

Our ref: MDR1441Rp0009

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Forward Planning Unit,
Development Plan Review,
Louth County Council,
Town Hall,
Crowe Street,
Dundalk,
Co. Louth
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Dear Sir/Madam,

Draft Louth County Development Plan 2021-2027

RPS are instructed by Oxigen Environmental ULC to make the following observations in relation to the Draft Louth County Development Plan 2021-2027 (hereafter the draft Plan).

Oxigen Environmental ULC is Ireland's leading integrated waste management and recycling company. They are dedicated to the diversion of waste from landfill through the reuse of valuable resources to create closed material life cycles. The old adage of 'waste not, want not' is key to the Company's ethos. Producing secondary raw materials and reprocessing to produce new products promotes resource efficiency and is an environmental necessity.

Key to their future operations in the north east is the provision of a Recycling and Recovery facility to turn municipal waste into a fuel for energy recovery. The development would accept municipal waste; on receipt, this waste would be dried and subjected to further treatment as part of an overall recycling and recovery process. The recyclable elements are extracted and processed. The remaining product is dispatched as a solid recovered fuel (SRF) and provided to suitably licensed facilities in the cement industry and power and heat industries to displace fossil fuels.

The facility would ensure that any recyclables are removed from the waste before the remaining waste is treated. This treatment and drying reduces the moisture in the waste. The remaining waste is then packaged for use to generate sustainable energy.

The proposals set out above are supported by national and regional planning and waste policy. This letter of observation seeks to ensure that the draft Plan provides for such development and consequently, meets the aims and objectives of the overarching policy framework.

1 Waste Legislation and Policy

1.1 EU Waste Framework Directive

The EU Waste Framework Directive (Directive 2008/98/EC) is the primary and overarching legislation for waste management in the EU and in Ireland. Article 16 of the Directive requires Ireland to establish an adequate network of waste management installations to ensure that the State becomes self-sufficient in waste management and reduce the need for waste export. This legislative requirement is known as the '*principle of self-sufficiency*' and requires Ireland to develop an indigenous waste management infrastructure to meet the demands of the sector.

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Furthermore, Article 16 also requires that this network is developed to enable waste to be disposed of in one of the nearest appropriate installations to ensure a high level of protection of the environment and human health. This is referred to as the '*principle of proximity*' and seeks to develop the necessary infrastructure close to the source of generation to ensure a high level of protection of the environment and human health.

These principles set the framework for waste infrastructure development within the EU and apply to all waste streams. With specific reference to municipal solid waste from households and commercial operations, Article 11 of the Directive sets out mandatory targets for recycling of a number of relevant waste streams and these are further enhanced through the revised EU legislative framework on waste (Directive (EU) 2018/851). These combined targets are set out as follows:

- By 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight;
- By 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 55 % by weight;
- By 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60 % by weight; and
- By 2035, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65 % by weight.

These two Directives have been transposed into Irish legislation through the European Union (Waste Directive) Regulations 2011-2020 (S.I. No. 126 of 2011 and S.I. No. 323 of 2020) and the State is subject to these overarching principles and the challenging recycling targets that must be achieved in the next 15 years. For clarity, municipal waste, as defined in the legislation, includes the following:

(a) mixed waste and separately collected waste from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture;

(b) mixed waste and separately collected waste from other sources, where such waste is similar in nature and composition to waste from households;

It is important to note that these municipal waste recycling targets not only apply to the State, but also to the Waste Regional Authorities and individual Local Authorities to ensure that all waste policy and infrastructure at source is designed to meet these targets. In this regard, waste management planning within Louth County Council needs to take due consideration of existing recycling and pre-treatment infrastructure and to take the measures required to ensure that the County will be in a position to achieve these recycling targets.

1.2 National Waste Policy

Within Ireland, the original waste policy document was published in July 2012 entitled *A Resource Opportunity – Waste Management Policy in Ireland*. This policy document largely followed the EU Waste Framework Directive and focussed on the primacy of the proximity and self-sufficiency principles stating that a key objective of future waste management plans will be to ensure a sufficiency of waste management infrastructure within the state to manage municipal waste.

1.3 Eastern-Midlands Regional Waste Management Plan 2015-2021

The *Eastern-Midlands Regional Waste Management Plan 2015-2021* was legally adopted in May 2015 and is the key waste policy driver for waste management in the Louth region. There are three strategic targets cited in the plan and of particular reference is Strategic Target 2 which requires the State to:

'Achieve a recycling rate of 50% of managed municipal waste by 2020'.

The latest EPA data indicates that the current national recycling rate is at circa 40 % in recent years. Given the current trend of the recycling of municipal waste generated in Ireland, it is highly unlikely that the 50 % EU target will be achieved in 2020 and subsequently it is unlikely that Ireland will achieve the 2025, 2030 and 2035 EU targets (as set out in Section 1.1) without significant intervention. This significant intervention requires behaviour change in the public as well the development of sustainable recycling infrastructure.

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The Regional Waste Management Offices provide national quarterly bulletins on waste management capacity within the State. These bulletins predict a national and regional shortfall in capacity to process residual MSW in the future and, in the absence of progress on the provision of waste infrastructure, Ireland will require increased export capacity for this waste. As such, the current infrastructure is insufficient and additional infrastructure is required to align national waste operations with the core principles of proximity and self sufficiency.

In terms of new waste infrastructure, Strategic Objective E of the Regional Waste Management Plan sets out the policy on self-sufficient waste infrastructure planning within the region as follows:

'The Region will promote sustainable waste management treatment in keeping with the waste hierarchy and the move towards a circular economy and greater self-sufficiency'.

Within this overarching objective there are a number of specific policies on the development of future waste infrastructure within the Region that should be employed to inform the CDP. Specifically, in relation to new pre-treatment infrastructure there are two specific policies within the plan namely:

'Policy E1 – Future authorisation by the LA, the EPA and ABP of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied the type of processing activity proposed meets the requirements of policy E2'.

'Policy E2 – The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary and the proposed activities will improve the quality and add value to the output materials generated at the site'.

Policy E11 sets out a series of supported land uses at authorised but inactive landfills.

'Policy E11 The plan supports the consideration of appropriate alternative future land uses at authorised inactive landfills (un-commenced, permanently closed, or temporarily closed) subject to amendments to existing approvals being put in place. Any development proposals shall be subject to Appropriate Assessment Screening in accordance with the requirements of the EU Habitats Directive to ensure protection and preservation of the Natura 2000 Network.

Potential activities include:

- *Waste treatment activities including pre-treatment, thermal recovery, biological treatment, reprocessing or preparing for reuse;*
- *On-site temporary storage of waste and materials;*
- *Co-location of utility services such as wind farms or other energy generating activities;*
- *Development of public and recreational amenities;*
- *Co-locating recycling/reuse waste enterprises on site;*
- *Resource mining; and*
- *Contingency capacity for crisis events such as risks to the environment and to the health of humans and livestock'.*

Policies E17 and E18 support the development of additional biological treatment capacity within the region to meet the demands for this waste stream both from households, commercial bio-wastes and agri-wastes:

'Policy E17 The waste plan supports the development in the region of at least 75,000 tonnes of additional biological treatment capacity for the treatment of bio-wastes (food waste and green waste) primarily from the region to ensure there is adequate active and competitive treatment in the market. The development of such treatment facilities needs to comply with the relevant environmental protection criteria in the plan'.

'E18 The waste plan supports the development of biological treatment capacity in the region, in particular anaerobic digestion, to primarily treat suitable agri-wastes and other organic wastes including industrial organic waste. The development of such treatment facilities needs to comply with the relevant environmental protection criteria in the plan'.

Finally, Policy E19 provides a more general policy to support indigenous recycling capacity in line with the self-sufficiency and proximity principles.

'Policy E19 The waste plan supports the development of indigenous reprocessing and recycling capacity for the treatment of non-hazardous and hazardous wastes where technically, economically

and environmentally practicable. The relevant environmental protection criteria for the planning and development of such activities need to be applied’.

1.4 A Waste Action Plan for A Circular Economy – Ireland’s National Waste Policy 2020 – 2025

In September 2020, the government published *A Waste Action Plan for A Circular Economy – Ireland’s National Waste Policy 2020 – 2025*¹. The policy is intended to move Ireland toward a circular economy in which focus is shifted away from waste disposal, favouring circularity and sustainability by identifying and maximising the value of material through improved design, durability, repair and recycling. Some of the measures that are committed in the Waste Action Plan in relation to new infrastructure include the following:

- *‘Together with other stakeholders, we will review the role of the State in supporting the development of indigenous recycling infrastructure’.*
- *‘We will examine the legislation and procedures regulating the development of waste infrastructure and whether processes and timelines can be streamlined’.*

The Waste Action Plan recognises the need for additional indigenous recycling and recovery infrastructure within the State where the viability of same is supported through the predicted generation volumes. For municipal solid waste there is a clear need for development of this infrastructure to meet the growing generation levels within the State and at local authority level.

To drive this local implementation of the recycling policies to attain the EU targets (as set out in Section 1.1), the Waste Action Plan will incorporate the targets into waste collection consents:

‘We will incorporate municipal waste recycling targets as conditions of waste collection permits (i.e. collectors will be required to achieve a 55% recycling rate of municipal waste by 2025, 60% by 2030 and 65% by 2035. The effect of this will be to incentivise that waste industry, in the context of the current market structure, to drive enhanced segregation including apartment complexes’.

This measure will require all waste collection permit holders to identify and employ suitable recycling facilities to reach these targets. In addition, local authorities must ensure that municipal waste managed within the County meets these targets through both enforcement and the provision of suitable recycling infrastructure.

This shared responsibility between the policy makers, regulators, local authorities and the private waste sector is a cornerstone of the new recycling policy as set out in the Waste Action Plan:

‘Sharing responsibility with other stakeholders for delivery of our revised EU targets will be another important element – including through amended waste collection permit conditions. This will provide a significant incentive to really drive segregation, increasing the value of the contents of recycling bin and brown bins, supporting the viability of indigenous recycling capacity as well as composting and digestate facilities’.

While private waste operators can modify existing collection and treatment practices to strive to achieve the revised EU targets, the private sector is wholly reliant on the public sector to facilitate the necessary infrastructure intervention required to achieve the EU targets. In this regard, the private sector requires Louth County Council to share the responsibility for achieving the targets and to support sustainable recycling infrastructure development at appropriate locations.

To further incentivise pre-treatment and recycling, the Waste Action Plan indicates that the State will introduce a Waste Recovery Levy of €5 per tonne of waste sent to MSW landfills, waste to energy plants (such as at Carranstown) and MSW exported. Under the polluter pays principle, this levy will be passed to the generator of waste (households/commercial) increasing the costs for lower tier waste management (such as recovery by incineration) and increasing the demand for pre-treatment and recycling. This levy is likely to increase in future years, thus further increasing the demand for local recycling infrastructure to ensure that waste management costs are manageable for consumers.

In short, there is a very clear legislative and policy framework in place to inform and guide local policy setting and land use planning for a shared responsibility for future waste management and infrastructure. At the

¹ Available at: https://www.dccae.gov.ie/en-ie/environment/publications/Documents/55/Waste_Action_Plan_for_a_Circular_Economy.pdf

core of this policy are the principles of self-sufficiency and proximity promoting the development of local or regional infrastructure to manage wastes where the demand exists for such infrastructure.

2 Planning Policy

2.1 Project Ireland 2040 - National Planning Framework

The *Project Ireland 2040 – National Planning Framework* (NPF) sets the overarching waste policy for Ireland.

A number of National Strategic Outcomes are identified. Number 9 states:

‘Sustainable Management of Water, Waste and other Environmental Resources’

It continues:

‘Ireland has abundant natural and environmental resources such as our water sources that are critical to our environmental and economic wellbeing into the future. Conserving and enhancing the quality of these resources will also become more important in a crowded and competitive world as well as our capacity to create beneficial uses from products previously considered as waste, creating circular economic benefits’.

Section 5.6 is entitled: Planning and Investment to Support Rural Job Creation. This section notes the role of rural areas in the circular bioeconomy. It states:

‘While rural and coastal areas have the potential for, and will develop, many types of economic activities, those activities associated with the bio-economy such as development of new bio-refining technologies represent a competitive advantage. The bio-economy comprises ‘the production of renewable biological resources - such as crops, forests, fish, animals, and micro-organisms and the conversion of these resources and waste stream residues, by-products or municipal solid waste into value added products, such as food, feed, bio-based products and bioenergy’ (European Commission, 2012).

‘The transition to a more circular economy and bioeconomy, where the value of bio-based products, materials and resources is maintained in the economy for as long as possible, and the generation of waste minimised, will provide an essential contribution to our national goal of developing a sustainable, lowcarbon, resource efficient and competitive economy’.

Page 83 of the NPF includes a diagram which sets out the hierarchy of settlement and related infrastructure². This diagram shows that ‘Waste & Sewage Treatment Plants, Waste landfill, and Waste – recycled’ facilities are associated with ‘Large Towns’.

Chapter 9 of the NPF is entitled ‘Realising our Sustainable Future’. Key to this chapter is resource efficiency and transition to a low carbon economy.

National Policy Objective (NPO) 52 states the following:

‘The planning system will be responsive to our national environmental challenges and ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital’.

NPO 53 states as an objective:

‘Support the circular and bio economy including in particular through greater efficiency in land management, greater use of renewable resources and by reducing the rate of land use change from urban sprawl and new development’.

NPO 56 is of key importance. It states as an objective, to:

‘Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society’.

² Source: Derived from Strategic Investment Board Limited, 2008

The preamble to NPO 56 states:

'Ireland has actively improved its waste management systems, but we remain heavily reliant on export markets for the treatment of residual waste, recyclable wastes and hazardous waste. A population increase of around one million people, alongside economic growth to 2040, will increase pressure on waste management capacity, as consumption is still a key driver of waste generation'.

'While the ultimate aim is to decouple, as much as possible, consumption from waste generation over time, additional investment in waste management infrastructure, and in particular different types of waste treatment, will be required'.

'In managing our waste needs, the NPF supports circular economy principles that minimise waste going to landfill and maximise waste as a resource. This means that prevention, preparation for reuse, recycling and recovery are prioritised in that order, over the disposal of waste'.

2.2 National Development Plan 2018 - 2027

The National Development Plan (NDP) sets out the infrastructure plans which will help meet the National Strategic Outcomes set out in the NPF. It states in relation to National Strategic Outcome 9: Sustainable Management of Water and other Environmental Resources:

'Investment in waste management infrastructure is critical to our environmental and economic well-being for a growing population and to achieving circular economy and climate objectives'.

'Capacity will continue to be built in waste facilities, including anaerobic digestion, hazardous waste treatment, plastics processing, recycling, waste to energy, and landfill and landfill remediation, to meet future waste objectives. The infrastructure to deliver waste management policy has been, to date, largely delivered through private investment with some public sector investment. Significant infrastructure capacity development will be required to separate and process various waste streams at municipal and national levels to achieve new EU legally-binding targets and the additional investment may include a potential role for public investment'.

2.3 Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

Eastern & Midland Regional Assembly (EMRA) Regional Spatial & Economic Strategy (RSES) transposes the national policies set out in the National Planning Framework to a regional level.

Section 10.4 relates to Waste Management. Regional Policy Objective (RPO) 10.25 states:

'Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan'.

The supporting text states:

'Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste. This Strategy supports the move to a more circular economy as this will save resources, increase resource efficiency, and help to reduce carbon emissions. The successful implementation of circular economy principles will help to reduce the volume of waste that the Region produces and has to manage and will assist in delivering the resource efficiency ambition of the Europe 2020 Strategy'.

'Local authorities should achieve waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal. This can be achieved by complying with the strategic objectives, targets and goals set out in the Eastern – Midlands Region Waste Management Plan 2015 – 2021 and any subsequent waste management plans and promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as

long as possible. Waste minimisation and waste avoidance can be encouraged through the reuse of materials and using fewer resources in the production and distribution of products’.

3 Observations

3.1 General Observations

We welcome the opportunity to comment on the Draft Louth County Development Plan 2021-2027. As noted in Section 1.1, the draft Plan is a step change from the current Development Plan for reasons which relate to a raft of changes to national and regional policy as well as legislative changes. These changes include the abolition of the town councils. Consequently, the adoption of the Louth County Development Plan 2021-2027 will replace the Drogheda and Dundalk Development Plans, and Urban Area Plans / Local Area Plans will be prepared for these towns during the lifetime of the Development Plan.

The draft Plan sets out the ambitions for population growth for the region as set out in the NPF and RSES. Drogheda and Dundalk both have a population target of 50,000 by 2031, an increase of over 9,000 and 11,000 from their current population respectively. The population of the County is projected to grow by 21,082 in the lifetime of the Plan³. The Plan must provide the infrastructure to support this growth.

Louth County has a population of 128,884 (CSO, 2016) and the Waste Action Plan estimate that the average Irish person generated 577kg of municipal waste in 2017. This data estimates that circa 73,464 tonnes of municipal waste is generated in the Louth area annually.

Currently, there is only one facility licensed by the EPA in County Louth with the necessary consents to manage municipal waste, i.e. the Oxigen facility at Coes Road, Dundalk, County Louth which has a licence to accept up to 40,000 tonnes per annum of municipal waste for recycling (circa 55% of the Louth generation estimate). In addition, there is a small number of local authority authorised Waste Facility Permits within the County that may accept municipal Solid waste to these facilities, but none of these operations are permitted for recycling or pre-treatment.

Clearly, there is a significant shortfall in capacity within Louth to treat the municipal waste generated within the County in line with the challenging recycling targets and the policies of the Waste Action Plan. This shortfall in capacity reflects a national trend whereby circa one fifth of municipal waste is exported for treatment. The business as usual solution within the County is simply to export municipal waste to other jurisdictions such as the waste to energy plant in Meath or outside of the State (within Northern Ireland). This approach is no longer sustainable based on the following:

- This approach is out of step with current and evolving EU, National and Regional waste management policies including those presented in the Waste Action Plan;
- Under the existing waste management policy in the County, Louth County Council will fail to meet the EU recycling targets as set out in Section 1.1 and will contribute to the wider failure of the State to achieve these targets; and
- This reliance on waste recovery (with no recycling and/or pre-treatment) will ensure that waste generators within the County will incur the increased waste costs imposed by the recovery levy measure under the Waste Action Plan.

For the reasons outlined above, a significant change in the waste management policies presented within the draft Plan is required.

The draft Plan takes some consideration of environmental matters. Draft Strategic Objective (SO) 4 sets out the importance of transitioning to a low carbon environment. SO 5 seeks to ensure a more sustainable and integrated concept of development with regard to land use, transportation, water services, energy supply and waste management. SO 17 is to facilitate the development of infrastructure projects which will underpin sustainable development. SO 18 is to afford suitable protection to the environment and natural resources and ensure the fulfilment of environmental responsibilities.

Oxigen Environmental ULC welcomes the many policies relating to the provision of sustainable and renewable energy. In particular: IU 44, IU47, IU 48, IU 49 and IU 50.

³ Table 2.9 Draft County Development Plan

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As noted in section 10.5.2 of the draft Plan, the renewable options for County Louth include, inter alia, bio energy and waste material. BioEnergy is the term used to denote renewable energy from biomass. Biomass is defined as the biodegradable proportion of products, waste and residues from agriculture, forestry and related industries and the biodegradable fraction of industrial and municipal waste. It is a renewable indigenous source of fuel for electricity, health, transport and fuel.

Oxigen Environmental ULC, as a key provider of waste services, welcomes the following policies:

'IU 60: To support and promote the development of projects that convert biomass to energy subject to proper planning and environmental considerations'.

'IU 61: To direct commercial bioenergy plants to locate on lands reserved for industrial use, brownfield sites adjacent to industrial areas, or brownfield sites in the rural area (including existing farmyards) which are served by a good public roads network to absorb increased traffic movements'.

It is considered that IU 60 should be reworded to better support facilities which prepare waste for conversion to energy such as Recycling & Recovery facilities. The following wording is requested:

*'IU 60: To support and promote the development of projects that **treat waste** and convert biomass to energy subject to proper planning and environmental considerations'.*

The additional wording set out above would provide policy support for the essential treatment stage which allows the recyclable material to be removed before conversion to energy. As noted above, this stage is required by overarching policy and the lack of policy support for this stage would hinder the changes of achieving the overarching policies' aims.

There is an absence of any coherent policies on the development of new waste infrastructure within the County in the draft CDP. In particular, Chapter 10 on Infrastructure and Public Utilities fails to address waste management infrastructure in any fashion. While water and energy are addressed in detail there is no reference to the existing waste infrastructure within the County and policies to guide the development of same. In other jurisdictions (e.g. the draft Meath County Development Plan 2020-2026) there are details on the legislative framework, policy and existing waste infrastructure provided in this chapter of the CDP. It is unclear why Louth County Council has opted to omit any reference to the importance of waste management infrastructure as a utility within the draft CDP.

Within Chapter 11 Environment, Natural Resources & the Coast, there is a summary reference to Waste Management (Section 11.1.9) whereby Louth County Council sets out the importance of, and commitment to adherence to, the Regional Waste Management Plan (as stipulated in Policy Objective ENV 24). However, the commitment to the more detailed infrastructure policies under the Waste Action Plan (as outlined earlier) are not expressly stated and there is no additional commitment to development of the required waste infrastructure.

The text in Section 11.1.9 does state that *'waste infrastructure provided by local authorities will mainly include bring banks and civic amenities'* but there is no reference to supporting or facilitating the development of the private waste sector in managing waste in the County.

The second policy objective proposed in relation to waste management in the draft CDP is ENV 25 which states:

'To support the development of an additional recycling centre in the Mid – Louth Area'.

This policy objective is welcome as a move towards enhancement of the existing waste infrastructure within the County. However, it is unclear if this objective relates to a Civic Amenity Site for the simple collection of recyclable material or a higher order facility that will actively treat the collected waste. Both elements are warranted in the County and it is recommended that Louth County Council specify the nature of the objective and modify and supplement the objective as required to support both a Civic Amenity Site as well as a more integrated recovery/cycling operation at suitable location(s) within the County. The following wording is suggested:

'To support the development of additional recovery and recycling facilities in the Louth Area'.

The suggested wording would ensure a greater policy support for environmentally friendly developments which would assist the County, region and country in meeting recycling targets.

3.2 Land Use Zoning

The zoning objectives set out in section 13.19 sets out the general land use and zoning objectives of the plan. Section 13.19 lists generally permitted uses and uses which are open for consideration within each zoning. The draft Plan also notes that uses not listed will be considered on their individual merits, taking account of surrounding land uses, the compatibility of the use in the area which it is proposed to locate, compliance with the relevant policy objectives, standards and requirements set out in the Plan and the general proper planning and sustainable development of the area.

As set out earlier, Oxigen Environmental ULC have plans for a Recycling & Recovery facility to process municipal waste, remove what can be recycled, treat the remaining waste and produce fuel from it. On assessment of section 13.19, this use could fit within one of the following uses:

- Recycling Facility (Waste)
- Recycling Facility (Civic and Amenity)
- Utilities
- Industry Light
- Industry General

It is most likely that a Recycling & Recovery facility would fall under 'Recycling Facility (Waste)'. However, no definition is provided for any of the proposed uses within the plan.

It is recommended that a definition for each use is added in order to provide further guidance as to what each use comprises.

'Recycling Facility (Waste)' is not permitted in principle in any of land use zones. It is only open for consideration in:

- Retail, Leisure and Recreation (B5);
- General Employment (E1); and
- Transportation Development Hub.

All three of these categories are located within the urban areas of Dundalk, Drogheda and Ardee with no zoning of same in rural areas. Furthermore, with the exception of General Employment (E1), the remaining categories are limited to very small and discreet parcels of land within these urban areas on which the delivery of a Recycling & Recovery facility would be challenging.

While the consideration for waste infrastructure development in the larger General Employment (E1) areas is welcome, there remains a series of barriers to this development through the wording of the CDP. Such development may be acceptable to the Planning Authority only where it is satisfied that the development would meet the following criteria:

- Compatible with the overall policies and objectives for the zoning category;
- Would not have undesirable effects on the 'generally permitted uses' or conflict with other aspects of the Plan; and
- Would otherwise be consistent with the proper planning and sustainable development of the area.

It is clear that the fact that such necessary infrastructure is not permitted in principle within any zoning shows a lack of support for waste uses.

As a consequence, there is a very real need for specific areas zoned within the CDP where waste activities are categorised as 'Generally Permitted Use' to show real and meaningful support from Louth County Council to the policies of the Regional Waste Management Plan and the growing waste demands. The absence of any specific zoning within the draft CDP suggests an unwillingness to address the waste management infrastructure deficit within the County and the unstated aim to simply allow the County's waste to be treated elsewhere. The failure to zone specific areas for waste infrastructure is out of compliance with both the proximity and self-sufficiency principles.

It is requested that 'Recycling Facility (Waste)' should be permitted in principle or open for consideration in the following land use zonings:

- **General Employment (E1)** The objective of this zoning is to provide for general enterprise and employment activities. The zoning provides for enterprise, manufacturing, food production, logistics and warehousing. It is considered that the inclusion of Recycling Facility (Waste) as a **Generally Permitted Use** rather than just Open for Consideration would assist in the provision of this essential infrastructure while meeting the zoning objectives.
- **Public Infrastructure and Utilities (J2)** The objective of this zoning is to provide for transport infrastructure and public utilities. The provision of a Recycling Facility (Waste) would perfectly meet this objective and should be a **Generally Permitted Use**.
- **Port Harbour Area (C2)** The objective of this zoning is to provide for port related activity and mixed-use development. It is considered that Recycling Facility (Waste) should be **Open for Consideration** in this zoning.
- **Commercial and Business (C3)** The objective of this zoning is to provide for mixed commercial and business uses. It is considered that Recycling Facilities (Waste) accords with the objective of this zoning and should be **Open for Consideration**.
- **Regeneration (D1)** The objective of this zoning is to facilitate social, economic and physical regeneration and/or rejuvenation of an area or specific lands. It is considered that Recycling Facilities (Waste) would accord with this objective and it is recommended that it is **Open for Consideration** in this zoning.
- **Business and Technology (E2)** The use of such lands as Recycling Facilities (Waste) would accord with the objective *'To provide for office, research and development and high technology/high technology manufacturing type employment'*. It is therefore requested that Recycling Facilities (Waste) is added to the list of uses which are **Open for Consideration** in this zoning.
- **Agriculture (K1)** This zoning seeks to preserve land for agricultural uses and farming related activities. However, it is considered that the use of such agriculturally zoned sites could provide for Recycling Facilities (Waste) as there would be certain co-location synergies with bio-mass. It is therefore requested that Recycling Facilities (Waste) is added to the list of uses which are **Open for Consideration** in this zoning.
- In addition, we welcome the inclusion of Recycling Facilities (Waste) as in **Retail, Leisure and Recreation and Transportation Development Hub** as **Open for Consideration**.

These amendments to section 13.19 would ensure that the overarching waste policies and objectives could be met.

3.3 Use of Former Landfills

Within County Louth there are three former municipal waste landfills that are now closed that may be suited to one or more of the appropriate alternative future land uses cited under Policy E11 of the Waste Action Plan. The landfills include Whiteriver Landfill (Dunleer), Drogheda Landfill (Colon Road) and Dundalk Landfill (Newry Road). There is a clear policy for the future development of Dundalk Landfill which is welcome. The draft policy states:

'SS 34 To recognise the strategic piece of infrastructure that is the former Dundalk Landfill Site to be developed for playing pitches and for recreation purposes'.

While there is no specific policy on Drogheda Landfill, the surrounding area is Zoned E1 for General Employment in the draft CDP and under this zoning the development of a Recycling Facility (Waste) at the site is open for consideration. As such, the future development of some of the alternative uses under Policy E11 of the Eastern-Midlands Regional Waste Management Plan 2015-2021 is supported.

However, the Whiteriver Landfill at Whiteriver and Gunstown, Dunleer, is simply Zoned Rural Policy Zone 2 with no specific development guidelines for non-residential property. Given that this site has an existing grid connection, the site is an ideal location for energy based waste operation such as anaerobic digestion in line with policy E18 of Regional Waste Management Plan. The absence of any specific policy for development of this site in line with Policy 11 is a missed opportunity to develop the landfill for future use and this should be modified accordingly in the CDP.

3.4 Land at Carnabreagh, Dundalk

Oxigen Environmental ULC has an interest in a site at Carnabreagh, Dundalk, Co. Louth. They have engaged with Louth County Council at pre-application stage in June 2019 and a positive meeting was recorded.

An application is being prepared for a Recycling & Recovery facility at this site. The proposed facility will be designed to accept up to 90,000 tonnes per annum (tpa) municipal solid waste (MSW) whereupon this waste will be dried and subjected to further mechanical treatment as part of an overall recycling & recovery option with the recycling elements extracted and the final product final dispatched as a solid recovered fuel (SRF) to suitably licensed Waste to Energy facilities, cement industries or power industries. The pre-treatment nature of the proposed operation of the proposed development will be subject to an IED licence from the Environmental Protection Agency (EPA).

The site is currently zoned Commercial Agricultural Store (CAS) in the Dundalk and Environs Development Plan 2009-2015. Industrial (light) and Recycle Facilities (excluding bring banks) are open for consideration in this zoning. The pre-application meeting confirmed that the proposed use was acceptable in the current zoning.

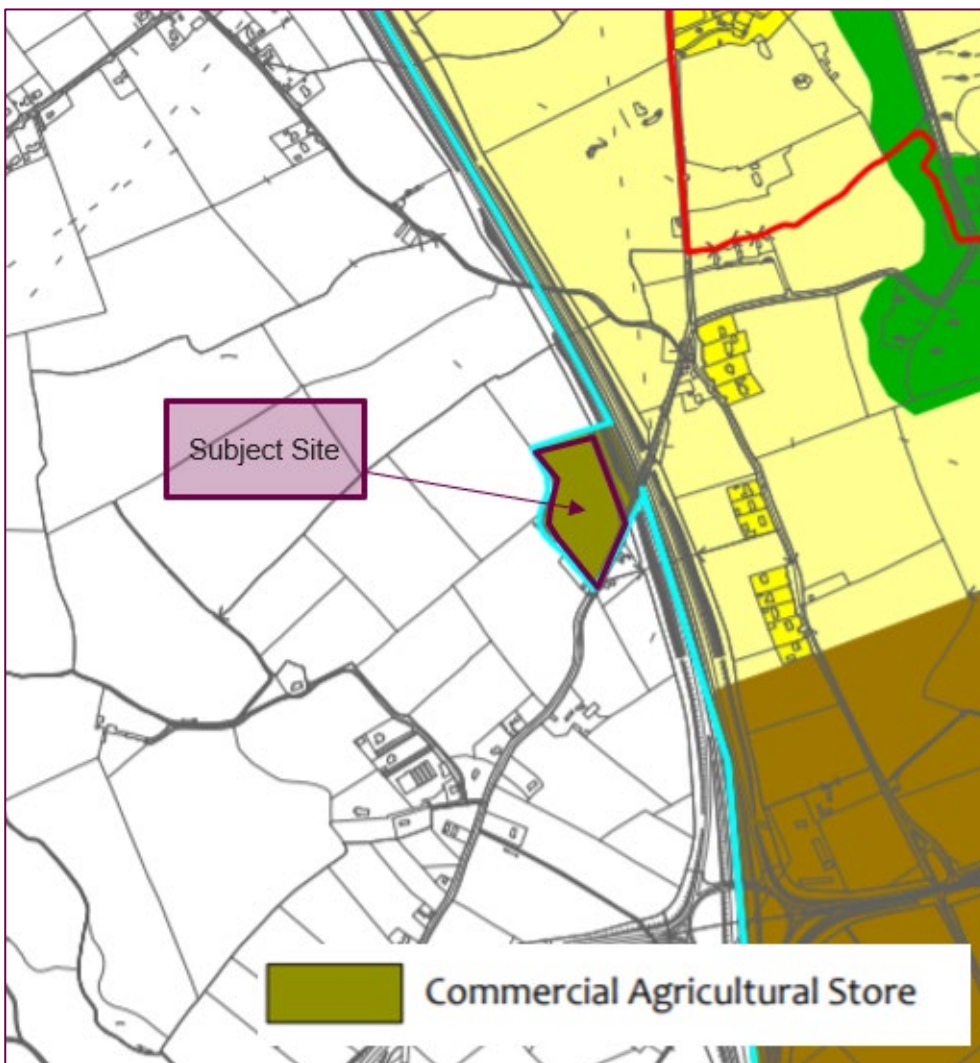


Figure 1: Dundalk and Environs Development Plan 2009-2015 (site shown in plum)

The draft Plan notes that the County Development Plan 2021-2027 will supersede the Dundalk and Environs Development Plan 2009-2015 when adopted.

The draft Louth County Development Plan 2021-2027 removes the zoning from this site and proposes that that land would be outside the Dundalk settlement boundary.

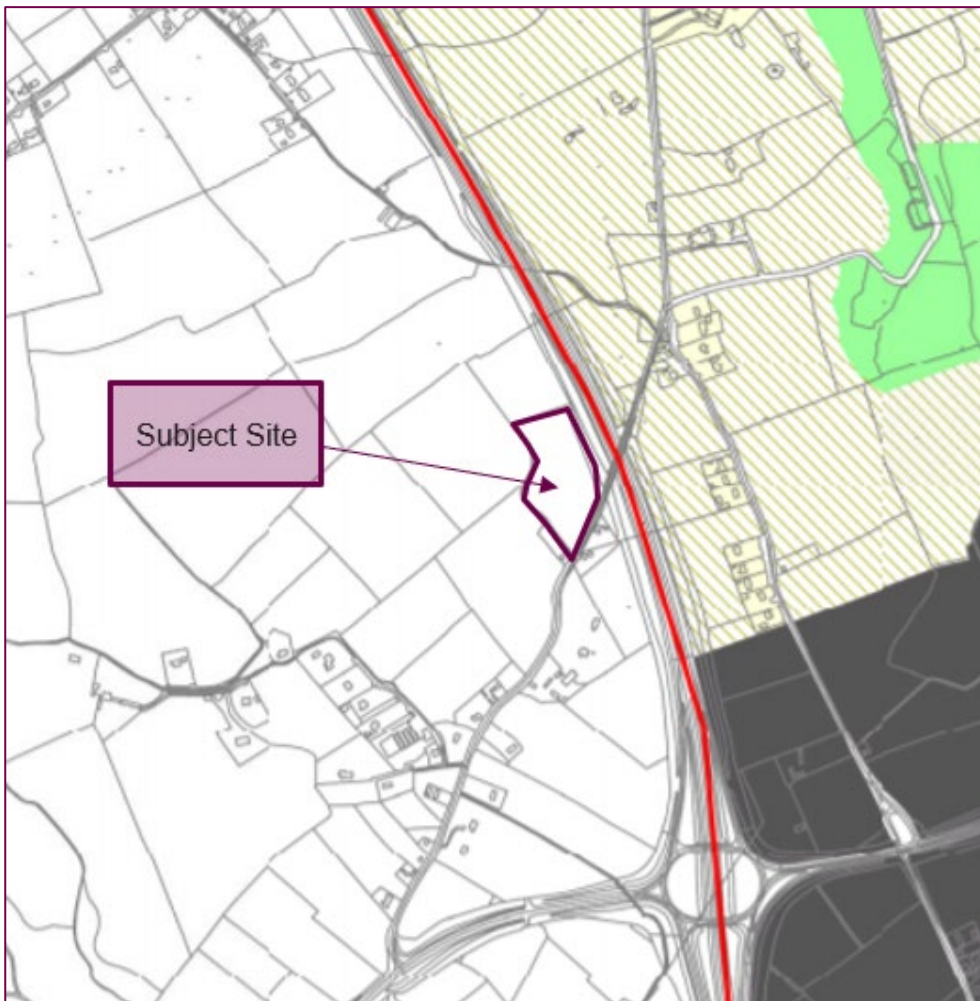


Figure 2: Draft County Development Plan 2021-2027 (site shown in plum)

The rezoning of this land would serve to obstruct the delivery of a waste treatment plant which is proposed for the site. While it is intended to submit the application in advance of the adoption of the draft Plan, it is considered that the zoning of the site identified in Figures 1 and 2 for a zoning which would permit in principle Recycling Facility (Waste) would help meet the national and regional waste policies and objectives.

4 Conclusion

Oxigen Environmental ULC are a key provider of waste services in the north east and are dedicated to the diversion of waste from landfill through the reuse of valuable resources to create closed material life cycles.

EU Waste Framework Directive (Directive 2008/98/EC) requires Ireland to establish an adequate network of waste management installations to ensure that the State becomes self-sufficient in waste management and reduce the need for waste export. The '*principle of proximity*' set out in the Directive requires that these shall be provided as near to the source as possible. Directive (EU) 2018/851, which amended the aforementioned directive, sets out targets for the re-use and recycling of waste materials. Both Directives have been transposed into Irish Legislation through the European Union (Waste Directive) Regulations 2011-2020.

The *Eastern and Midland Regional Waste Management Plan 2015-2021* provides the overarching waste policy and notes specific requirements for pre-treatment of waste and the provision of such infrastructure (Policy E1 and E2).

The National Planning Framework sets out the national overarching policy position. The framework sets out policies relating to waste, energy efficiency and sustainability. Page 83 of the NPF notes that waste facilities are appropriate at the scale of large towns such as Dundalk and Drogheda. National Policy Objective 56 is to sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

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The RSES also states that development plans should identify how to reduce waste. It also states in RPO 10.25 *'Development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that supports the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Region Waste Management Plan'*.

The following observations in relation to the draft Development Plan are made:

- The population of Louth is projected to grow by 21,082 in the lifetime of the Plan. There is currently an under provision of waste facilities in Louth.
- The absence of any clear policies on new waste infrastructure is a serious omission and Louth County Council is requested to include clear details on this critical infrastructure in the CDP to inform future practice and development of the waste sector. These policies should be aligned in full with the policies of proximity and self-sufficiency as well as those in the Eastern-Midlands Regional Waste Management Plan 2015-2021 to meet the growing needs for real recycling infrastructure within the County.
- The zoning objectives, as drafted, do not provide sufficient support for waste facilities. Such uses are only open for consideration in three land use zonings, two of which are more urban zonings and less likely to be suitable for waste facilities. It is recommended that this section is amended to provide more flexibility for 'Recycling Facilities (Waste)' across the County.
- Former landfills can be excellent sites for new waste facilities. It is proposed that the plan is amended to allow for waste facilities at the Whiteriver Landfill, Dunleer (Policies E11 and E18).
- It is requested that the land shown in Figure 1 and 2 at Carnabreagh, Dundalk is retained within a zoning in which Recycling Facilities (Waste) is permitted.

It is considered that the draft Plan fails to provide sufficiently for the waste industry. In doing so, it does not meet the requirements of the overarching policy and legislation. It is considered that the amendments set out above would assist in ensuring that the development plan meets the aims and objectives of the overarching policy and will assist the State in meeting its waste targets.