



12.7.2010

NOTICE TO MEMBERS

Subject: Petition 0650/2008 by Mr. Billy Leonard (Irish), on public concern over the detrimental cumulative effect of four landfill sites situated in the Ringsend area (County Derry, Northern Ireland)

1. Summary of petition

The petitioner expresses his concern over the detrimental cumulative health effect of four landfill sites planned in the Ringsend area (County Derry, Northern Ireland). The petitioner considers that these plans go against the spirit of EC Directive 99/31 on landfill of waste. According to the petitioner, the four landfill sites, one of which was to be operational in the summer of 2008, are situated within a less than 5.6 kilometres one from another. The petitioner asks the European Parliament to have the Commission investigate possible breaches of the EC legislation on waste.

2. Admissibility

Declared admissible on 20 October 2008. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 30 January 2009.

Landfills are regulated at Community level by Directive 1999/31/EC¹ on the landfill of waste. According to Annex I to the Landfill Directive, the location of a landfill must take into consideration requirements relating to:

- a) the distances from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites;

¹ OJ L 182, 16.7.1999, p. 1-19

- b) the existence of groundwater, coastal water or nature protection zones in the area;
- c) the geological and hydrogeological conditions in the area;
- d) the risk of flooding, subsidence, landslides or avalanches on the site;
- e) the protection of the nature or cultural patrimony in the area.

There are no specific requirements laid down in the Landfill Directive regarding the distance to be observed amongst landfill sites.

The selection of the landfill location and the decision to authorise a landfill is to be taken by the competent authorities of a Member State. According to Article 8 of the Landfill Directive, the competent authority does not issue a landfill permit unless it is satisfied that the landfill site is in full compliance with all the requirements laid down in the Landfill Directive and other applicable legislation.

Furthermore, Council Directive 85/337/EEC¹ as amended by Directive 97/11/EC² and Directive 2003/35EC³, on the assessment of the effects of certain public and private projects on the environment (EIA Directive), applies to installations for the disposal of waste. Landfills for hazardous waste or landfills for non-hazardous waste with a capacity exceeding 100 tonnes per day as listed in Annex I, paragraphs 9 and 10 of the directive are obliged to undergo an environmental impact assessment under Article 4(1) of the directive. Other landfills as listed in Annex II, paragraph 11(b) of the directive are required to undergo an environmental impact assessment before being given development consent under Article 4(2) of the directive where it is considered that they are likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location. When considering whether a particular waste project falling under annex II of the EIA Directive, is likely to have significant effects on the environment account needs to be taken of the criteria set out in Annex III of the directive which include, *inter alia*, consideration of the cumulative effects of the project with other projects. For projects subject to an EIA, the assessment shall produce information in accordance with article 5 of the directive. Annex IV to the EIA Directive lists such information requirements and explicitly refers, *inter alia*, to a description of its cumulative effects.

Directive 2001/42/EC⁴ on the assessment of the effects of certain plans and programmes on the environment should also be considered when assessing whether cumulative effects of different projects have been considered. Under this directive, waste management plans and other land use plans are required to be made subject to environmental assessment where they are deemed to have significant effects on the environment and before they are adopted. This obligation applies to any plans for which the first formal preparatory act was after 21 July 2004. No information is, however, provided in the petition on the relevant waste management plan and the consideration, if any, given to the location of future waste sites in this area.

Conclusions

¹ OJ L 175, 5.7.1985, p. 40-48

² OJ L 073, 14.3.1997, p. 5

³ OJ L 156, 25.6.2003, p 17

⁴ OJ L 197, 21.07.2001,p 30

According to the information provided by the petitioner the Commission understands that, for at least three of the four landfills referred to, the decision on whether or not to grant permission is still pending. At this stage it would, therefore, appear premature to assume that a breach of Directive 1999/31/EC or Directive 85/337/EEC as amended has occurred.

4. Commission reply, received on 12 July 2010.

The Commission has examined the additional information sent by the petitioner. However, the Commission maintains its initial assessment and conclusion, that there is no evidence of a breach of EU legislation on the basis of the available information and at that stage of the planning and approval procedures.