies that are written in the draft plans:

1. If Company A needs capacity at a transfer station or pre-treatment facility to handle waste that it collects, it cannot rely on its competitor's capacity. The competitor can over-charge and put Company A out of business to the competitor's advantage. This could also be considered a dominant position in a local waste collection market.

2. Capacity for transfer or pre-treatment of waste in the Region outside Company A's locality is no good to Company A, so local capacity is needed regardless of Regional over-capacity.
3. Many existing or pending facilities are not usable for reasons of geography, market status, ownership, planning restrictions, logistics, etc.
4. Licences can take 4 years or more to be granted, so many pending facilities will not be developed as the market has changed dramatically in the last few years.
5. Many facilities have authorised capacity in excess of their operational capacities and in some cases in excess of their planning permissions, e.g. Ballynagran and Knockharley landfills.
6. A company can have a lot of over-capacity but refuse to make it available to competitor companies.
7. Some recycling or re-processing infrastructure (including biowaste) may only be viable at a scale that is considered too large for the Region, but may still be critical for the Region and for the country. It might even rely on imports to achieve the necessary scale, but this should not be seen as a negative and the facility's capacity should not be restricted by the regional market analysis. For example, a large AD facility in Dungannon in County Tyrone is treating large volumes of food waste from both Northern Ireland and the Republic of Ireland and the resultant economy of scale makes the gate fee attractive and consumers ultimately benefit.
8. A company can protect the gate fee at its existing facilities by making applications for new facilities and not developing them, if this constitutes 'pending' facilities. In this way, any company can grab the capacity that is supported by the plans, making it unavailable to their competitors, but decide not to develop it, in order to maintain an over-demand for capacity at their existing facilities and maintain a potentially inflated gate fee.

## Executive Summary

**Page 11, Analysing Regional Treatment Infrastructure, first paragraph** – We assume that much of the 61% unused capacity is not active or available. We provide further comment on this issue later in this submission.

**Page 11, Analysing Regional Treatment Infrastructure, third paragraph** – 37 active licensed facilities appears to contradict the figure of 34 such facilities earlier on this page.

**Page 12, First Bullet Point** – This statement should not be limited to “thermal”.

**Page 12, Second Bullet Point** – This 40,000 t/a is believed to be an under-estimate, as elaborated below and the policy should support ‘at least’ the corrected tonnage, rather than ‘up to’ the corrected tonnage. Under-development of biological treatment capacity is a concern for waste management in Ireland as the roll-out of household and commercial brown bins continues.

**Page 12, Third Bullet Point** – The IWMA strongly objects to this statement as we believe that the infrastructural analysis in Chapter 16 is fundamentally flawed.

## List of Terms

The terms 'black bin' and 'green bin' should not be used in the document, as many dry recycling bins in the country are blue and residual bins vary from black to grey to purple to red, etc. The term 'brown bin' is less contentious and can probably be used without causing confusion. We recommend that you use the following terms:

- Dry Mixed Recyclables (DMR) bins or Mixed Dry Recyclables (MDR) bins
- Residual Waste bins
- Biowaste bins or Food Waste bins or Brown bins (less contentious)

**Mechanical-Biological Treatment (MBT)** – the definition provided is focussed on stabilisation and disposal. It ignores the capture of recyclables, the production of SRF and the option of biogas production through AD and electricity production from the biogas. The definition should be expanded to encompass a full and fair description of MBT.

**Incineration, thermal treatment, co-incineration and waste to energy** – The definitions of these processes appear to be biased towards 'waste to energy', where the liberation of thermal energy is described in very positive terms. Co-incineration, on the other hand is described in less positive terms with a reference to the possibility of using waste fuel in a disposal capacity. This definition poorly represents the use of SRF in cement kilns, which we consider to be a very important part of waste management in Ireland. Waste to energy, co-incineration in cement kilns and MBT are all supported by the IWMA. We suggest that all three should be described in positive terms as they take residual waste from the disposal tier of the hierarchy to the recovery tier and each contributes to the elimination of waste disposal, which is one of the major policy objectives of the Regional Waste Plans.

## Chapter 4

**Page 30, Section 4.3 Residual Waste Exports** – The IWMA supports self-sufficiency in treatment of residual wastes in Ireland. However, most but not all of our members are in favour of maintaining the export route for the recovery of MSW (20 03 01) into the future. The export option for MSW is considered very important for many of our members for reasons of competition and contingency. We understand that the export of materials for recovery with the EWC Codes 19 12 10 and 19 12 12 is not in question as the Irish Authorities cannot prohibit this export.

**Page 31** – reference is made erroneously to Figure 4-4.2 rather than Figure 4-2.

**Page 32** – Policy discussion at end of page favours 'thermal treatment' ahead of other forms of recovery, e.g. MBT, AD, potential new technologies, etc. The policy statement A.4 is technology neutral which we consider to be more appropriate.

## Chapter 5

**Page 40** – The IWMA welcomes the region's commitment to work in co-operation with waste operators and we confirm that the Association and its members look forward to supporting the authorities in implementing the policies of the Plan.

**Page 46** – erroneous reference to EMR rather than SR (or SWR).

## Chapter 7

**Page 61 – Section 7.1** opening line. It is our understanding that the Southern Region is an amalgamation of 4 previous regions (not 5), 3 of which are entirely within the boundary of the SR (not 4).

## Chapter 9

**Page 91** – 33% of occupied households within the SR were not signed up to a kerbside collection service in 2012.

We urge the authorities to step up enforcement of those households that do not have a kerbside service. Statutory declarations, addressing where these householders dispose of their waste would be a good start and less expensive than door-to-door enforcement, which should be a follow-on measure. The new waste collection regulations will have to be communicated to the public and this should be used as an opportunity to inform the public that they must avail of a kerbside service or seek exemption by way of annual statutory declaration, if they can prove that they use an alternative option that is legal and consistent with waste management policy and legislation.

**Page 99 – 9.3.5 Bulky Waste.** We respectfully suggest that the local authorities withdraw bulky waste collections in Cork and Waterford Cities. This is an unnecessary burden on the authorities as householders have the option to hire skips or skip-bags. A free service or one that is subsidised by the taxpayer has no place in a fully privatised waste market and interferes with fair competition in that market.

There may be exceptions in areas with specific social problems and local solutions should prevail, but widespread free or subsidised collections of bulky goods are an unnecessary burden on the local authorities' finances.

## Chapter 10

**Page 108 – Final bullet point.** Solid Derived Fuel should read Solid Recovered Fuel.

**Page 108** – SR and SWR are both used. Consistency would be better, but the meaning is clear enough, so this is not a big issue.

**Page 108 – Table 10.6** – We note the drop in non-household (commercial) organic and food waste from 2011 to 2012 and wish to offer the following comment.

Commercial organic wastes are typically collected in 240 litre brown bins, due to the high density of the material. Residual commercial wastes are typically collected in 1,100 litre bins and are often charged per lift rather than per kilo. The unit charge in the larger bin may be lower than in the brown bins in some cases, so adequate incentive may be lacking. We suggest that a small working group consisting of IWMA, Cré, DECLG and the Regional Authorities looks specifically at this issue to see if commercial food waste collections can be better incentivised. Mandatory pay by weight collection for commercial waste has been suggested by some IWMA members as the solution to this problem.

**Page 111 - Section 10.5.** Reference to Table 10-7 states that the data relates to “each local authority area”, whereas the Table itself only provides totals for the region. Data for each local authority in the region would be useful if it is available and can be provided. Otherwise, the reference should be corrected.

## Chapter 11

**Page 118** – Erroneous reference to ‘Eastern and Midlands Region’ rather than the Southern Region.

### C&D Wastes

**Page 120 – 11.2.5 Future Activities.** The Regional Plans should address end uses for recycled aggregate and separately for C&D fines.

Ireland urgently needs the development of end markets for recycled aggregates that meet a recognised standard. Without this option, recycled aggregate is confined to use in landfills or other authorised waste facilities. An industry standard has been developed by the Environment Agency and WRAP in the UK<sup>1</sup> and this standard could be immediately applied to aggregates in Ireland and end-of-waste status applied where this standard is proven by the operator. We suggest that the Regional Plans outline a systematic approach to such approval that can be delivered in the short term.

C&D fines are normally unsuitable for use in an uncontained environment as they normally contain high levels of sulphate, due to the gypsum content in plasterboard. The most appropriate outlet for this material is therefore landfill cover or use in a similar controlled and authorised environment. It is therefore important that the waste plans seek to protect the environment by requiring control of this material. The IWMA suspects that rogue operators are illegally dumping C&D fines and we expect future environmental impacts from this activity. The enforcement authorities in Ireland need to take a co-ordinated approach to tracking this material to put an end to any illegal dumping of C&D fines. The waste plan should be the starting point in this process.

In our experience, C&D processing that is regulated under licence by the EPA is subject to strong enforcement with regard to outlets for recycled aggregates and C&D fines, whereas many local authority permitted sites are not enforced to the same extent. Some licensed sites have recently considered sending recycled aggregate and C&D fines to permitted processors as an outlet, which proves the point that unequal enforcement is a major problem. Permitted sites must be enforced to the same level as licence enforcement to keep the playing field level for all operators. In addition, permitted sites must be subjected to the same transparency as licensed sites, with AERs available for viewing on line. This would certainly help with enforcement of permitted sites, as other waste operators could spot the anomalies that may be missed by enforcement staff.

These issues are considered to be very significant by the IWMA members and must be addressed in the regional waste plans in order to protect Ireland’s environment, to enforce criminal activity and to achieve better waste management in Ireland.

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<sup>1</sup> “Quality Protocol – Aggregates from Inert Waste - End of waste criteria for the production of aggregates from inert waste” - Environment Agency & WRAP, October 2013.

## Chapter 12

**General** – The Pre-treatment and Recovery Infrastructure analysis detailed in Chapter 12 is informative and provides very useful data.

However, as mentioned earlier in this submission, the IWMA has serious concerns about using this data to guide future planning decisions on infrastructure applications, in an open and competitive marketplace. Whilst recognising that the data is comprehensive, it does not provide the full story as it is desk-based and does not encompass the full details of the wastes managed at each facility and the future use of each facility. In our view, the data gathered on each facility is too broad to provide a detailed understanding of the needs of the market and as such, using this data to guide planning decisions will lead to unintended consequences as mentioned earlier in this submission.

We also believe that any attempt to manage the development of waste management infrastructure through command and control techniques will fail and infrastructural development will stagnate. Techniques of this nature work in countries where the waste is controlled by the authorities, but the Irish waste market is very different from that scenario and requires a different approach by the planning authorities.

This important issue has been well defined in an independent article published by Duncan Laurence on [www.duncansenvironment.wordpress.com](http://www.duncansenvironment.wordpress.com) in December 2014, entitled “Might the new Regional Waste Management Plans become obstacles to Waste Infrastructure Development?” We recommend that the Regional Office takes account of this article prior to finalising the regional waste plan.

**Figure 12-4.** The colours used for Group 2 and Group 2A facilities are similar and are difficult to distinguish on the map. We recommend changing one of the colours or providing different shapes.

**Figure 12-5.** The colours used for Group 4 and Group 5 facilities are similar and while they can be distinguished on the map, they do not stand out from each other. We recommend changing one of the colours or providing different shapes.

### **Page 132 – policy discussion.**

The view that there has been an “over-authorisation” of facilities in the region is a dangerous view in light of our comments above and earlier in this submission. An authorisation that is under-utilised or not developed is less of an issue than under-provision of infrastructure due to a lack of authorisations.

In a competitive market, non-viable or unnecessary infrastructure will not be developed or will be closed down if already developed, so an excess of operational facilities is unlikely. Conversely, a view that there is “over-authorisation” in a region could lead to a prohibition of new facilities and potentially to inefficiencies and/or market failures. If facilities are located in accordance with appropriate siting criteria, are situated in appropriate development zones and are needed to enhance effective and efficient waste management with due regard to the waste hierarchy, we suggest that they should not be refused planning permission, permit or licence, based on the perceived regional need for such facilities, laid out in the waste management plans.

**Page 132** – Spelling errors – authority and quality.

**Page 133** – Spelling error - environment.

**Figure 12-7.** The colours used for Material Recovery Facility and Waste Transfer Station are very similar and are difficult to distinguish on the map. We recommend changing one of the colours or providing different shapes.

## **Chapter 13**

**Table 13-1.** ‘31<sup>st</sup> Dec 2012’ should read ‘31<sup>st</sup> Dec 2009’ on the third column on the third row.

**Table 13-2.** Error with respect to 2.5 years consented life expectancy of Powerstown Landfill versus 4 years constructed and consented life expectancy.

**Table 13-2.** The total quantities in this table appear to be incorrect.

**Page 139** – ‘commercial waste food’ should read ‘commercial food waste’ on paragraph below Figure 13.3.

**Page 139, Section 13.1.1** – Biostabilised waste can also be an output from anaerobic digestion.

**Page 140** – 2103 should read 2013.

**Page 141** – ‘Policy 60 guidance’ should read ‘Section 60 policy guidance’.

## **Chapter 14**

**Enforcement in General** – Making permitted facilities transparent by way of publishing AERs on line, similar to licensed facilities’ AERs, would allow the waste industry to assist with enforcement.

The IWMA suggests that the EPA should take a more active role in response to complaints with regard to local authority enforcement of specified permitted sites, particularly those that accept residual MSW and/or mixed C&D wastes. There is a major difference between enforcement of licensed and permitted facilities and this provides commercial opportunities for rogue operators. In response to a complaint that a local authority is engaging in inadequate enforcement of a permitted facility, we suggest that an experienced EPA inspector should accompany the local authority enforcement team on a site inspection/audit to ensure that the local authority enforcement standard is consistent with the EPA enforcement standard. We note that the EPA’s brief extends to assisting local authorities with enforcement and we suggest that this action would greatly enhance the fulfilment of that obligation.

The benefits of good enforcement should be weighed against the costs. Benefits include VAT payments, landfill levy payments, avoidance of environmental clean-up costs, avoidance of EU fines, avoidance of social welfare fraud and a level playing field for good operators that ultimately leads to better environmental performance. The IWMA believes that the current gap between the enforcement of permitted sites versus licensed sites is leading to a shift of waste from highly enforced licensed sites to less enforced permitted sites, with an associated drop in environmental standards and increased risk of illegal dumping.

## Chapter 15

**General** - It is clear from the discussion in Chapter 15 that it is difficult to predict future quantities of waste and the IWMA agrees with that conclusion. This reinforces our position outlined earlier in this document, that restricting planning permissions based on the expected future needs of a region is a dangerous exercise that will undoubtedly have unintended consequences.

**Page 163** – Error in first paragraph. We assume the reference should be to Figure 15.2.

**Page 167 - Table 15-4.** We suggest that the Plan should offer a range for the likely growth of commercial waste and carry this forward to projections of municipal waste growth. It is clear that there is a large element of guesswork in the projected growth scenario and a wide range would be more appropriate.

**Page 168** – The percentages given in the final paragraph (18-39%) appear inconsistent with the previous calculations, which we average at 21.3 to 27.6%. A wider range is welcomed by the IWMA, but it must be consistent with the calculations presented earlier in the Chapter.

## Chapter 16

**General** – This Chapter must separate out ‘**consented infrastructure**’ and ‘**available infrastructure**’ and must provide capacities of both in the Appendices. Without this addition, the analysis is fundamentally flawed and the Plan will do more harm than good with respect to infrastructure provision. The Plan recognises the weakness in the current analysis but still provides policies that require the planning authorities to use this analysis in their decision on new planning applications. The IWMA implores the authors of the Plans to rectify this situation, even if that requires more work that could delay the finalisation of the Plans. This is a very serious issue and we respectfully suggest that the country would be better served with no Plans than with Plans that misrepresent available infrastructure capacities.

**Page 169** – The figure of 3.15 million tonnes capacity is academic and should not be considered ‘available capacity’ and should not influence future planning decisions, for the reasons outlined earlier in this submission.

**Page 170 - Table 16-1.** The final column should be ‘permitted’ or ‘on paper’ capacity, rather than ‘available’ capacity. The suggestion that this amount of capacity is ‘available’ is very misleading.

It is also hard to believe that there is 1.3 million tonnes of permitted pre-treatment capacity authorised in the Region. This must be based on 50,000 t/a authorised capacity at all permitted sites that can pre-treat waste, regardless of the physical capacity of these facilities and other restrictions, for example the restriction on MSW transfer to landfill of 5,000 t/a. Also, we fear that there could be double counting if the facilities are permitted to carry out more than one activity.

Without the raw data and with the lack of transparency around the permitted sites annual returns, the IWMA is deprived of the opportunity to verify and validate this data, which will ultimately be used to influence planning decisions. This is a fundamental flaw in the Regional Waste Plan and the IWMA strongly objects to the use of this data by Planners in making future planning decisions.

**Page 170, first paragraph.** – Reference to ‘available’ capacity is erroneous and should refer to ‘consented’ or ‘authorised’ capacity. The conclusion at the end of this paragraph that there is oversupply of pre-treatment capacity in the Region is also erroneous as it is based on ‘consented’ capacity rather than ‘available’ capacity. The IWMA strongly objects to the use of this data by Planners in making future planning decisions.

**Page 170** – The IWMA strongly objects to the following statement in relation to mechanical treatment of MSW and C&D wastes in the Southern Region: “The issuing of further authorisations must take account of the existing scale of oversupply and the needs of the market.” The perceived ‘over-supply’ is on paper only and does not relate directly to the needs of the market, which can be very specific in terms of local efficiencies and other factors. Over-capacity is also important as a contingency when facilities are closed either temporarily or permanently due to incidents such as fires, EPA enforcement or insolvency.

**Page 171** – The IWMA similarly objects to the statement “However future planning should take account of the location of existing capacities and the scale of available capacity across the region”, given that the infrastructural analysis is based on ‘consented’ rather than ‘available’ capacity.

**Page 173** - The regional capacity utilisation rate of 39% is erroneous. This is utilisation versus ‘authorisation’ rather than versus ‘availability’. We suggest that the capacity utilisation rate is therefore much higher than the 39% suggested. The plan has not given consideration to the physical capacity of the authorised facilities, the availability in the context of the ownership or the reasons why many facilities had zero intake or less than 50% intake in 2012.

We suggest that much of the perceived capacity is not actually available to the market now or in the future. The discussion at the bottom of page 173 recognises this position, but this has not carried through to the policy statements that require planning authorities to consider the quantum authorised prior to deciding on new applications.

The discussion after the bullet points on Page 174 confirms that the authors recognise that the utilisation rates are underestimates, but we are very surprised by the subsequent comment that “local authorities do not expect the missing data to significantly change the overall market findings”. In the IWMA’s view, the missing data includes the differentiation between authorised and available capacity and inclusion of that data would have a very big impact on the conclusions regarding the percentage utilisation of waste management capacity. Without that missing data, the Plans will mislead the Planners and will result in bad planning decisions.

**Tables 16-4, 16-5 and 16-6** – The data presented in these Tables could be very useful if the detail was provided in the Appendices. However, without this detail, it is difficult to understand the story that they tell and there is no opportunity for the reader to check the veracity of the data.

**Page 178** – The bullet points here highlight the fact that a lot of authorised capacity is not actually available, due to a wide range of issues. ‘Pending’ capacity should not be considered in any analysis as much of it will never be built.

**Page 180** - For the reasons discussed above, the IWMA objects to the first statement on this page: “aims to provide clear signals regarding the planning and development of future waste treatment facilities”.

The bullet points on this page have a number of errors as follows:

**First bullet point** – the word ‘active’ is used twice erroneously instead of ‘authorised’. Active capacity is detailed earlier as 2.6 million tonnes, not 4.57 million tonnes. The “C&D waste for land improvement” is ‘pending’ not active and may not be available.

**Bullet Points 2 to 7** – The discussion correctly suggests that the % utilisation rates misrepresent the capacity needs due to the complexity of the issue. However, we disagree with the assumption that it is preferable for authorisations to be aligned with the capacity need. The IWMA argues that it is preferable for the capacity to be greater than the need in light of the open competitive and privatised nature of the market. It is also essential for the need to be fully analysed based on actual available capacity rather than active authorisations.

**Page 181** – Certificates of Authorisation should read Certificates of Registration.

**Page 182 – Paragraph beneath the bullet points.** The word ‘active’ is used twice again instead of ‘authorised’. The 53% figure is again considered misleading in the context of use of available capacity.

**Page 182, paragraph beneath bullet points** – The conclusion in relation to pre-treatment infrastructure that “there is an adequate supply (or potential supply) remaining at existing sites” is based on an analysis of authorised capacity and not on available capacity, so the IWMA considers this conclusion to be fundamentally flawed and should be revisited after more in-depth analysis.

**Page 182 – Second and fourth Paragraphs beneath the bullet points.** A co-ordinated attempt to control pre-treatment capacity is not warranted or needed and will ultimately fail in our view. Authorisations should be granted if the facilities can be operated in compliance with the relevant regulations regardless of the need recognised in the plan, which we argue can be very misleading. The fear that Greenfield sites will be developed unnecessarily is unfounded for two reasons:

1. Pre-treatment and mechanical processing facilities are normally developed on sites that are zoned for industrial use or at existing waste management facilities.
2. If authorisations exceed the actual need for pre-treatment infrastructure, then that infrastructure is unlikely to proceed to development and the site may well be used for another purpose.

**Policy E.1** – For all the reasons given in this submission, the IWMA strongly urges the authorities to remove this policy statement from the Plan.

**Policy E.2** – This policy statement is less contentious, but it fails to recognise that inadequate provision of waste management infrastructure can lead to waste being left on the streets, which is a much worse outcome than any envisaged in this section of the waste management plan. With this in mind, we suggest that the final part is removed from the statement, i.e. “and the proposed activities add real value and quality to the output materials generated at the site.”

**Page 183** – Typo ‘are’ instead of ‘as’.

**Page 187** – Typo ‘Cegistration’ instead of ‘Registration’.

**Page 185, Second Paragraph** – The Plan promotes the development of alternative activities at existing **local authority** owned landfills. This should not be restricted to local authorities and

should also extend to private sector landfills. The words 'local authority' should be removed from this section and **Policy E11** should be amended to include private sector landfills.

**Policies E13 and E14** – Backfilling is often more than just a waste management activity. It is often a requirement of planning permission for quarries that the landscape is restored after the quarry has expired and backfilling with inert uncontaminated materials from C&D waste is considered good practice and should not be restricted based on a perceived waste management need.

**Page 188 –first paragraph** – The 5 facilities are authorised to accept 1,162,875 t/a, not 435,000 t/a.

Also, word 'is' is missing before 'growing at end of paragraph.

**Page 189 and Policy E15** – Residual waste treatment capacity should not be restricted to thermal treatment technologies. This Policy could stifle innovation in a very innovative and dynamic industry. The discussion on authorised versus available capacity should also be noted in this context. Authorised, but undeveloped or unavailable capacity should not be allowed to block new applications that are clearly needed.

**Policy E15 and E16** - Erroneous references to CUR rather than SR. We are again concerned that the tonnages quoted may be restrictions rather than encouragement to develop facilities.

**Page 190** – Typo 'or organic material' should read 'of organic material'. Also, biological treatment is a recycling activity if the end use is compost or digestate, used as a product. Biological treatment of organic fines where the end use is landfill cover is defined as recovery rather than recycling.

**Page 190 – Last paragraph.** Typo 'specificallt'. Also DAFF rather than DAFM.

**Page 191 – First Paragraph.** Food waste is transported long distances in Ireland. E.g. Dublin to Dungannon (Tyrone) and Keady (Armagh). The distance travelled is dependent on the variability of gate fees rather than the nature of the material. The Plan should recognise the discrepancy between gate fees for AD in Northern Ireland and the Republic of Ireland, due to the preferential energy tariff for AD in NI and should consider options to overcome this issue.

**Policy E17** – This policy will restrict biological treatment in the Region for no good reason and may lead to the unintended consequence of stagnation in development of biological treatment in the region. We suggest that the policy should recognise the need for a minimum of 40,000 t/a biological treatment and a supporting statement (Policy E18) that encourages the development of new biological treatment facilities that are designed to facilitate waste moving up the hierarchy.

The IWMA expects the further roll-out of both household and commercial brown bins to result in the capture of an additional 200 Kt/a to 300 Kt/a food and garden waste that will require biological treatment. This is consistent with the Regulatory Impact Assessments (RIAs) that were prepared, on behalf of the DECLG, in support of the introduction of household and commercial food waste regulations. The Plans do not appear to allow for adequate development of biological treatment capacity in Ireland and we suggest that this analysis is revisited, taking the conclusions of the RIAs on board.

**Policy E19** – The IWMA supports this policy and suggests that in addition to plastics, the Plan should focus on materials that are not often traded on international markets such as waste wood, glass, compost and recycled aggregate. End of waste criteria and alternative outlets for these heavier materials would greatly enhance our recycling performance. In its current form, the Plan does little for these recyclable materials.

**Page 193 – End of first paragraph.** Reference should be to Policy Action F.4, not F.4.2.

**Page 193 – Start of second paragraph.** The IWMA strongly objects to attempts by the authorities to better align authorised and operational capacities, as addressed earlier in this submission.

**Policy E21** – The IWMA strongly objects to this Policy for the reasons given earlier in this submission.

**Page 193 – Final Paragraph, Page 194 Policies E22 and E23.** The IWMA strongly supports the primary position of kerbside source segregated collection promoted in the draft waste plan and we urge the authorities to maintain that position in the final document.

**Page 194 – Final sentence.** Typo WEE instead of WEEE.

**Page 196 – Fifth Bullet Point.** Many existing waste management facilities are located with boundaries very close to streams or rivers. With adequate concrete paving and surface water management, usually incorporating silt traps and hydrocarbon interceptors, these facilities do not pose a significant risk to the river or stream. This bullet point is likely to become a blunt instrument and should be removed, as appropriate assessment screening and normal planning and permitting/licensing procedures will identify the risks on a case by case basis and ensure that the watercourses are adequately protected.

**IWMA Suggestion with regard to Waste Infrastructural Analysis** – It is clear from our comments above that the IWMA does not accept that the infrastructural analysis presented in the Regional Waste Plan is fit for its intended purpose, i.e. providing information to local authority and/or An Bord Pleanála planning officials on the needs for future waste management infrastructure in Ireland. The analysis is broad brush, is not transparent and is focussed on consented capacity rather than available capacity, giving a very misleading impression of the percentage utilisation of waste facilities.

Ideally, the Plan should be re-written to provide correct and relevant data in a transparent manner that allows peer review and an opportunity to correct errors or misleading analysis.

As a second option, the IWMA proposes the following approach to ensure that planning officials and developers have access to relevant information in the future.

1. The infrastructural analysis in the Plans remains unchanged, with some corrections to be clear that the analysis is based on ‘consented’ or ‘authorised’ capacity rather than on ‘available’ capacity. Comments on over-capacity of infrastructure would be softened or removed altogether.
2. The Regional Offices keep a transparent database of ‘available’ infrastructure on their websites. The IWMA would assist with the development of the databases and assist with keeping the databases up to date. The transparent nature of the data will allow it to

be corrected and updated on a regular basis by the Regional Offices. Policy A.4.1 in Section 19.2 may provide for this.

3. The Regional office websites would also provide data on the future capacity needs for waste treatment recognising that some over-capacity is essential due to the nature of the market for reasons of efficiency, geography, competition and contingency. The need and quantity of over-capacity could be considered on a region by region basis, based on likely or possible changes in the region, in consultation with the IWMA.
4. The policies in the plans should point to this data source and require the Planners to take account of this data in making future decisions on the need for new infrastructure.

In this way, the developer, the regional planning authority and the Planning Officer can all refer to a single transparent data set, making decisions easier for all concerned. The plans could be finalised without delay as the changes to the Plans would be minimised. The regional offices could supply the existing database to an IWMA working group that could help to refine it before it goes live.

We suggest that the Regional Authority gives serious consideration to one of the two options outlined above, as the infrastructural analysis currently presented in the Plan lacks transparency and appears to be fundamentally flawed and will not assist with future planning decisions.

## Chapter 17

**Page 203 – 17.7 Waste Industry.** The IWMA is proactive in a number of areas that should be recognised in the waste management plans and could be included as the following bullet points in Section 17.7.

- Implement the nationwide roll-out of brown bins in accordance with the household and commercial food waste regulations;
- Assist the authorities with the introduction of better regulation;
- Assist the authorities with better enforcement of regulations;
- Work with PRI schemes and the DECLG to meet a wide range of EU Directive targets;
- Communicate with the public to encourage better waste management behaviours and better quality recycling;
- Promote high standards of Health & Safety in the industry;
- Participate in relevant forums and consultations with the EPA, Government Departments and the local authorities;
- Provide expertise in the form of organising and participating in waste sector workshops, seminars and conferences.

## Chapter 19

**Page 230 – C.2.1 Policy action.** The IWMA suggests that this action better fits national regulations than local bye-laws. National regulations provide consistency and are developed in consultation with the waste industry and so benefit from relevant experience and expertise. Bye-laws can be less consistent and in some cases can be developed without consultation with the waste industry.

**Page 230 – C.2.2 Policy action.** The IWMA suggests that this action is dangerous as it could interfere with the normal operation of the waste market and could unnecessarily impact on the competitiveness of facilities. Market forces are dynamic in this sector and it is unlikely that the local authority authorisations would be flexible enough to allow companies to meet the demands of an ever-changing market. Encouragement of waste industry behaviour must be based on national instruments (e.g. landfill levy / TFS regulations) rather than individual facility authorisations, as this can unfairly penalise some operators to the advantage of their competitors.

**Page 233 – Policy Action D.3.1.** The IWMA should be identified as a partner here.

**Page 234 – Policy Action F.1.3.** The IWMA suggests that annual auditing of permitted waste facilities is inadequate. In particular, permitted waste facilities that accept mixed MSW or mixed C&D waste should be audited more frequently and where there are complaints of inadequate enforcement we suggest that an experienced EPA inspector should be present as an advisor during the local authority audit.

**Page 236.** The IWMA asks that an additional policy action should be added to require that AERs of waste permitted sites are made publicly available on a website, consistent with AERs for licensed sites. This is a priority action in our view.

## Chapter 20

**Page 243 – Table 20-1.** We suggest that “HWM directed to recycling per inhabitant” should be a single line and “HWM directed to recovery per inhabitant” should be put in as a new line. There is a big difference between the two outcomes.

**Page 243 – Table 20-2.** We suggest that “MSW Recovered per inhabitant” and “Commercial waste recycled per inhabitant” should both be added as new lines, for completeness.

**Page 244 – Table 20-3.** We suggest that the C&D section should be expanded to include details of waste recycled, recovered and disposed for both total C&D and for non-soil & stones C&D. Some of these details are required to measure compliance with the waste framework directive and will be regularly monitored and measured by the EPA.

**Page 245 – Table 20-4.** We suggest “tonnage of waste collected at recycling centres/CAS” should exclude residual or mixed wastes. This indicator should be limited to recyclables only.

**Page 246 – Table 20-5. 7<sup>th</sup> row.** We suggest that this indicator should not be limited to licensed sites and should extend to permitted sites for completeness.

## Appendices

The data presented in the Appendix C is very informative and provides a very useful analysis. The shift from disposal to recovery is very clearly defined and can be analysed on a county by county basis. We congratulate the Regional Office on this work.

The list of facilities in Appendix D and Appendix E is also informative, but without associated tonnage data, it cannot be used to help understand or verify the infrastructural analysis presented in the Regional Waste Plan. Therefore the IWMA cannot accept the conclusions of the infrastructural analysis and the Policy statements that are aimed at informing planners on future planning applications for waste management facilities.

I hope that this submission proves helpful to the preparation of the final waste management plan and we look forward to working with the regional waste office in implementing the plans over the next few years.

Yours Sincerely,

A handwritten signature in blue ink that reads "Conor Walsh". The signature is written in a cursive, flowing style.

**Conor Walsh**

IWMA Secretary  
7 Dundrum Business Park,  
Windy Arbour  
Dublin 14

Email. [cwalsh@slrconsulting.com](mailto:cwalsh@slrconsulting.com)  
Web: [www.iwma.ie](http://www.iwma.ie)  
Tel. 01-2964667