

S.I. No. 137 of 1997.

S.I. No. 137/1997: WASTE MANAGEMENT (PLANNING) REGULATIONS, 1997

The Minister for the Environment, in exercise of the powers conferred on him by section 7 of the Waste Management Act, 1996 (No. 10 of 1996) hereby makes the following Regulations:

[zzsi137y1997a1]1 Citation

1. These Regulations may be cited as the Waste Management (Planning) Regulations, 1997.

[zzsi137y1997a2]2 Purpose of Regulations

2. The purposes for which these Regulations are made include the purpose of giving effect to provisions of—

(a) Council Directive 75/442/EEC of 15 July, 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March, 1991(1),

(1)O.J. No. L194/23, 25 July 1975, and O.J. No. L78/32, 26 March 1991.

(b) Council Directive 75/439/EEC of 16 June, 1975 on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22 December, 1986(2)

(2)O.J. No. L194/39, 25 July 1975, and O.J. No. L42/43, 12 February 1987.

(c) Council Directive 91/689/EEC of 12 December, 1991 on hazardous waste(3), and

(3)O.J. No. L377/20, 31 December 1991.

(d) European Parliament and Council Directive 94/62/EC of 20 December, 1994 on packaging and packaging waste(4)

(4)O.J. No. L365/10, 31 December 1994.

[zzsi137y1997a3]3 Interpretation

3. In these Regulations:

"the Act" means the Waste Management Act, 1996;

"functional area" includes, in the case of a waste management plan made jointly by two or more local authorities, the functional areas of the local authorities concerned;

"plan" means a waste management plan made by one or more local authorities under and in accordance with section 22 of the Act.

[zzsi137y1997a4]4 Requirements to a plan

4. (1) It is hereby prescribed that, insofar as the Schedule to these Regulations specifies matters further to those specified in section 22 (7) (a) to (i) of the Act, a plan shall include information on or otherwise have regard to such matters.

(2) A local authority shall comply with the provisions of the Schedule to these Regulations as to the manner in which matters shall be set out and addressed in a plan.

[zzsi137y1997a5]5 Prescribed persons for the purpose of section 23(1) of the Act

5. It is hereby prescribed that, for the purpose of section 23 (1) of the Act, a local authority shall, not later than the publication of the relevant notice under that section, submit a copy of a proposed plan or proposed variation of a plan to

(a) the Minister for Arts, Culture and the Gaeltacht,

(b) the Minister for the Marine,

(c) An Taisce - The National Trust for Ireland,

(d) Bord Failte,

- (e) Teagasc,
- (f) any local authority whose functional area adjoins that of the first mentioned local authority, and
- (g) any District Council in Northern Ireland whose functional area adjoins that of the said local authority.

SCHEDULE

Part I

Preface to the Waste Management Plan

A plan shall provide, as far as practicable in respect of the relevant functional area—

- (a) a general description of the area, including relevant topographical, geological, hydrological and hydrogeological features,
 - (b) a description of the size and distribution of population in the area, with reference to the number of domestic households,
 - (c) a description of the nature, scale and distribution of commercial, industrial and agricultural activity, and other significant waste generating activities (such as tourism),
 - (d) a description of transport infrastructure,
 - (e) a description of groundwater usage and an assessment of groundwater vulnerability, and
 - (f) a summary of relevant land use considerations, including areas designated for environmental protection,
- and shall contain a list of relevant waste management legislation.

Part 2

Present position regarding waste management

2.1 Waste Generation

A plan shall specify, to the extent possible—

- (a) the quantities of waste arising within the relevant functional area, classified under the following descriptions, insofar as applicable—
 - household waste collected by or on behalf of the local authority
 - household waste delivered to civic waste facilities and other bring facilities
 - other household waste
 - litter and street sweepings
 - commercial waste
 - industrial waste not elsewhere specified
 - construction and demolition waste
 - contaminated soils
 - ash and other incineration residues
 - mining and quarry waste
 - healthcare wastes (clinical, dental, veterinary)
 - sewage sludges
 - water treatment sludges
 - industrial sludges
 - agricultural waste

with a breakdown of the hazardous component, if any, of such wastes;

(b) waste movements into and from the relevant functional area, classified as at (a) above,

(c) the quantities of waste arising within the relevant functional area, classified under the following descriptions—

- paper
- glass
- plastic
- metals
- textiles
- putrescible waste

(d) the quantities of waste arising within the relevant functional area, classified under the following descriptions—

- electrical and electronic goods
- batteries and accumulators
- oils
- polychlorinated biphenyls (PCBs)
- tyres
- vehicles
- packaging waste.

2.2 Waste Collection

A plan shall describe the waste collection systems (including bring facilities) which operate within the relevant functional area and their capacity, and specify arrangements for the segregation and separate collection of specific types of waste [i.e. those specified at 2.1 (d)].

2.3 Waste Prevention and Minimisation

A plan shall describe measures in support of waste prevention and minimisation carried on by the local authority and, to the extent that information is available or may reasonably be obtained, by business and industry, and give an assessment of the impact of such activities.

2.4 Waste Recovery

A plan shall describe waste recovery activities carried on by the local authority or other interests, specify the volumes and types of waste concerned and estimated waste recovery rates, and outline the position regarding markets or uses for recovered materials or products.

2.5 Waste Management Facilities

A plan shall provide, to the extent possible, the following information in respect of all facilities for the collection, handling, storage, treatment, recovery and disposal of waste which are located within the relevant functional area—

- location
- operating body
- process(es) involved
- annual waste input capacity
- requirements regarding waste acceptance

- current waste input, under the headings specified at 2.1 (a)
- in the case of a landfill facility, the estimated total remaining capacity
- where relevant, current output and utilisation of recovered material
- where relevant, current output and final disposal of residues

2.6 Other relevant matters

A plan shall—

- (a) specify the cost of waste management activities undertaken by the local authority and revenues accruing to the authority from such activities, and
- (b) indicate any deficiencies in waste management infrastructure or any other matters which inhibit optimum waste management.

Part 3

Anticipated developments over the period of the Plan

For the purposes of paragraphs (c) to (e) of section 22 (7) of the Act, a plan shall provide an assessment of likely trends or developments which may be expected to have an impact on the quantities and type of wastes arising, the need for waste recovery/disposal facilities, or other aspects of waste management, and this assessment shall include—

- the effect of measures to prevent or minimise waste production or the harmfulness of waste
- trends in population distribution and activity in the commercial, industrial and agricultural sectors
- trends in waste management, including private sector involvement in waste collection, recovery and disposal
- pending Community acts in relation to waste management and environmental standards
- relevant developments in the functional areas of other local authorities or, where appropriate, in other Member States

Where appropriate and feasible, possible alternative scenarios should be described.

Part 4

Waste Management Policy

4.1 Evaluation of policy options

For the purpose of section 22 (7) (a) of the Act, a plan shall provide an evaluation of policy options open to the local authority concerned—

- (a) in relation to the provision of services and waste management facilities,
- (b) in relation to the management of individual waste streams,
- (c) in relation to the achievement of the objectives specified in section 22 (6) of the Act, and
- (d) for the purpose of the enforcement and implementation of the Act.

In this regard, a plan shall assess the environmental impact and cost implications, of each option.

4.2 Statement of policy

In stating the waste management policies and objectives of the local authority, and the priorities respectively assigned to them, in accordance with section 22 (7) (a) of the Act, a plan shall outline the reasons for their adoption.

Part 5

Implementation of waste management policy over the relevant period

5.1 General

A plan shall—

- (a) outline proposals for monitoring of implementation of the plan, in particular with regard to the achievement of waste recovery or other targets, and
- (b) outline measures to provide ongoing and improved data and information regarding waste management.

5.2 Roles and responsibilities

A plan shall—

- (a) describe the respective roles of—
 - the local authority
 - other public authorities
 - private interests, and
 - the public

in relation to waste management within the relevant functional area,

- (b) describe organisational arrangements and responsibilities within the local authority, and between the local authority and other public authorities, and
- (c) specify proposed local authority measures to require, encourage or support the involvement of private interests and the public in support of waste management policies.

5.3 Waste prevention and recovery

For the purpose of section 22 (7) (b) of the Act, a plan shall include information on or otherwise have regard to—

- (a) the promotion of public awareness and dissemination of information and advice regarding waste prevention, minimisation, segregation and recovery, in liaison with other bodies as appropriate,
- (b) other measures in support of waste prevention, minimisation and recovery, including infrastructural development and the provision of support, assistance or incentives to householders and private interests,
- (c) the need for co-operation with and assistance for voluntary organisations involved in waste activities,
- (d) the segregation and separate collection of recoverable wastes, including legal requirements on waste producers,
- (e) home composting of organic household waste,
- (f) involvement (through joint ventures or otherwise) by local authorities in waste recovery operations,
- (g) the scope for energy recovery from waste,
- (h) targets for waste recovery, and
- (i) consultation and co-ordination of measures with other local authorities.

5.4 Management of packaging and packaging waste

Notwithstanding the general provisions of 5.2 above, a plan shall contain a separate section dealing with the management of packaging and packaging waste, outlining proposals in support of the objectives and measures specified in European Parliament and

Council Directive 94/62/EC of 20 December, 1994, including measures proposed to be taken for the purposes of articles 4, 5 and 13 of that Directive.

5.5 Waste Collection and Disposal

For the purpose of section 22 (7) (f) of the Act, a plan shall include information on or otherwise have regard to—

- (a) the rationalisation, development or improvement of the existing waste collection, handling and disposal infrastructure, including the closure and aftercare of facilities, and the provision of new facilities,
- (b) measures, including co-operation with other local authorities, with a view to the application of the proximity principle, that is to say enabling waste to be disposed of 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,
- (c) the application of the polluter pays principle, and
- (d) consultation and co-ordination of measures with other local authorities.

Part 6

Matters relating to a Plan generally

A Plan shall—

- (a) contain a table of contents and a summary of its provisions,
- (b) indicate the source of data and information specified therein, including where appropriate methodologies used and investigations or surveys carried out, and
- (c) be illustrated and supported, as appropriate, by the inclusion of maps, diagrams and tables of information.

GIVEN under the Official Seal of the Minister for the Environment,
this 27th day of March, 1997.

BRENDAN HOWLIN,

Minister for the Environment.

EXPLANATORY NOTE.

These Regulations specify certain matters to be addressed in a waste management plan made under section 22 of the Waste Management Act, 1996 and the manner in which certain matters shall be set out and addressed in a plan. They also provide that a copy of a proposed waste management plan or a proposed variation of a plans shall be submitted to specified bodies.