

The background is a vibrant yellow. It is decorated with several abstract geometric shapes in shades of blue, teal, and white. These shapes include circles, semi-circles, and rounded rectangles, some of which are partially cut off by the edges of the page. The overall aesthetic is modern and clean.

Appendix A18.1

Legislation and Policy

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Legislation

European

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance)

Directive 2008/98/EC, known as the 'Waste Framework Directive' came into force on 12th December 2008, and Ireland had two years from this date to implement it into national law. It provides for a general framework of waste management requirements and sets the basic waste management definitions for the EU.

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

Directive 2008/98/EC amending Directive 2008/98/EC on waste

This Directive amends the Waste Framework Directive or Directive 2008/98/EC. It provides a number of updated waste management definitions. The Directive allows Member States to use economic instruments including taxes and levies as an incentive for the application of the waste hierarchy. The Directive was transposed into national law in August 2020 - S.I. No. 322 of 2020.

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

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

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

Commission Decision of 18 December 2014, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC) [referred to hereafter as 'The List of Waste (LoW)']. Waste Classification is also based on Commission Regulation (EU) No 1357/2014 of 18 December 2014, replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives and Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex 111 to Directive 2008/98/EC of the European parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic.'

Decision 2000/532/EC establishing a list of wastes

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

National

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

The Waste Management Act, 1996 was enacted in May 1996 and sets out the responsibilities and functions of various persons in relation to waste. This was subsequently amended by a number of subsequent acts including the Waste Management (Amendment) Act 2001 and the Protection of the Environment Act 2003. The Act:

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

Waste Management (Collection Permit) Regulations, 2007, S.I. No 820 of 2008, as amended

Waste from the proposed development may only be collected by the holder of a waste collection permit or a local authority. Waste collection permits are granted in accordance with the Waste Management (Collection Permit) Regulations, 2007 as amended. Waste storage and collection areas on site should be designed to prevent environmental pollution. These regulations were amended and updated in 2008, 2012 and 2019.

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

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

S.I. No. 323/2020 - European Union (Waste Directive) Regulations 2020 amending European Communities (Waste Directive) Regulations 2011, S.I. No.0126 of 2011

The amended regulations which were adopted in 2011 significantly changed the provisions of the Waste Management Acts, 1996 to 2008.

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

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

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

- (a) Prevention;
- (b) Preparation for re-use;
- (c) Recycling;
- (d) Other recovery (including energy recovery); and

(e) Disposal.

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

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

European Union (Waste Directive) Regulations 2020 S.I. No. 323/2020

These regulations give effect to Directive 2018/8511 of the European Parliament and of the Council of 30 May 2018 on waste as per the above.

This provides new definitions for a number of key terms including 'waste' and 'non-hazardous waste', 'bio-waste', 'waste management', 'waste prevention', 'backfilling' and 'construction and demolition waste'.

European Policy

Europe 2020 Strategy, European Commission (2010)

Europe 2020 is the European Union's ten-year growth strategy published in 2010. A key focus of the strategy is to support the shift towards a resource-efficient, low-carbon economy by decoupling economic growth from resource use and reducing the resource intensity of what we use and consume.

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

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

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

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

7th Environmental Action Programme, European Commission (2014)

The 7th Environmental Action Programme came into force in January 2014 and will guide European environment policy until 2020. A key objective of the programme is to turn the Union into a resource-efficient, green and competitive low carbon economy. There is a special focus on turning waste into a resource, with more prevention, reuse and recycling, and phasing out wasteful and damaging practices like landfilling. By 2020 the European Union and member states are to ensure that:

- The environment and human health are protected by preventing or reducing the adverse impacts of the generation and management of waste;
- Per capita waste generation and waste generation in absolute terms are reducing; and
- Landfilling is phased out for recyclables and recoverable wastes and limiting energy recovery to non-recyclable materials.

European Commission Circular Economy Strategy (2015)

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

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

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

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

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

The Circular Economy Package was updated in 2018 to comprise a new set of measures including:

- A Europe-wide EU Strategy for Plastics in the Circular Economy;
- A Communication on options to address the interface between chemical, product and waste legislation;
- A Monitoring Framework on progress towards a circular economy at EU and national level; and
- A Report on Critical Raw Materials and the circular economy.

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

Key legislative measures adopted to date under the plan include:

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

EU Circular Economy Action Plan 2020

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

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

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

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

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

The European Commission has adopted a new Circular Economy Action Plan - one of the main blocks of the European Green Deal, Europe's new agenda for sustainable growth.

The new Action Plan announces initiatives along the entire life cycle of products, targeting for example their design, promoting circular economy processes, fostering sustainable consumption, and aiming to ensure that the resources used are kept in the EU economy for as long as possible.

It introduces legislative and non-legislative measures targeting areas where action at the EU level brings real added value.

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

European Commission (2019) European Green Deal

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

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

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

- Investing in environmentally friendly technologies;

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

National Policy

Introduction

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

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

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

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

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

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

- Significant reduction of Planning Regions from ten to three. A review of regional waste management plans will be undertaken to comply with the requirements of the Waste Framework Directive;
- Timing and nature of the application of landfill bans will be considered taking into account the level of diversion being achieved and the development of viable beneficial uses for waste in support of the virtual elimination of our dependence on landfill;
- Ireland requires an adequate network of quality waste treatment facilities. The EPA will undertake a review of recovery infrastructure to advise on national requirements for managing municipal waste in accordance with the principles of proximity and self-sufficiency;
- All householders will be obliged to demonstrate that they are availing of an authorised waste collection service or are otherwise managing their waste in an environmentally acceptable manner;
- Through waste collection permits waste collectors will be required to manage waste in accordance with the waste hierarchy and operate pricing structures to incentivise environmentally sustainable behaviours by households in terms of waste reduction;
- Separate collection of organics will be a required waste permit condition for those collecting from households within population centres of a given size and will be introduced on a phased basis over a 4 year period, beginning with larger population centres; and
- All current and future producer responsibility schemes will be required, as part of the conditions of their approval, to formulate, implement and demonstrate significant waste prevention and re-use initiatives for their particular waste streams.

EPA National Waste Statistics and Bulletins

The EPA publishes national statistics and bulletins relating to waste generation, management and disposal in Ireland. The published data provides information on key statistics and trends in waste as well as information on Ireland's progress in meeting EU waste collection, recovery and disposal targets. Key topics include: municipal waste generation and management; packaging waste, waste electronic and electrical equipment, end of life vehicles, tyres, hazardous waste, construction and demolition waste and waste infrastructure. The data is available on the EPA website at <http://www.epa.ie/nationalwastestatistics/>.

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

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

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

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

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

Environmental Protection Agency (2014). National Hazardous Waste Management Plan, 2014-2020

The Third National Hazardous Waste Management Plan was published by the Environmental Protection Agency in 2014.

This Plan sets out priority actions to be taken over the six year life of the plan in relation to:

- Prevention of hazardous waste;
- Improved collection rates for certain categories of hazardous waste;
- Steps required to improve Ireland's self-sufficiency in hazardous waste management; and
- Identification and management of certain legacy hazardous wastes such as historic unregulated waste disposal sites and contaminated soil.

The plan includes eight key environmental objectives which will be adopted for the plan including '*To minimise the export of hazardous waste for treatment and/or disposal and reduce emissions due to transportation*'.

The plan also includes a range of targets and indicators which provide a means of measuring progress towards the plan objectives. These include '*minimise distance travelled by hazardous waste*' and '*Minimise export of hazardous waste and move towards self sufficiency*'.

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

Waste classification is based on:

- Commission Decision of 18 December 2014, amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European parliament and of the Council (2014/955/EEC);

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

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

There are two main elements:

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

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

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

The overarching objectives of this action plan are to:

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

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

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

Department of the Environment, Climate and Communications (2019) Climate Action Plan

The Government published its Climate Action Plan (to tackle Climate Breakdown) in 2019. The Plan sets out the actions the Government intends to take to address climate breakdown across sectors such as electricity, transport, built environment, industry and agriculture.

The Climate Action Plan provides that the Government will lead the transformation from waste management to circular economy practice through delivery of a new national policy. It is also intended that waste legislation will be revised to incorporate new circular economy requirements, including legally binding waste/recycling targets.

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

- Lead the transformation from waste management to circular economy practice through delivery of a new national policy;
- Revise waste legislation to incorporate new circular economy requirements, including legally binding waste/recycling targets;
- Develop a new National Waste Prevention Programme, and Regional Waste Management Plans that will guide our transition to a circular economy by EPA and Local Authorities;
- Support the development of eco-design and circular economy opportunities for Irish enterprises to reduce waste over the full lifecycle of products;
- Develop and implement a suite of measures to reduce the impact of single-use plastics. Maintain Government leadership in taking responsibility for own resource consumption, particularly single use plastics, energy, waste and water;
- Identify opportunities to strengthen the regulatory and enforcement frameworks and structures for the waste collection and management system, to maximise the collection of clean, segregated materials for reuse and/or recycling from all households and businesses, and to incentivise consumers to reduce, reuse and recycle;
- Regulate and incentivise producers of waste, particularly packaging, to ensure the prevention of waste and the use of recycled materials in packaging products;
- Scope a number of possible environmental levies, including a possible levy on single use plastics, as part of the review of the Environment Fund. Further detailed research would be required prior to the introduction of any new levy; and
- Identify and commence delivery of measures to address the key regulatory barriers to the development of the bioeconomy, including exploring opportunities to establish 'End of Waste' criteria for certain bio-wastes.

Department of the Environment, Climate and Communications (2020) Waste Strategy for a Circular Economy

The Waste Action Plan for a Circular Economy fulfils the commitment in the Programme for Government (2020) to publish and start implementing a new National Waste Action Plan. This new national waste policy will inform and give direction to waste planning and management in Ireland over the coming years. It will be followed later this year by an All of Government Circular Economy Strategy.

The previous national waste policy, A Resource Opportunity – Waste management policy in Ireland, drove delivery on national targets under EU legislation, but the Irish and international waste context has changed in the years since its launch. The need to embed climate action in all strands of public policy aligns with the goals of the European Green Deal.

The policy document shifts focus away from waste disposal and moves it back up the production chain. To support the policy, regulation is already being used (Circular Economy Legislative Package) or in the pipeline (Single Use Plastics Directive). The policy document contains over 200 measures across various waste areas including Circular Economy, Municipal Waste, Consumer Protection and Citizen Engagement, Plastics and Packaging, Construction and Demolition, Textiles, Green Public Procurement and Waste Enforcement.

Regional Policy

The Eastern Midlands Region Waste Management Plan 2015-2021

For the purposes of waste management planning, Ireland is now divided into three regions: Southern, Eastern-Midlands, Connacht-Ulster. The Eastern-Midlands Region includes the Fingal County Council area, Offaly County Council, Westmeath County Council, Wicklow County Council.

The Eastern Midlands Region Waste Management Plan 2015-2021 was launched in 2015. The strategic approach of the plan places a stronger emphasis on preventing wastes and material reuse activities. Three strategic targets have been set in the plan which include:

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

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

Construction and Demolition Waste Soil and Stone Recovery/Disposal Capacity – Eastern Midlands Region/Connacht Ulster Region/Southern Region and RPS (2016)

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

Dublin City Development Plan Guidelines

The Dublin City Development Plan sets out the following Guidelines in relation to Waste Storage Facilities:

The requirements set out in the Dublin City Council Bye-Laws for the Storage, Presentation and Collection of Household and Commercial Waste, 2013 or any revision thereof, must be adhered to and, in particular, the requirement in the bye-laws to segregate waste into separate fractions to facilitate the collection of dry recyclables, organic kitchen/ garden waste and residual waste in line with Waste Management (Food Waste) Amendment Regulations 2015 (S.I. 190 of 2015) and the European Union (Household Food Waste and Biowaste) Regulations 2015 (S.I. 191 of 2015) and the Eastern-Midlands Regional Waste Management Plan 2015–2021. Waste storage issues should be considered at the initial apartment design stage to ensure access for all (including people with disabilities) in a brightly lit, safe and well-signed area, spacious enough for easy maneuverability, good ventilation and ready access if required for the control of potential vermin. Where storage is provided in a basement area, sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby. The following are also requirements:

- *Receptacles that are designed for reuse, with the exception of a specific area designated by a local authority as being only suitable for the collection of non-reusable receptacles such as bags, ideally of 1,100 litre capacity, must be used.*
- *To provide a three-bin collection system for residents in communal collection schemes, for each type of waste: general waste, dry recyclables and organic food/garden waste. A proposal on the three-bin system including bin quantity, type and frequency of collection must be submitted in writing to the Waste Regulation Unit in Dublin City Council for agreement.*
- *Sufficient space must be provided to accommodate the collection of dry recyclables and organic kitchen waste/ garden waste.*
- *Suitable wastewater drainage points should be installed in the receptacle bin storage area for cleaning and disinfecting purposes.*

Guidance

Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects

These guidelines were published by the DoEHLG in July 2006. They were developed in conjunction with the National Construction & Demolition Waste Council (NCDWC) as part of the Voluntary Construction Industry Initiative and give advice on planning for C&D waste management. They also give guidance on source separation of waste, the diversion of waste from landfill and encourage construction companies to work towards achieving the national recycling target of 85% as outlined in the Government Policy Document Changing Our Ways (DOEHLG).

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

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

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

- (a) further use of the substance or object is certain;*
- (b) the substance or object can be used directly without any further processing other than normal industrial practice;*
- (c) the substance or object is produced as an integral part of a production process; and*
- (d) further use is lawful in that the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.'*

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

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

It is aimed at local authorities, developers, the construction sector, the waste management sector and consultants.

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

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

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

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

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