



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

11th January 2017

Re: Draft Waste Facility Siting Guidelines

Dear Ms. King,

The Irish Waste Management Association (IWMA) has reviewed the above referenced Draft Guidelines, issued for public consultation in November 2016. We offer our comments and suggestions below.

General

The IWMA has major concerns in relation to this draft guidance document. We are concerned that it could seriously impede the development of new waste management infrastructure in Ireland, unless it is revised in light of the input contained in this submission. We suggest that only a small minority of waste facilities in Ireland would fully comply with the restrictions suggested in this draft document and the vast majority of those facilities are operating without significant impacts on the environment or on human beings.

It is recognised in the Regional Waste Management Plans that waste infrastructure developed by local authorities in the future is likely to be restricted to Bottle Banks and Civic Amenity Sites.¹ Most new infrastructure will be developed by the private sector, so it is important that the private sector is actively engaged in the process of developing the waste facility siting guidance.

For these reasons, we request a meeting with the Regional Planners, the DCCAE and the consultants to discuss our concerns, after this submission has been reviewed and considered. This matter is very important for the future of the waste industry in Ireland and for the future

¹ 'Role and Responsibilities' section in the Executive Summary.

development of waste infrastructure, so we feel that it is imperative that we have an opportunity to actively contribute to the final version of the guidance.

The issues that give us the greatest concerns are as follows:

- Setback / buffer distances.
- The application of a single set of guidelines to a wide range of facilities of different types and scales.
- The view that a private sector waste recovery facility must be sited in the optimal location.
- Potential restrictions based on proximity of other similar facilities.

Chapter 1

The scope of the guidelines in Section 1.1 includes different types of waste infrastructure that range in size from a few receptacles in a bring bank to a large regional waste management facility, such as a Waste to Energy plant or a Biological Treatment plant. We suggest that the siting criteria are quite different for facilities of such a different scale with such different purposes. This is recognised in Chapter 3 to some extent, but not in Chapter 2, which provides guidelines on General Siting Criteria, most of which is aimed at large facilities. However, the opening paragraph of Chapter 2 states that the General Siting Criteria “**apply on the whole to all waste management facilities**”. This is further reiterated in the General Site Selection Process outlined in Appendix B.

We suggest that there needs to be clear definitions of facility types and sizes. For example, a hotel may wish to construct a ‘waste storage area’ at the back of the hotel where wastes generated in the hotel are stored in appropriate containers. There is nothing in the document that suggests that such a development would be exempt from the siting criteria and setback distances that are included in the draft guidance.

Chapter 2

Section 2.1

In light of our comment above on the Scope of the guidelines, we suggest that some criteria offered in Chapter 2 are inappropriate, such as the “**minimum setback distance of 15m measured from each bank of any river, stream or watercourse**” (Section 2.1 – 5th Bullet Point). There are many existing waste facilities, including large waste transfer stations that are located adjacent to rivers, streams or watercourses that have no negative impacts associated with such proximity. The recommendation is too rigid in our view and should be removed as this is a site-specific and development-specific issue that cannot be adequately addressed in such a blunt manner.

The same argument applies to the recommendation to “**Ensure riparian buffer zones are created between all watercourses and any waste facility development for a minimum of 15m, to mitigate against flood risk**” (Section 2.1 – 8th Bullet Point). We suggest that flood risk must be assessed on a site by site basis as part of the planning, permitting and/or licensing processes. Arbitrarily selecting 15m is a blunt tool that may be inappropriate for many proposed developments.

Section 2.3

Whilst we recognise the good planning ideals put forward in Section 2.3, we fear that development could be stifled by the cumulative impact of too many restrictions. In particular, we suggest that the bullet point on “**The geographic distribution of other similar authorised facilities (whether constructed or not)**” should be removed (3rd Bullet Point).

Bring Banks and CA Sites need to be geographically distributed to service the needs of the public in an efficient and convenient manner that maximises their popularity. However, larger waste infrastructure such as waste transfer stations, MRFs, Biological Treatment Plants, Waste to Energy Plants, etc, are usually located by balancing the efficiency of the location (with respect to feedstock and markets) with the suitability of the site in terms of a range of restrictive criteria, as detailed in the draft siting criteria. This often leads to locations that attract a cluster of waste management facilities operated by different waste companies.

The area around the M50/N7 ‘Red Cow’ interchange in West Dublin is one such example where the following facilities can be found within a 2km radius:

- 1) Oxigen, Merrywell.
- 2) Oxigen, Robinhood.
- 3) Panda, Ballymount (ex Veolia site).
- 4) Dublin City MRF, Merrywell.
- 5) South Dublin Baling Station, Ballymount.
- 6) Irish Packaging Recycling, Ballymount Rd.
- 7) Keywaste, Greenhills Rd.
- 8) Greyhound, Crag Avenue, Clondalkin.
- 9) Hammond Lane Metal Company, Clondalkin.
- 10) Thorntons, Killeen Road.
- 11) Thorntons MRF, Parkwest.
- 12) Thorntons Shredding, Parkwest.
- 13) Access Waste, JFK Ind. Est.
- 14) Ozo, Jamestown Ind. Est.
- 15) SRCL, Beech Road, Western Ind. Est.

All of these facilities play their part in managing Dublin’s waste. The location is popular as it is industrial in nature and has good access to the National Road network at a location that is proximal to the main sources of waste in the Region. It is difficult to find suitable industrial areas with suitable zoning elsewhere in Dublin, closer to the city centre, so a large cluster of facilities has developed in this area.

Restrictions on developing waste facilities in close proximity to other waste facilities would hinder development at locations such as this, despite the fact that the location is suitable and attractive on many fronts. We therefore suggest that this bullet point is removed from Chapter 2 and applied appropriately in Chapter 3 to Bring Banks and CA Sites.

Restrictions on locating waste facilities proximal to each other also contradicts planning policy of some planning authorities which aim to focus industrial development (including large scale waste facilities) in specific areas. For instance, the Fingal County Development Plan aims to

concentrate heavy industrial development around the Cappagh-Finglas-Hunstown area and provides for no other industrial zonation outside this area in the Plan. The suggested introduction of large setback distances would make that difficult to achieve particularly in established industrial areas which have brownfield sites that are available for re-development. For example, the Cork County Development Plan encourages the re-development of brownfield sites in existing built up areas and waste facilities are considered to be an appropriate activity in this regard.

The 6th Bullet points in Section 2.3 is also unnecessarily restrictive and may not be appropriate for many facilities. Population density is important for Bring Banks and CA sites, but less important for larger infrastructure that is located to serve a link in a service chain.

Section 2.5

The final Bullet Point in Section 2.5 only relates to sites that attract large quantities of birds, such as landfill sites. Modern waste transfer stations, MRFs, biological treatment plants and Waste to Energy plants handle waste indoors where birds cannot access the waste, so this should not be a restriction for siting those facilities.

Chapter 3

Section 3.2

We suggest that the recommended setback distances of 200m for AD plants and 250m for composting plants should not be mandatory. If a developer can demonstrate that there will be no impact on sensitive receptors that are closer to the development, then shorter setback distances should be allowed. New facilities can be designed in ways that avoid such potential impacts and we suggest that the setback distances should only apply where the developer is does not demonstrate that the sensitive receptors will be adequately protected against odour nuisance or other impacts.

In addition to demonstrating appropriate landuse from a planning zonation perspective, the suitability of a site for the intended use should be assessed on a site specific basis rather than applying generic setback distances to all activities and sites. This can be done through modelling various environmental aspects such as air quality, odour, noise etc., to predict likely environmental impact and to inform the design of appropriate remedial measures to minimise risk of adverse impact on neighbours and the wider environment. Landuse planning and flood risk assessments can also be undertaken on a site specific basis. This will all be undertaken as part of the EIA process for larger scale facilities.

Section 3.3

We suggest that decisions on new authorisations should not be overly impacted by existing authorisations in an area or a region. The IWMA addressed this in our submissions to the consultations on the Draft Regional Waste Plans, where we stated:

“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."*

We strongly advise against restricting new development of pre-treatment infrastructure on the basis of adequate existing infrastructure for all the reasons presented above.

The suggested restriction of 50 metres to local businesses is not practical where pre-treatment facilities are developed in industrial estates. We consider that this would be a mis-use of zoned and serviced lands that are designed to provide enterprise and employment. We therefore strongly advise that the 50 metre restriction is removed. The vast majority of licensed pre-treatment facilities in Ireland are located close to other businesses and would fail the 50m setback restriction in this regard.

A 50m distance to local residents is reasonable, but not to local businesses. In some cases, a setback distance greater than 50m to residential areas may be justified, particularly when it comes to zoning residential land in close proximity to existing waste facilities that handle significant quantities of odorous wastes. The guidance should take note of that possibility and discourage such zoning.

Section 3.4

The comments above in relation to existing authorisations for pre-treatment facilities also apply to existing authorisations for soil and stone waste recovery facilities. Prohibiting further development of facilities in an open market can stifle competition and increase the costs of wastes management.

The recommendation regarding 15 km from National Roads is not appropriate here as sites further from National Roads may need to be restored and their location may be tied to a particular rock type, sand and gravel deposit or mineral deposit.

Section 3.6

The comment above on the 50m setback distance to local businesses also applies here as storage facilities may be located in industrial estates.

Section 3.7

The 5km guideline to National Roads should be removed. These facilities may be drawn to particular locations to provide heat and/or power and an arbitrary restriction of 5km to a National Road could impact negatively on a good siting plan.

The 100m and 250m setback distances to local businesses and residences are not considered appropriate as they are very blunt instruments. Thermal Recovery facilities can be small or large and can have very little impact on neighbours. The setback distances proposed are very

large and appear to be completely arbitrary. Setback distances should be evidence-based and determined on a case by case basis.

Appendix B – General Site Selection Process for Waste Facilities

The process described in Appendix B is suitable for landfill site selection, but is not appropriate for the range and scale of facilities that are suggested in Table A1. This sort of process assumes full access to lands and may be suitable for local authorities with powers of CPO, but it is not appropriate for private developers. Waste facilities must be located on suitable sites, not necessarily on the most suitable site and a developer must not be restricted to the most suitable site.

We suggest that the process outlined in Appendix B should be tailored to fit with the nature and scale of the each proposed waste facility or should be scaled back to the lowest common denominator to avoid being overly restrictive.

For example, open windrow composting facilities should have different siting criteria than in-vessel composting facilities, yet both come under the guidance on biological treatment facilities and both would be required to provide a 250m setback distance. Processing of dry recyclables should have different siting criteria to processing of odorous wastes, yet both come under the guidance on pre-treatment facilities and both would be required to provide a 50m buffer to residents and businesses.

The reference to 13km in the section on ‘**Airports**’ relates to landfill developments, not to all waste facilities.

The proximity principle is not accurately quoted in the section ‘**Proximity to Waste Centre**’. Article 16 of the Waste Framework Directive states the following:

“Article 16

Principles of self-sufficiency and proximity

1. Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques.

By way of derogation from Regulation (EC) No 1013/2006, Member States may, in order to protect their network, limit incoming shipments of waste destined to incinerators that are classified as recovery, where it has been established that such shipments would result in national waste having to be disposed of or waste having to be treated in a way that is not consistent with their waste management plans. Member States shall notify the Commission of any such decision. Member States may also limit outgoing shipments of waste on environmental grounds as set out in Regulation (EC) No 1013/2006.

2. The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of waste referred to in paragraph 1, and to enable Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

3. The network shall enable waste to be disposed of or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations, by means of the most

appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.

4. The principles of proximity and self-sufficiency shall not mean that each Member State has to possess the full range of final recovery facilities within that Member State.”

The first point in Article 16 is the **principle of self-sufficiency**, where member states are required to promote the development of an integrated and adequate network of waste disposal facilities and to develop recovery facilities for mixed municipal waste. The recovery of other waste types such as C&D waste and hazardous wastes are not bound by Article 16, so it does not apply to all waste recovery facilities.

We respectfully suggest that this guidance document in its current form would act as a barrier to the **self-sufficiency principle** as it would severely hamper the development of future waste recovery infrastructure.

The **proximity principle** requires that the network of waste disposal facilities and the network of MMW recovery facilities enables waste to be disposed or MMW to be recovered in one of the nearest appropriate installations. It does not state that “*waste should be treated or disposed of close to its source of generation*” as suggested in the draft guidance document.

As stated earlier, the suggested **buffer zones and setback distances** are too blunt an instrument for guidance that applies to a wide range of waste facilities. They work well for landfill site selection or developments in rural areas, but they are inappropriate for many waste facilities. In particular, waste facilities that are located in industrial zones should not sanitise surrounding lands that are zoned for industry, enterprise and/or employment. That is not an appropriate use of industrial zoned lands, as buffer zones do not employ people. The 50m buffer to other businesses from site activities would also require a very large land-take in an industrial estate to develop a waste facility and at industrial land prices, this would make the site acquisition costs non-viable for many developments. A modest waste recovery facility could require a 4 hectare (10 acre) land-take at a price of €10 million to €100 million, depending on the location of the industrial lands. It is hard to see how that would be viable.

In landfill site selection, it is important to select the **most suitable site**. However, this is generally not the case for private sector developments of waste recovery infrastructure. A case can be made that developments that are deemed to be ‘*Strategic Infrastructure*’ under the Strategic Infrastructure Act should be located at a site that is fully justified by a site selection process. However, for most waste recovery infrastructure, it is adequate to select a suitable site without demonstrating that it is the most suitable site. The developer may not have access to the most suitable site, but should not be stifled from developing a necessary facility on that basis. It is incumbent on the developer to demonstrate that the facility can be operated without significant impact at the subject site and that the site is suitable in planning terms in an appropriate planning zone. We suggest that this is adequate without need to prove that the site is the best possible site for the development.

Community engagement is very necessary for large scale developments where there will be significant impacts such as traffic, visual, noise, property values, etc. However, many waste recovery facilities that are well located in industrial zones, removed from local residents, can be developed without engaging the local community as they can be operated without any impact on that community. We suggest that the guidelines should recommend community engagement for large scale facilities that will have an impact on the local community.

Appendix D – Setback Distances and Locations

As detailed throughout this submission, we strongly object to the setback distances contained in Appendix D. Waste facilities handling more than 25,000 tonnes per annum are subject to EIA. The EIS commissioned by the developer must address all impacts on the environment and on human beings and that must be assessed by the planning authority and by the permitting or licensing authority. That process will identify suitable measures to ensure no significant impact on neighbours and if the developer cannot prove that there will be no significant impact on those neighbours, the development is likely to be refused statutory approvals. The addition of mandatory setback distances would prejudice that process and would rule out a lot of sites that might actually be very suitable if assessed by way of EIA.

Yours Sincerely,



Conor Walsh

IWMA Secretary

7 Dundrum Business Park,
Windy Arbour,
Dublin 14
Email. cwalsh@slrconsulting.com
Web: www.iwma.ie
Tel. 01-2964667