

CURRAGHINALT 33KV CONNECTION PROJECT

STATEMENT OF CASE TECHNICAL REPORT

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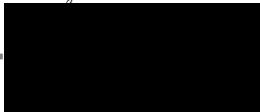
REPORT

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Donal Doyle



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1 INTRODUCTION

This Technical Report sets out the following summary of the assessment and outcomes:

- The methodology used in the assessment.
- Impacts without mitigation.
- Proposed mitigation measures.
- Residual impacts.
- Cumulative impacts/interactions/transboundary impacts.
- Consideration of consultation replies from statutory agencies and relevant third-party representations.
- Consideration of any changes to the baseline data, relevant policy, guidance and legislation since the completion of the ES in May 2021
- Conclusions.

The Technical Report has been prepared by Donal Doyle.

Donal is a Director with RPS and has worked on, or managed, a large number of projects dealing with the management of waste material. These have included the preparation of applications to statutory authorities for consents in relation to infrastructure for the management of waste, undertaking detailed designs for waste infrastructure and undertaking waste impact assessments for Environmental Statements.

Donal holds a Bachelor of Engineering degree in Civil Engineering from Queens University, Belfast, and has 30 years' experience in civil engineering and waste management. He is a Fellow of the Institution of Civil Engineers and a Member of the Chartered Institution of Waste Management.

This Technical Report should be read alongside Chapter 16.0 Waste Management and associated Appendices of the Environmental Statement ('ES'), previously submitted in support of the planning application.

2 METHODOLOGY

This section summarises the methodology used to undertake the Waste Management impact assessment to inform the planning applications for the NIE Networks Curraghinalt 33KV line (Planning Refs: LA10/2019/1386/F & LA11/2019/1000/F) as set out in Section 16.2 of the ES. Additional assessment, required in response to changes in the baseline data and/or with regard to updates to legislation, policy or guidance, is set out in section 5 of this Technical Report.

A Waste Management impact assessment aims to assess the nature and scale of potential environmental impacts that will arise from the Proposed Development in terms of the amount and type of waste generated and the impact it will have on regional landfill void capacity.

The assessment comprised the following stages:

- A review of applicable guidance, legislation and policy;
- A review of the Proposed Development design to estimate the waste generation during construction and decommissioning;
- Consideration of likely interactions between proposals and the current site conditions, and identification of possible impacts;
- Identification of measures and solutions to avoid, reduce or remedy likely impacts; and
- Assessment of residual impacts, taking account of mitigation measures.

Assessment of impacts including cumulative impacts from other development, interactions and transboundary issues

The Institute of Environmental Management and Assessment (IEMA) published guidance entitled IEMA guide to: Materials and Waste in Environmental Impact Assessment (Guidance for a proportionate approach) in March 2020 which sets out the criteria for determining the value (sensitivity) of material resources and waste (including waste infrastructure).

As set out in the IEMA Guidance, the determination of significance, in most cases, is the product of professional judgement of the Waste Topic Lead, Donal Doyle, with specific regard to: the sensitivity or importance (value) of receptors and the magnitude of impact on these receptors; and the extent to which mitigation measures are expected to minimise impacts and effects.

The importance or sensitivity of the resource or receptor will be based on the definitions, outlined in Table 2.1 in accordance with Section 10.2.2 of the IEMA guidance (as presented in Table 16.1 of the ES).

Table 2.1: Importance or Sensitivity Matrix Definitions

Importance / Sensitivity of Resource or Receptor

Across construction and or/operation phases, the baseline/future baseline (i.e., without development) or regional inert and non-hazardous landfill void capacity is expected to...

Negligible	Low	Medium	High	Very High
Remain unchanged or is expected to increase through a committed change in capacity.	Reduce minimally: by <1% as a result of wastes forecast.	Reduce noticeable: by 1-5% as a result of wastes forecast.	Reduce considerably: by 6-10% as a result of wastes forecast.	Reduce very considerably (by >10%); end during construction or operations; is already known to be unavailable; or would require new capacity or infrastructure to be put in place to meet forecast demand.

When assessing the construction phase, the magnitude of impact is considered from the point at which access to the site is gained, through the construction phase to development commissioning. The assessment of

magnitude will be based on the definitions in Table 2.2 in accordance with Section 10.3.2 of the IEMA guidance (as presented in Table 16.2 of the ES).

Table 2.2: Magnitude of Impacts Definitions

Assessment of Magnitude					
Inert and Non-Hazardous Void Capacity					
No change	Negligible	Low	Medium	High	
Zero waste generation and disposal from the development	Waste generated by the development will reduce regional landfill void capacity baseline by <1%	Waste generated by development will reduce regional landfill void capacity baseline by 1-5%	Waste generated by the development will reduce regional landfill void capacity baseline by 6-10%.	Waste generated by the development will reduce landfill void capacity baseline by >10%.	
Hazardous Void Capacity					
No change	Negligible	Low	Medium	High	
Zero waste generation and disposal from the development	Waste generated by the development will reduce national landfill void capacity baseline by <0.1%	Waste generated by development will reduce national landfill void capacity baseline by <0.1-0.5%	Waste generated by the development will reduce national landfill void capacity baseline by >0.5-1%	Waste generated by the development will reduce national landfill void capacity baseline by >1%.	

The assessment of significance will be based on the matrix outlined in Table 2.3 below in accordance with Section 11 of the IEMA guidance (as presented in Table 16.3 of the ES).

Table 2.3: Assessment of Significance Matrix

		Magnitude of Impacts				
		No Change	Negligible	Minor	Moderate	Major
Sensitivity (or value) of receptor	Very high	Neutral	Slight	Moderate or large	Large or very large	Very large
	High	Neutral	Slight	Slight or moderate	Moderate or large	Large or very large
	Medium	Neutral	Neutral or slight	Slight	Moderate	Moderate or large
	Low	Neutral	Neutral or slight	Neutral or slight	Slight	Slight or moderate
	Negligible	Neutral	Neutral	Neutral or slight	Neutral or slight	Slight

Table 2.4 describes how the significance of the environmental effects are determined in accordance with Section 11.1 of the IEMA guidance (as presented in Table 16.4 of the ES). Section 11.1 IEMA states the following :

“Where a threshold is ‘slight or moderate’, i.e., transcends the significant – or not - effect boundary (shown by the dotted line, in [Table 2-4] below), professional judgement is used in combination with documented justification, to determine a final outcome. The cautious significant boundary applied responds to the need to developers and EIA practitioners to – in unison – continue to take an increasing responsibility for managing materials and wastes sustainably, with a view to incentivising sustainable resource management and (ultimately) a circular economy”(IEMA, 2020, P.40).

Table 2.4: Overall Significance of Effect

Effect	Waste
Neutral	Not significant
Slight	
Moderate	Significant
Large	
Very Large	

3 BASELINE

Baseline data was obtained from the Department of Agriculture, Environment and Rural Affairs (DAERA) regarding the current inert landfill capacity and details of non-hazardous and hazardous waste management facilities in Northern Ireland.

In relation to waste, an indicative list of facilities in Northern Ireland permitted to accept the key waste streams (non-hazardous and inert waste) are set out in Table 16.5 of the ES. All waste arising from the Proposed Development will be managed and treated at suitably licensed facilities within Northern Ireland.

At the time of preparing the ES, the estimated remaining capacity of permitted landfills in Northern Ireland, based on the annual reports up to December 2020, was obtained from DAERA (February 2021) and this was estimated at 12.9M tonne for inert waste and 4.5M tonne for non-hazardous waste.

4 SUMMARY OF ASSESSMENT

4.1 Construction Phase Effects Prior to Mitigation

As set out in Chapter 16 of the ES, construction-related waste will arise from the construction phase of the Proposed Development. Waste materials arising from site management practices during the construction phase potentially comprise excess materials and packaging, over-ordering materials, off-cuts, damaged materials and/or poor storage during the construction phase. Construction waste can also include waste materials generated as a result of excavations, typically consisting of materials such as soil, made ground and existing foundations removed as a function of design. In addition, the Underground Cable (UGC) will require the removal of subsoil and/or material found under the road / verge where the cable is being laid. The cable trench will be no more than 500mm wide by 1300mm deep, so the volume of material to be excavated will be low.

The excavation required for the erection of the Overhead Line (OHL) will produce a small footprint with the pole planting depths ranging from 2.2 to 2.8m. Excavated material will be reused as backfill during the installation of the wooden poles for the overhead section of the Proposed Development, therefore, there will be minimal waste arising.

At the time of the preparation of the ES for the UGC sections, the trench requirements were specified as 0.5m width, 1m depth and 11,000m in length the road network. The quantity of waste arising assessed was 7,700m³ which was inclusive of a 40% buffer which was reflective of the trench design specifications at that stage. The design has been further developed. The design depth is now specified as 1.3m which would generate a total excavated volume of 7,150m³. While this remains lower than the 7,700m³ originally assessed, the inclusion of the same 40% buffer would increase the total potential volume to 10,010m³. Therefore, the assessment remains based on the upper value of 7,700m³ which is equivalent to approximately 18,000 tonnes of material for removal off-site for disposal at a licensed landfill.

Materials arising from trench excavations which occur outside the public carriageway i.e. in agricultural land, will be used as backfill. Therefore there will be no disposal requirements. Alternative construction methodologies will be required where there are specific existing features such as watercourses, pipes and culverts, however excavation, backfill and reinstatement will be as per standard UGC construction methodology. Further details of the design of the UGC, including alternative construction methodologies are provided in the Project Description and OCEMP.

4.2 Operational Phase Effects Prior to Mitigation

Once operational, the OHL will become a network asset and form part of the wider network. The Proposed Development is considered to be not significant in terms of the environmental effects in relation to waste management during its operation.

4.3 Decommissioning Effects Prior to Mitigation

The decommissioning of the OHL is not envisaged. However, should the OHL be required to be decommissioned, all associated structures and materials would be recycled or recovered. Steel from the cross arms would be recycled. The porcelain and polymeric insulators would be recovered. If decommissioning is required, it has been estimated from the detailed pole construction schedule provided in Volume III, Appendix 2.1 of the ES that 418 individual poles (321 structures – 97 H /double poles) would need decommissioned which is 3,918 m (3,185.2m if butts are cut) of wooden poles. There will be no significant effect from the decommissioning of the OHL.

Similarly to the OHL, decommissioning of the UGC is not envisaged, however, should the UGC be required to be decommissioned, it would be de-energised and disconnected from the circuit breakers or poles to which it is connected, safely insulated using pot end terminations and the cabling will be recovered for recycling. As a result, the impact of decommissioning the UGC would be significantly less than the impact of installation.

4.4 Mitigation

In order to mitigate against the likely impacts of the Proposed Development, mitigation measures associated with the storage and management of waste are set out in Section 16.8 of the ES and are summarised in Table 4.1 below.

Table 4.1: Summary mitigation measures

Mitigation Measure	Description
Management and treatment of waste within Northern Ireland	All waste arising from the Proposed Development will be managed and treated at suitably licensed facilities within Northern Ireland at one of the facilities listed in Table 16.5 and 16.6 of the ES. There will, therefore, not be any transboundary impacts associated with waste arising from the Proposed Development.
Duty of Care	<p>Article 5 of the Waste and Contaminated Land (NI) Order 1997 imposes a Duty of Care on persons concerned with controlled waste. Controlled Waste is defined as ‘household, commercial and industrial waste’ in Article 31. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2013 apply to anyone who produces, imports, carriers, keeps, treated or disposes of controlled waste from business or industry and ensures that the movement of waste is recorded and monitored from the point of generation to the point of disposal.</p> <p>A Contractor will be appointed by NIE Networks. The Contractor working on site during the works will be subject to the Waste Management Duty of Care and will be responsible for the collection, control and disposal of all wastes generated by the works. Adherence to required procedures and site rules including the Final Construction Environmental Management Plan is required. This will be monitored via regular audits carried out by the NIE Networks Environmental Officer and the Environmental Clerk of Works (ECoW). All waste materials leaving the site will be transported and disposed of or recovered through licensed operators and in accordance with national waste legislation. NIE Networks will contractually oblige the Contractor to submit their registration of carrier’s licence and other relevant documentation, such as a waste carriers licence and waste transfer notes, and along with those of any sub-contractors hired to transport waste, prior to the commencement of the works on site. Records will be kept by the Contractor detailing how much waste is transported each month and this will be submitted with their monthly payment request.</p>
On-site Waste Management	<p>As set out in the OCEMP, material excavated for OHL or UGC construction in fields will be used to backfill the excavation. Excavated materials from the laying of UGC in roads will be removed off-site daily using a dumper and/or grab lorry. Excavated material will be drawn to a licensed landfill site as identified in Tables 16.5 and 16.6 of the ES and the updated baseline data in this report.</p> <p>The Contractor will be required, under the construction contract, to ensure that measures outlined in the Outline Construction Environmental Management Plan (OCEMP) are implemented.</p> <p>Sewage effluent from the temporary site compound on the Curraghinalt site will be removed using a vacuum tanker and disposed at a wastewater treatment facility.</p> <p>To cater for the welfare of those working on the construction of the Proposed Development, a mobile welfare van will be positioned on the public road, , within the designated work area. This will include the management of residual waste from the workers with suitable segregated receptacles available within the welfare van. The vehicle will be returned to the vehicle owner’s depot each evening for the removal of sewage. This welfare van will also serve as a local mobile site office as the construction activities move along the route of the Proposed Development.</p>
Litter management	All contractor personnel working on the project will be contractually obligated to undertake site induction by the appointed NIE Networks Site Manager. This will include a section on waste management, the use of the waste receptacles

Mitigation Measure	Description
Construction Environmental FCEMP)	<p>provided and the avoidance of litter. Contracts will include requirements for good site management practice, including provisions that littering will not be tolerated.</p> <p>Adherence to required procedures and site rules will be monitored via regular audits carried out by the NIE Networks Environmental Officer. These audits will occur, at a minimum, every two working days during UGC construction activities.</p> <p>The NIE Networks Environmental Officer will identify if littering is becoming an issue on the construction site and will require the Contractor Environmental Manager to ensure a litter pick is conducted as a corrective action. Following the completion of the works, a full litter clean-up will be conducted by the Contractor.</p> <p>A monthly report will be compiled to outline the audits completed and will identify remedial actions taken on site to ensure compliance with required procedures. This report will include environmental aspects such as incidents, near misses, waste and litter disposal records and environmental toolbox talks.</p> <p>Construction waste will be managed in accordance with the OCEMP (Volume Management Plan (OCEMP and III, Appendix 2.2) and final CEMP ('FCEMP), which will be implemented by the appointed contractor for the duration of the construction works.</p> <p>NIE Networks will contractually obligate contractors to comply with the requirements of the OCEMP and FCEMP and ensure that these requirements are adhered to by all parties with any involvement in construction, including main contractors, sub-contractors and visitors to the site.</p> <p>The OCEMP sets the parameters for the FCEMP.</p> <p>The OCEMP contains procedures for the management of waste and related pollution control measures. This includes requirements to maintain waste management records and the FCEMP will address specific waste management requirements, such as:</p> <ul style="list-style-type: none"> • Identifying how the waste will be dealt with (i.e. disposal, re-use on/off site etc.). • All waste leaving site will be recycled, recovered or reused where possible, with the exception of those waste streams for which appropriate facilities are currently not available. • On-site segregation of non-hazardous waste materials into appropriate categories • Control measures which focus on the quantity of material required to avoid over-ordering and generating unnecessary waste materials. • Implement a 'just in time' materials delivery systems to avoid materials being stockpiled thus avoiding the risk of damage and disposal of materials resulting in additional waste. • All waste materials will be stored in skips or other suitable receptacles in designated storage areas within NIE compounds. The waste storage area(s) will be assigned and all construction staff will be provided with training regarding the waste management procedures from the commencement of the project. • Ensure staff training and levels of awareness in relation to waste management. • Waste streams will be collected by a licensed and permitted private waste contractor, appointed by the contractor for recycling, recovery or disposal at suitably licensed facilities. • Monitoring and updating of records under Duty of Care requirements. • Sewage effluent from the temporary site compound will be removed using a vacuum tanker by a suitable licensed wastewater treatment facility.

All residual waste materials arising will be stored in segregated receptacles and removed from the site daily. All construction staff will be provided with training by the contractor regarding the waste management procedures in accordance with the CEMP on commencement of the Proposed Development. NIE Networks are responsible for ensuring that the requirements of the OCEMP are adhered to by all parties onsite.

4.4.1 Construction Environmental Management Plan (CEMP)

Construction waste will be managed in accordance with the OCEMP (Volume III, Appendix 2.2) and FCEMP, which will be implemented by the appointed contractor for the duration of the construction works. The Contractor working on site during the works will be subject to the Waste Management Duty of Care and will be responsible for the collection, control and disposal of all wastes generated by the works. All waste materials leaving the site will be transported and disposed of, or recovered through licensed operators as identified in Tables 16.5 and 16.6 of the ES and in accordance with national waste legislation. NIE Networks will ensure compliance with the requirements of the OCEMP and FCEMP contractually.

The Contractor will produce the FCEMP within the parameters of the OCEMP. The OCEMP outlines the procedures for the management of waste and related pollution control measures. In line with the OCEMP requirement to maintain waste management records, the FCEMP will provide for specific waste management record keeping.

4.4.1.1 Construction Phase Monitoring

As part of the FCEMP, records will be kept for each waste material which leaves the site, whether for reuse on another site, recovery, recycling or disposal.

A waste transfer note is required for all inert and non-hazardous waste removed off-site which must be retained for a minimum of two years in accordance with Article 3 of The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002. Consignment notes are required for the movement of hazardous waste which must be retained for three years, or as prescribed in accordance with Schedule 4(1)(b) of the Waste Regulations (Northern Ireland) 2011.

The Contractor Environmental Manager will be obliged to conduct audits of the waste practices at the site throughout the construction phase of the Proposed Development.

Upon completion of the construction phase, a final report will be prepared summarising the outcomes of waste management processes adopted and the total recycling / reuse / recovery figures for the Proposed Development.

4.5 Cumulative Interactions & Transboundary Effects

Cumulative interactions and transboundary effects have also been assessed for waste. It is predicted that there are no cumulative or transboundary effects associated with the Proposed Development.

Since the writing of the ES, permission for the construction of part of the A5 Western Transport Corridor scheme has been granted. The ES for the A5 scheme outlined that surplus excavated material would be reused onsite as engineering fill and landscaping or in proposed deposition areas as part of the scheme. Materials to be taken offsite will be diverted from landfill where possible, however hazardous waste and plastic materials such as road furniture, ducting and pipework that are likely not suitable for recycling will be disposed at landfill in accordance with relevant waste management legislation. It is predicted that the waste arising from the A5 Scheme and from the other identified projects (Volume III, Appendix 1.5, Tables 1.1 and 1.2) will not result in cumulative impacts when considered with the Proposed Development. Those developments will be required to fully comply with the current legislation, policies and plans which seek to minimise waste disposal to landfill or otherwise will be subject to enforcement proceedings to ensure compliance. In any event, the assessment has confirmed that there is sufficient treatment and disposal capacity available in the locality to accommodate the likely waste arisings. On that basis, it is concluded that no likely significant cumulative waste management effects are likely.

All waste arising from the Proposed Development will be managed and treated at suitably licenced facilities within Northern Ireland. There will therefore not be any transboundary impacts associated with waste arising from the Proposed Development.

4.6 Residual Effects after Mitigation

By implementing the mitigation measures and by managing wastes in accordance with the waste management hierarchy and best practice guidance, the wastes generated during the construction and decommissioning phases of the Proposed Development are determined to be Not Significant on waste management in the area.

5 CONSULTATION RESPONSES AND SUBMISSIONS

5.1 Relevant Statutory Body Consultation Responses

5.1.1 Derry City and Strabane District Council Environmental Health

Derry City and Strabane District Council Environmental Health Department stated, in relation to Contaminated Land, that the following clause should be included in any permission granted.

'Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Planning and Environmental Health Services of Derry City and Strabane District Council shall be informed and a full written risk assessment in line with current government guidance (Land Contamination: Risk Management (LCRM)) that details the nature of the risks and any necessary mitigation measures shall be prepared and submitted for appraisal and agreed with the Planning and the Environmental Health Services of Derry City and Strabane District Council.'

If unforeseen ground contamination is encountered, only works in that immediate area should be required to cease. Given that the works are being carried out over a length of 37.9km it would be disproportionate to cease all works.

Should unforeseen contamination be encountered in soils or groundwater with visual or olfactory signs of contamination, samples of the potentially contaminated material should be obtained and sent for chemical analysis. A risk assessment, in accordance with the LCRM guidance, would be completed to assess risks to human health and environmental receptors. If unacceptable risks are identified then appropriate remedial works will be conducted and agreement sought from the relevant regulatory bodies.

5.1.2 Fermanagh and Omagh District Council Environmental Health

Fermanagh and Omagh District Council Environmental Health Department also requested the same condition relating to Contaminated Land. Again, any cessation of work should be limited to the immediate area of any potential contamination and the Environmental Health Department and Planning Authority consulted accordingly.

5.1.3 DAERA Regulation Unit

The DAERA Regulation Unit stated that the following planning Conditions should be discharged and complied with:

Condition 1: 'If during the site investigation or development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.'

Condition 2: 'After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.'

As per the above, any cessation of work should be limited to the immediate area where that contamination is identified. A remedial strategy and verification report would be prepared for agreement with the Planning Authority and relevant Environmental Health Department.

5.1.4 DAERA NIEA Water Management Unit

The NIEA Water management Unit identified potential waste arising from Horizontal Directional Drilling (HDD). This methodology has been removed from the project and therefore the consultation response is no longer relevant.

5.2 Relevant Third-Party Representations

There were no relevant third-party representations on the matter of waste. .

6 REVIEW OF BASELINE & LEGISLATION

Since the ES was finalised there have been some updates to the baseline waste capacity and legislation relating to waste at both an EU and local level. These are summarised below.

6.1 Baseline Updates

In the ES, baseline data was obtained from DAERA regarding the current inert landfill capacity and details of non-hazardous and hazardous waste management facilities in Northern Ireland. Addendums to the Waste Management Plans for Local Authorities in Northern Ireland were published in mid-2024 and include updates to the remaining tonnage of non-hazardous landfill capacity in Northern Ireland. The total remaining capacity from 2022 is estimated to be 3.7M tonnes. Mullaghglass Landfill has now closed.

The Addendums to the Waste Management Plans did not include an update with regard to the remaining capacity for inert sites. There are three additional inert landfill sites that were not active at the time of writing the ES but which have now received permits to accept inert waste. There is no information in relation to the capacity of these sites. These additional sites are listed in Table 6.1 below.

Table 6.1 Additional Permitted Inert Landfill Sites Northern Ireland

Permit No.	Landfill Site Name	Location	Operator
P0507/15A	George Peden Ltd	Lands adjacent to 19 Tummock Road, Ballymoney, Co Antrim, BT538LP	George Peden Ltd
P0332/09A/V2	Jim Lynas T/A IRS Environmental Recycling	159a Movilla Road Landfill	Jim Lynas T/A IRS Environmental Recycling
P0410/12A/V1	Whitehill Quarry	Glenside Road, Dunmurry Belfast BT17 0LH	John McQuillan Contracts Ltd

6.1.1 Hazardous Waste Management Facilities

There is no change to the baseline hazardous waste management facilities included in the ES.

6.2 Legislation/Guidelines/Policy Updates

6.2.1 European Union (EU) Legislative Changes

After Brexit, EU waste policy continues to apply in Northern Ireland to a significant extent. **The Northern Ireland Protocol**, which is part of the Brexit withdrawal agreement, establishes a unique arrangement for Northern Ireland's relationship with the European Union regarding various areas of law, including the environment. Under the Protocol, Northern Ireland remains aligned with several key aspects of EU environmental law. This alignment ensures that Northern Ireland continues to follow EU standards and regulations related to environmental protection and conservation, including waste management. The Protocol also recognizes the role of the European Commission and the European Court of Justice (ECJ) in overseeing the implementation and interpretation of EU environmental law in Northern Ireland. The ECJ retains jurisdiction over matters related to EU law within the scope of the Protocol, including environmental issues.

The Windsor Framework was adopted on 24th March 2023 and is a legal agreement between the UK and EU, aimed at addressing challenges under the Northern Ireland Protocol. **The Windsor Framework (Implementation) Regulations 2024** came into force on 12th April 2024 and implements the provisions of the Windsor Framework. The Windsor Framework does not replace the Northern Ireland Protocol but makes changes to it. Therefore the Protocol continues to apply and updates and adjustments made to EU laws, including waste law that are included in the Protocol, automatically apply in Northern Ireland. The main changes made by the Windsor Framework include a simplified checks system at Northern Irish ports for goods arriving in Northern Ireland from Great Britain and the 'Stormont Brake' mechanism. The 'Stormont Brake' allows the Northern Ireland Assembly to object to the introduction of updated or amended EU laws if they are considered to significantly impact everyday life. A new Democratic Scrutiny Committee, set up in the Northern Ireland Assembly, are notified of updates to EU laws applying in NI. Subject to certain conditions, the Stormont Brake process is initiated if 30 politicians in Northern Ireland, from 2 or more political parties, sign a petition to

object to the application of a new EU act that amends or replaces an EU act that would automatically apply in Northern Ireland under the Protocol/Windsor Framework. The Stormont Brake gives the UK Government the sovereign power to veto the updated or amended EU law from applying in Northern Ireland. If the EU believes the law should apply, and the EU and UK cannot reach an agreement, the EU can take appropriate remedial measures. New EU laws cannot be added to the Protocol without the UK Government agreeing it and a cross-community vote in the Northern Ireland Assembly.

Despite some aspects of EU law being retained, it is likely that there will be divergence between Northern Ireland and Republic of Ireland in years to come in terms of environmental regulations and standards. The UK government has the ability to set its own environmental policies and standards for areas outside the scope of the Protocol.

The UK government is working jointly with the Scottish Government, the Welsh Government and the Northern Ireland Executive to develop UK Common Frameworks to ensure a common approach is taken to manage certain policy areas that were previously governed at the EU level, now that the UK has left the EU. The **Resources and Waste Provisional Common Framework** was published in 2022 and has received ministerial approval from all four Government but is in the UK Parliament for parliamentary scrutiny. The Framework focuses on the management of resources and waste in a way that acknowledges the unique position of Northern Ireland post-Brexit. The Framework aims to address how waste and resource management policies can be implemented across the UK in a coherent manner, while still adhering to the EU regulations that apply to Northern Ireland.

6.2.2 Northern Ireland Legislative Changes

The **Environment Act 2021**, passed by the UK Parliament in 2021, is a piece of legislation designed to address various environmental issues, including waste management, air quality, water, and biodiversity. The Act is a new framework for environmental governance in Northern Ireland. It introduces several key provisions aimed at reducing waste, improving recycling, and moving towards a more circular economy with resources recovered for reuse and recycling in construction. Electronic waste tracking will mean contractors will be more accountable for waste produced from developments and emphasises their duty of care to ensure that waste is disposed of efficiently. Some of the notable aspects related to waste management in the Environment Act include:

- Extended Producer Responsibility (EPR);
- Consistency in Household and Business Recycling;
- Deposit Return Schemes (DRS);
- Charging for Single-Use Items;
- Powers to Stop Export of Plastic Waste;
- Waste Tracking and Electronic Waste Tracking - to ensure better control over waste management processes, from production through to disposal or recycling. This process involves collecting, storing, and analysing data on waste generation, collection, transportation, treatment, and disposal.

The **Climate Change Act (Northern Ireland) 2022** is a significant piece of legislation aimed at addressing climate change within Northern Ireland. The Act sets a target of an, at least, 100% reduction in net zero greenhouse gas (GHG) emissions by 2050 (i.e., net zero emissions by 2050) for Northern Ireland compared to the baseline, along with interim targets. The Act sets sectoral targets, including a recycling target for 70% of waste to be recycled by 2020. Sectoral plans are required to be developed setting out how the targets will be achieved by sectors. The Department must develop and publish sectoral plans for the waste management sector setting out how the sector will contribute to the achievement of the targets. The Department for Infrastructure are also required to develop a sectoral plan for the infrastructure sector including proposals for construction.

The **Draft Environment Strategy for Northern Ireland** was published in November 2021 and the consultation period ended in January 2022. It was approved by the Minister in March 2022 and is still awaiting finalisation by the Northern Ireland Executive. The Strategy is intended to be an overarching document setting out Northern Ireland's environmental priorities for the coming decades and will form part of the Green Growth agenda. The Environment Strategy will form the basis for a coherent and effective set of interventions to improve the quality of the environment, health and well-being, elevate Northern Ireland to an environmental leader and create opportunities to develop the economy. Strategic Environmental Outcome 5 of the draft

document focuses on Zero Waste and highly developed circular economy. It is presented under 3 sections outlined below:

- Waste Management key actions and targets include send no more than 10% of waste to landfill by 2035; publication of new Waste Management Strategy by 2023, introduction of new UK wide Extended Producer Responsibility Scheme for packaging in 2023, bring forward all actions set out in the Waste Prevention Plan 2019 and legislation to reduce the consumption of single use plastic items.
- Circular Economy key actions and targets include publication of NI Circularity Gap Report by 2021 and Circular Economy Strategic Framework by 2022; appoint members to a NI Circular Economy Coalition representing a diverse range of industries, sectors and interest; work with the following enablers to accelerate the transition to a Circular Economy: digital, education, media, central and local government and procurement sectors and NI Civil Service policy review to identify and embed circular practices in current and planned policy.
- Illegal waste disposal key actions and targets include develop improved data recording process and commence outstanding sections of 2011 Act.

6.3 Impact of Baseline & Legislation/Policy updates

The updated baseline data on landfill capacity indicates that there remains significant capacity for landfill of inert waste in Northern Ireland with 3.7M tonne of non-hazardous capacity (which can also accept inert waste). Additional inert sites are also now available in Northern Ireland. The estimated 18,000 tonnes of inert waste arising from the UGC is negligible compared to the overall landfill capacity available in Northern Ireland.

The update to the legislation/policy does not change how waste needs to be managed in the Proposed Development and therefore in terms of the mitigation measures there is no change to that which was proposed in the original ES.

As a result, there is no change to the assessment or conclusion since the ES was published.

7 CONCLUSIONS

By implementing the mitigation measures set out in Chapter 16 of the ES and by managing wastes in accordance with the waste management hierarchy and best practice guidance, the wastes generated during the construction, operational and decommissioning phases of the Proposed Development will have no significant effect on the baseline environment or regional inert, non-hazardous or hazardous landfill void capacity. This is summarised in Table 7.1.

Table 7.1: Summary of Impacts

Phase	Receptor	Sensitivity of Receptor	Assessment of Magnitude	Predicted Effect	Adverse /Beneficial	Permanent /Temporary	Mitigation Measures	Residual Effect
Construction Phase	Landfill Void Space Capacity	Low	Negligible	Neutral or Slight	Adverse	Temporary	Section 3.4	Not Significant
Decommissioning Phase	Landfill Void Space Capacity	Low	Negligible	Neutral or Slight	Adverse	Temporary	Section 3.4	Not Significant

It is concluded that the significance of the Proposed Development in relation to waste management is - Not Significant.

8 REFERENCES

IEMA (2020) *IEMA guide to: Materials and Waste Environmental Impact Assessment – Guidance for a proportionate approach*. Lincoln: IEMA. Available at: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.iema.net/media/0t5fwyhj/iema-materials-and-waste-in-eia-march-2020.pdf](https://www.iema.net/media/0t5fwyhj/iema-materials-and-waste-in-eia-march-2020.pdf)