

## **APPROPRIATE ASSESSMENT SCREENING OF THE REVISED NATIONAL HAZARDOUS WASTE MANAGEMENT PLAN (June 2014)**

### **1. Background**

In accordance with Section 26 of the Waste Management Act 1996 as amended, the Environmental Protection Agency (EPA) is responsible for preparing Ireland's National Hazardous Waste Management Plan. The National Hazardous Waste Management Plan (NHWMP) is a strategic level document designed to provide overall direction to policy and decision makers involved in the prevention and management of hazardous waste. The first such Plan was published in 2001 and was replaced by a second Plan, published in 2008 (NHWMP 2008-2012). The EPA has prepared a revised NHWMP for the period 2014-2020.

In accordance with Article 6 (3) of the Habitats Directive<sup>1</sup> and Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) this report sets out the screening of the revised NHWMP in order to determine whether the revised NHWMP is likely to have a significant effect on a European Sites(s) and if Appropriate Assessment of the revised NHWMP is required.

The Appropriate Assessment process can involve four stages.

*Stage 1 – Screening for Appropriate Assessment;*

*Stage 2 – Appropriate Assessment;*

*Stage 3 – Assessment of alternative solutions; and*

*Stage 4 – Assessment of compensatory measures.*

### **2. Waste Management Planning in Ireland**

#### ***National Hazardous Waste Management Plan***

In accordance with Section 26 of the Waste Management Act 1996 as amended, the EPA is responsible for preparing Ireland's NHWMP that has regard to:

- Prevention and minimisation of hazardous waste;
- Recovery of hazardous waste;
- Collection and movement of hazardous waste; and
- Disposal of such hazardous waste as cannot be prevented or recovered.

Part II of the Waste Management Act, as amended sets out the requirements for the NHWMP.

The first such Plan was published in 2001 and was replaced by a second Plan, published in 2008. This third Plan is a revision of the second Plan (NHWMP 2008-2012) and will, on completion, supersede it and will cover a period of six years from date of publication (2014-2020).

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<sup>1</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

The 2012 Government Policy on Waste Management<sup>2</sup> states:

“The National Hazardous Waste Management Plan is a strategic level document designed to provide overall direction to policy and decision makers involved in the prevention and management of hazardous waste. All of the plan’s recommendations are designed to reduce the environmental impact of hazardous waste. Local authorities are obliged to take these recommendations into account when they review their own waste management plans.”

The revised NHWMP is being prepared for the State as a whole and as a high level strategic document it does not propose or specify any geographical area where future projects or activities concerning the management of hazardous waste should take place. The revised NHWMP is ultimately required to make recommendations as respects the management of hazardous waste. Any hazardous waste treatment<sup>3</sup> proposals relating to or arising out of the recommendations in the revised NHWMP will need to be subjected to the Appropriate Assessment processes at the relevant, more detailed sectoral plan level (e.g. Regional Waste Management Plans) and ultimately at individual project level.



Figure 1 – Position of the Plan in the Decision Making Process<sup>4</sup>

<sup>2</sup> A Resource Opportunity - Waste Management Policy in Ireland - Department of the Environment, Community and Local Government July 2012

<sup>3</sup> ‘Treatment’ means recovery or disposal operations, including preparation prior to recovery or disposal (EU Waste Framework Directive 2008/98/EC)

<sup>4</sup> Source: Environmental Report relating to Strategic Environmental Assessment of the Proposed National Hazardous Waste Management Plan 2008 -2012 (Available at: <http://www.epa.ie/pubs/reports/waste/haz/environmentalreport.html>)

### **Regional Waste Management Plans**

The Waste Management Act 1996 as amended requires waste planning by local authorities on a regional (or county) level. Part II of the Waste Management Act 1996, as amended sets out the requirements for waste management plans. The 2012 Government Policy on Waste Management provides for a reduction in the number of waste management regions and three new regional waste management planning regions have since been established.

Lead authorities have commenced the process of the development of the three replacement regional waste management plans including the associated Strategic Environmental Assessment and Appropriate Assessment processes. Draft replacement Regional Waste Management Plans will be subject to the public consultation process and the new replacement plans are expected to be in place in 2015. Local authorities are obliged to take into account the recommendations of the NHWMP when preparing the Regional Waste Management Plans.

### **3. Appropriate Assessment screening of the revised National Hazardous Waste Management Plan**

In accordance with Article 6 (3) of the Habitats Directive and Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011), a screening for Appropriate Assessment of the revised NHWMP must be carried out by the EPA to assess if the revised NHWMP, individually or in combination with other plans or projects, is likely to have a significant effect on a European Site(s).

Appropriate Assessment screening of the revised NHWMP has taken into account the following relevant guidance:

- *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, European Commission (2002).
- *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*, Department of Environment, Heritage and Local Government, (10 December 2009 (revision notes: 11 February 2010))
- *Appropriate Assessment of Plans*, Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants (September 2006)
- *Circular Letter SEA 1/08 & NPWS 1/08 Appropriate Assessment of Land Use Plans*, Department of Environment, Heritage and Local Government (15 February 2008)
- *Circular NPW 1/10 & PSSP 2/10 Appropriate Assessment under Article 6 of the Habitats Directive: guidance for Planning Authorities*, Department of Environment, Heritage and Local Government (11 March 2010)

The EPA has consulted with the National Parks and Wildlife Service on the Appropriate Assessment screening of the revised NHWMP.

This Appropriate Assessment screening report and determination, and the revised NHWMP is being made available at [www.hazardouswaste.ie](http://www.hazardouswaste.ie).

**a) Description of the revised National Hazardous Waste Management Plan**

This revised NHWMP is a revision of the NHWMP 2008-2012 and sets out the priorities to be pursued over the next six years and beyond to improve the management of Ireland's hazardous waste. The main components of the NHWMP 2008-2012 remain intact in the revised NHWMP. These include promotion of:

- Prevention of hazardous waste generation;
- Collection and correct treatment of hazardous waste;
- Indigenous treatment of hazardous waste while reducing export volumes (where feasible);  
and
- Dealing with legacy issues (e.g. closed historic landfills).

The revised NHWMP includes the most recent published hazardous waste data (e.g. from the National Waste Report for 2011), updates on relevant legislation and waste related activities (e.g. recent implementation measures such as prevention initiatives (guidance and awareness)), and brief information on emerging issues over the next plan period (e.g. expected legislative changes). The revised NHWMP continues the focus on waste prevention, issues concerning unreported hazardous waste, principal hazardous waste treatment options, and legacy issues including a focus on closed landfills. An updated set of recommendations is included in the revised NHWMP to ensure that they remain valid for the next plan period (2014-2020).

The revised NHWMP is being prepared for the State as a whole and as a high level strategic document it does not recommend, propose or specify any geographical area where future projects or activities concerning the management of hazardous waste should take place. Recommendations are being made concerning hazardous waste prevention (e.g. engage with priority sectors on hazardous waste prevention activities), infrastructure and self-sufficiency (e.g. keep under review the provision and facilitation of hazardous waste treatment<sup>5</sup> capacity) and collection of hazardous waste (e.g. plan and make provision for resourcing of local authorities to develop adequate hazardous waste collection facilities for households and small businesses). The revised NHWMP also recommends the continued identification and regulation of legacy issues (e.g. historic unregulated waste disposal sites).

The revised NHWMP does not specify geographically where any hazardous waste treatment infrastructure relating to such recommendations should be sited or locations where actions concerning historic unregulated waste disposal sites should be undertaken. Any hazardous waste treatment proposals relating to or arising out of the recommendations in the revised NHWMP will need to be subjected to the Appropriate Assessment processes at the relevant, more detailed sectoral plan level (e.g. regional waste management plans) and ultimately at individual project level.

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<sup>5</sup> 'Treatment' means recovery or disposal operations, including preparation prior to recovery or disposal (EU Waste Framework Directive 2008/98/EC)

Other recommendations included in the revised NHWMP relate to regulatory aspects, co-operation with Northern Ireland on hazardous waste issues and guidance and awareness.

One of the main objectives stated in the revised NHWMP is to minimise the environmental, health, social and economic impacts of hazardous waste generation and management. It is envisaged that the revised NHWMP will have a positive impact on the environment and will continue to reduce the overall risk of environmental pollution associated with hazardous waste generation and management.

***b) Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives***

Given the strategic nature and high level characteristics of the revised NHWMP it is not possible to identify relevant European Site(s) that may be affected by the implementation of the revised NHWMP. The revised NHWMP does not recommend, propose or specify any geographical area where future projects or activities concerning the management of hazardous waste should take place.

Any related specific plan or project proposals (e.g. hazardous waste treatment proposals) relating to or arising out of the recommendations in the revised NHWMP will need to be subjected to the Appropriate Assessment processes at the relevant, more detailed sectoral plan level (e.g. Regional Waste Management Plans) and ultimately at individual project level. Relevant European Site(s) potentially impacted and associated information should be identified during such processes.

***c) Assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary***

As the revised NHWMP is positioned towards the top of the waste planning decision making process (see Figure 1) it is more likely to influence higher-level environmental issues. The revised NHWMP does not deal directly with specific regional or local issues, such as the protection of specific amenities, resources, natural heritage, or site-specific concerns. As aspects of the revised NHWMP are likely to be principally implemented through Regional Waste Management Plans, for example, or through infrastructure projects, the more specific environmental concerns will be examined through the Strategic Environmental Assessment and Appropriate Assessment processes on these plans and/or Appropriate Assessment and Environmental Impact Assessment processes at project level.

A full Strategic Environmental Assessment (SEA) was conducted concurrent with the development of the National Hazardous Waste Management Plan 2008-2012. This fulfilled the requirements of the SEA Directive (2001/42/EC)<sup>6</sup> and the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, S.I. No. 435 of 2004. The SEA Statement associated with the NHWMP 2008-2012, outlines how it is anticipated that the Plan's strategies will have a positive

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<sup>6</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001, p. 30–37

impact on biodiversity through reduction in hazardous waste generation and increased control of generated hazardous waste.

SEA screening of the modifications to the NHWMP 2008-2012 has been carried out and the EPA has consulted with the relevant SEA Environmental Authorities. Following SEA screening of the modifications to the NHWMP 2008-2012, the EPA considers, having regard to the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations (S.I No. 435 of 2004), as amended, that the modifications would not be likely to have significant effects on the environment and that SEA of the modifications is not required.

The following environmental objective and target relevant to the protection of biodiversity and designated sites are included in the revised NHWMP:

*Environmental Objective (See Table 26 in revised NHWMP)*

- To conserve and enhance biodiversity, including flora and fauna, and integrate biodiversity considerations into actions relating to or arising out of any of the recommendations in the National Hazardous Waste Management Plan

*Environmental Target (see Table 28 in revised NHWMP)*

- Avoid loss or damage to designated sites from siting of hazardous waste facilities

Although the revised NHWMP does not specify geographically where hazardous waste activities should take place, the implementation of actions relating to or arising out of the recommendations in the revised NHWMP could potentially impact on European Site(s). Such actions will need to be subjected to Appropriate Assessment processes at appropriate plan (e.g. regional waste management plan) and project level, in accordance with the relevant legislation.

There will be a need at those levels to establish whether it is possible to proceed, without there being a risk to the integrity of a European Site or Sites and that such plans and project proposals are in compliance with requirements of relevant EU and national legislation relating to biodiversity, protected species or designated sites in so far as such legislation applies.

The revised NHWMP states that any actions relating to or arising out of any of the recommendations in the revised NHWMP should comply fully with all relevant EU and national legislation.

Relevant hazardous waste activities (e.g. proposed at regional waste management plan and/or project level) that may relate to or arise out of the recommendations in the revised NHWMP that could potentially impact European Site(s) could include, for example:

- i. Establishment of hazardous waste treatment facilities (e.g. hazardous waste management facilities, thermal treatment at pharmaceutical/chemical plants, collection facilities at civic amenity sites for small businesses and households)

Any applications/proposals concerning hazardous waste treatment are subject to planning, licensing and permitting requirements which include assessment of potential environmental impacts. Such

activities are subject to Appropriate Assessment processes. There are no thresholds for hazardous waste treatment activities being subject to licensing/permitting requirements.

- ii. Continued identification and regulation of legacy issues (historic unregulated waste disposal sites)

Any applications for licensing and the regularisation of historic unregulated waste disposal sites including project proposals for remediation are subject to Appropriate Assessment processes.

The Annex to this paper presents a summary of the principal recommendations in the revised NHWMP including associated Appropriate Assessment screening analysis.

#### ***d) Screening statement with conclusions***

A screening for Appropriate Assessment was undertaken to assess if the revised National Hazardous Waste Management Plan, individually or in combination with other plans or projects is likely to have a significant effect on a European Site(s). The Environmental Protection Agency considered, for the reasons set out below, that the revised National Hazardous Waste Management Plan is not directly connected with or necessary to the management of any site as a European Site and that it can be excluded following screening under the European Communities (Birds and Natural Habitats) Regulations 2011 (Statutory Instrument 477 of 2011), that the revised National Hazardous Waste Management Plan, individually or in combination with other plans or projects, will have a significant effect on a European Site and accordingly the Environmental Protection Agency determined that an Appropriate Assessment of the revised National Hazardous Waste Management Plan is not required. This determination is based on the following:

- The revised National Hazardous Waste Management Plan is a strategic level document designed to provide overall direction to policy and decision makers involved in the prevention and management of hazardous waste.
- The revised National Hazardous Waste Management Plan does make recommendations regarding hazardous waste prevention, infrastructure and self-sufficiency, collection of hazardous waste and the continued identification and regulation of legacy issues (in accordance with the relevant code of practice), however such recommendations do not specify geographically where any related actions or activities are to be carried out. In accordance with the relevant legislation, any specific plan or project proposals relating to or arising out of the recommendations in the revised NHWMP will need to be subjected to the Appropriate Assessment processes at the level of the more detailed sectoral plans (e.g. Regional Waste Management Plan) and ultimately at individual project level.
- It is envisaged that the revised National Hazardous Waste Management Plan will have a positive impact on the environment and will reduce the overall risk of environmental pollution associated with hazardous waste generation and management. An environmental objective and target relevant to the protection of biodiversity and designated sites has been included in the revised National Hazardous Waste Management Plan.

## Annex – Summary of recommendations included in the revised National Hazardous Waste Management Plan

Component	Summary	AA screening comment
<b>Prevention of hazardous waste</b>	Prevention activities to help prevent and reduce the generation of hazardous waste in certain priority sectors (pharmachem, agriculture, healthcare, households, publishing & printing and transport) should continue to be led by the EPA under the National Waste Prevention Programme. Prevention initiatives should be incorporated into Regional Waste Management Plans and the Green Public Procurement Action Plan should provide for the substitution and reduction in use of hazardous materials. Waste characterisation studies of certain waste streams are also recommended to evaluate the reduction of hazardous content of such wastes. Relevant Departments and Agencies should be assisted to examine the feasibility of alternatives to the diesel fuel marking system to help eliminate illegal diesel laundering operations and prevent the generation of hazardous waste and associated environmental clean-up costs arising from such activities.	A general framework for prevention initiatives is described. The objective is to prevent and reduce generation of hazardous waste therefore having a positive impact on the environment. Any related specific plan or project proposals arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.
<b>Collection</b>	The establishment of a comprehensive and accessible network of local drop-off facilities for householders and small businesses is recommended to tackle the problem of 'unreported' hazardous waste. The potential for producer responsibility obligations for a number of hazardous waste streams should be given priority consideration. A recently commenced farm hazardous waste collection pilot project should be completed and its results and recommendations published.	The objective is to maximise the collection of hazardous waste with a view to reducing its environmental and health impacts. The revised NHWMP does not specify geographically where any related facilities should be sited. Any proposals for hazardous waste treatment are subject to licensing/permitting requirements including assessment of environmental impacts. Any related specific plan or project proposals arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.
<b>Regulatory</b>	Consolidation of waste legislation and cooperation in enforcement is recommended. A review of waste licensing/permitting legislation is recommended in order to establish a proportionate regulatory mechanism, including relief, to facilitate collection, transport and temporary storage of certain hazardous wastes from small sources pending proper treatment.	The objective is to maximise the collection of hazardous waste with a view to reducing its environmental and health impacts. Any specific plan or project proposals arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.
<b>Self-sufficiency</b>	The objective of moving towards increased self-sufficiency and minimising exports continues to be recommended, where strategically/environmentally advisable, and technically and economically feasible. If Ireland were to become self-sufficient, suitable hazardous waste treatment options would be required.	A general framework is set out regarding self-sufficiency in the treatment of hazardous waste. The revised NHWMP does not specify geographically where any related facilities should be sited. Any proposals for hazardous waste treatment are subject to licensing/permitting requirements including assessment of environmental impacts. Any related specific plan or project proposals arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.

<b>Legacy issues</b>	Old waste disposal sites, especially those that to a significant extent may have involved the disposal of hazardous waste, should continue to be managed (i.e. identified, risk assessed and regularised) in accordance with the Code of Practice drawn up by the EPA's Office of Environmental Enforcement and relevant legislation, where required.	The revised NHWMP outlines existing measures (e.g. legislative) in place to deal with legacy issues. Any applications for licensing and regularisation of historic unregulated waste disposal sites including proposals for remediation will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.
<b>North-south cooperation</b>	Co-operation between appropriate authorities on both sides of the border concerning hazardous waste management issues should be explored.	The revised NHWMP continues to recommend all-island cooperation on hazardous waste management issues. Any related specific plan or project proposals arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.
<b>Guidance and Awareness</b>	During implementation of the second Plan, the EPA developed prevention resources for certain sectors. Such resources should continue to be disseminated (e.g. the Green Healthcare Programme). Local authorities and relevant sectoral organisations should avail of appropriate media (e.g. social media) to inform the public and small businesses of hazardous waste collection services. The completion of guidance for civic amenity sites and the development of guidance for a number of certain hazardous waste streams are recommended.	Guidance and awareness is considered a key aspect for proper hazardous waste management and in helping to minimise the environmental, social and economic impacts of hazardous waste management and generation. Any related specific plan or project proposals arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation.
<b>Implementation</b>	Each of the 27 recommendations in the revised NHWMP has a responsible body or bodies identified. The EPA will devise sectoral and waste stream specific indicators to help monitor implementation of the revised NHWMP's objectives. Key hazardous waste indicators will be prepared and made available. The EPA will periodically report on the progress on the revised NHWMP's implementation.	<p>Any specific plan or project proposals relating to or arising out of the recommendations in the revised NHWMP, arising at plan (e.g. regional waste management plan) and/or project level will need to be subjected to Appropriate Assessment processes in accordance with the relevant legislation. Targets and indicators have been included in the revised NHWMP to allow for monitoring any environmental effects of the revised NHWMP's implementation (environmental indicators). The revised NHWMP's environmental objective and target relevant to the protection of biodiversity and designated sites are:</p> <p>Environmental Objective (Table 26)</p> <ul style="list-style-type: none"> <li>• To conserve and enhance biodiversity, including flora and fauna, and integrate biodiversity considerations into actions relating to or arising out of any of the recommendations in the National Hazardous Waste Management Plan</li> </ul> <p>Environmental Target (Table 28)</p> <ul style="list-style-type: none"> <li>• Avoid loss or damage to designated sites from siting of hazardous waste facilities</li> </ul> <p>A further Implementation/SEA Monitoring Report will be completed during the next implementation period.</p>