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SPOKESPERSON FOR EDUCATION & SCIENCE

Obj (11) + OH Reg



Labour

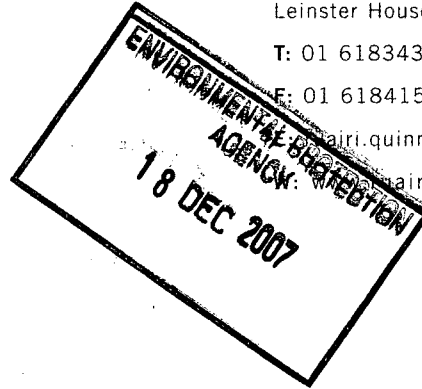
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Re: Waste Licence register No. W0232-01
Applicant: Dublin City Council, Planning & Development Department
Facility: Dublin Waste to Energy Project, Pigeon House Road, Poolbeg Peninsula

Please find attached:

1. Objection to Waste Licence register No. W0232-01 with fee €200
2. Request for Oral Hearing with fee €100

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Ruairi Quinn, TD
16th December 2007



Waste Licence Application

Register No: W0232-01

Objection

We hereby submit to the Environmental Protection Agency ('the Agency') an objection, pursuant to section 42(3) of the Waste Management Act 1996 ('the Act') and the associated Regulations, to the proposed decision to award a waste licence ('the proposed decision' or 'the proposed licence') to Dublin City Council ('the local authority') for a non-hazardous waste incinerator/waste-to-energy facility ('the proposed facility' or 'the proposed development'). In accordance with section 42(9)(a) of the Act, we request an oral hearing of the objection for the reasons set out in this document, with particular reference to the factors considered at part 1, below.

Mr Ruairi Quinn, TD, 23 Strand Road, Dublin 4
Councillor Mary Freehill, 77 Grove Road, Rathmines, Dublin 6
Councillor Kevin Humphreys, 14 O'Connell Gardens, Bath Avenue, Dublin 4
Councillor Dermot Lacey, 66 Beech Hill Drive, Donnybrook, Dublin 4
Councillor Oisín Quinn, 7 Temple Villas, Rathmines, Dublin 6
Dublin South East Labour Party

1 Reasons for an oral hearing

1.1 The Agency, of course, is charged with the exercise of discretion in accordance with section 42 of the Act. We propose that it would be appropriate for this power to be exercised in favour of an oral hearing for the following reasons.

1.2 The importance and sensitivity of the proposed activities

The proposed grant of a waste licence relates to a matter of some significant public interest. The activities proposed by the local authority have been the subject of lengthy debates in Dáil Éireann (for example, in the current year, by way of oral questions on 22 February 2007, and private members business on 4 July 2007), and have of course been the subject of proceedings (albeit with a different focus) before An Bord Pleanála.ⁱ As this is a proposal that has caused substantial concern on environmental matters specifically within the remit of the Agency, it is suggested that public confidence in the Act and in the Agency's role in environmental protection and monitoring would be greatly enhanced by accepting our request for an oral hearing in this particular case.

The proposal to construct and operate a large-scale incinerator (including waste disposal and some subsidiary measure of waste recovery) at Poolbeg can certainly be considered as of "national or regional importance" and of significant "scale and complexity", two of the factors described as 'influential' by the Agency on its own website.ⁱⁱ While the Agency cannot fetter its discretion on whether to hold a hearing through these statements, accepted principles of administrative law would suggest that those persons and organisations with an interest in the matter would be justified in an expectation that said voluntary statements would be treated with the utmost seriousness by the Agency, and it is submitted that, as a matter of fact, the national importance and the scale of the proposal is beyond question.

Furthermore, the referral of Ireland to the European Court of Justice for alleged deficiencies in the transposition of Directive 85/337/EEC on environmental impact assessments specifically cites the divided responsibilities between planning authorities and the Agency with regard to major industrial projects such as incinerators as a cause for legal concern.ⁱⁱⁱ In this context, addressing the objections raised to such projects in an oral hearing under the auspices of the Agency can be seen as particularly desirable in order to avoid the potential for further non-compliance with European law.

1.3. The necessity to present and discuss scientific information in an appropriate forum

The application for a licence relates to a development that is extremely complex and involves numerous reports on the scientific and environmental consequences of the proposed development. At the very least, it is essential that the affected parties, including local residents, those organisations concerned with environmental, ecological and other matters, and other relevant community organisations, have an opportunity to make direct submissions in response to the complex matters raised. Indeed, the inspector's report and the subsequent proposed decision contain a range of indicators, limits, monitoring proposals and similar, and it is clearly in the public interest that the strengths and weaknesses of these particular aspects be aired in the most public of fashions. While many of the conditions proposed are of quite some importance, being an integral part of the factors that could support a final decision, in many respects they have not been dealt with in the application and supporting materials, and thus it would be prudent to subject the conditions to the maximum possible due process. Whether the proposed limits and thresholds are sufficient in terms of environmental protection is a matter that is highly appropriate for an oral hearing and a detailed consideration of the evidential basis for such limits and thresholds could be best achieved through the process of questioning and submissions that characterises oral hearings, as distinguished from the more limited and restricted possibilities offered by the process of making written observations.

1.4 Reform of waste policy

The Minister for the Environment has spoken in public on a number of occasions about the major review of waste management policy that he will conduct in 2008.^{iv} He has also explained how alternatives to landfill and incineration are preferable.^v

The inspector finds (at p 3) that the proposed activities and facility "(do) not conflict with Government policy on waste management". However, this does not take account of changes in Government policy, as set out in a speech by the Minister this year:

"Incineration is no longer the cornerstone of our waste management policy. This government has a different approach to waste management. We believe the waste hierarchy is paramount. Real emphasis has to be placed on reduction, reuse, and recycling first. Let us be clear: we do not see incineration or thermal treatment as a form of recovery, it is a form of disposal."^{vi}

It is not possible for the largest proposed incinerator in Irish environmental history (requiring significant input of waste in order to sustain the power and heating elements) to avoid conflict with Government policy when said policy is to treat incineration as a less favoured method of waste management. Only an oral hearing can resolve these conflicting views in the context of this particular licence application; only an opportunity to examine critically,

through questioning and debate, the compliance of the proposed scheme with all relevant facets of waste management policy, will be acceptable to the community.

1.5 Prior proceedings

The Agency will recall that it granted an oral hearing in response to objections received to the proposed decisions in respect of Indaver's applications (186-1 (Cork) and 167-1 (Meath)). As the proposed activities are of a scale significantly higher than that proposed and approved in the Indaver licence proceedings (being 200,000 t/a in the Cork licence and 150,000 t/a in the incineration elements of the Meath licence), and indeed raise further issues related to both the type of waste processed and specific location-sensitive factors (as discussed in this Objection and no doubt in other correspondence received by the Agency), it would not be appropriate for the Agency to proceed to the granting of a licence without at least similar opportunities for an adequate hearing of the objections raised in this case.

2 Objection to the proposed activities in general

2.1 Definition of residual waste

The proposed decision lacks precision on exactly what criteria will be applied with regard to the pre-treatment of waste to be processed at the facility. Condition 1.6 provides that only residual wastes can be accepted for incineration.

The definition adopted by the Agency in the preface to the proposed decision is that residual waste is:

In the context of intake to an incinerator/WtE plant, is waste that has been subjected to pre-treatment (including, inter alia, pre-segregation, sorting, mechanical-biological treatment) to extract, to the maximum practical and available extent having regard to best available techniques, the recyclable/reusable components

At the very least, it is unclear whether

- a) existing processes carried out by the local authority (where domestic waste is segregated primarily by residents through a multiple-bin system) are considered as the maximum practical and available, or
- b) the licence would require the local authority to ensure that further processes are in place prior to the introduction of waste to the incineration process.

This particular issue is a legitimate matter of public concern and indeed would, it is suggested, be a major factor in how the proposed decision is received by the local community as an adequate response to the concerns raised through the process of application and review. For there to be confidence in the operation of the proposed facility, it is not sufficient for it to be required that pre-treatment take place without further criteria on what said pre-treatment will be. While the proposed licence does of course require that this takes place, it is significant that while many other aspects of the conditions provide further details and measurable criteria on matters that are subject to BAT or practical requirements, no such details are provided on this matter. It is submitted that the lack of detail on this particular matter undermines the strength of the licence as a whole, and has

caused significant confusion. For example, a number of community organisations and public representatives including members of the Oireachtas have argued that the Agency has decided (in its proposed decision) that it would not be possible for 'black bin' household collections to be used as an input stream without further processing.^{vii} On the other hand, the local authority holds a different view: in response to a direct question on this point, the City Manager has said:

"The provisions of the Regional Waste Management Plan for a three bin source-segregated collection system fulfils [the requirement of the EPA licence] and will be enforced through waste-management legislation and local authority bye-laws. With the dry recyclable and organic fractions removed from the waste stream through the green and brown bin systems, there will be no need for the residual waste to undergo mechanical and biological treatment".^{viii}

Clearly, there are two inconsistent conclusions being drawn from what the Agency has proposed in the proposed decision. This supports the case that the Agency must provide further detail and, where necessary, binding conditions attached to the licence. The proposed condition 11.11.1(a), which requires agreement between the Agency and the local authority on this matter (at least, as it appears, in the context of on-site pre-treatment of waste imported to the site) does not fill this gap as the nature of the residual waste processed and disposed of in the proposed development is fundamental to the proposal, not just in terms of a review of the potential for harmful effects but also the broader compliance of the application with requirements for efficiency and sustainability.

2.2 Hazardous and non-hazardous waste after incineration

The inspector's report confirms that the incinerator will require the disposal of waste to landfill or through other systems in the amount of just short of 150,000 t/a (120,000t/a as non-hazardous bottom ash, 3,000 t/a as unconfirmed non-hazardous boiler ash) and 24,000 t/a of other residues). The Agency should give further and more detailed consideration to the environmental impact of the need to transport such waste to distant locations (it is common knowledge that there are no landfill sites in the vicinity of the site of the proposed development nor are any such sites planned; significant transport of material *from* the site will be necessary if the development goes ahead). The proposed decision does not address this issue. In particular, the fact that the inspector cannot confirm whether the boiler ash will be hazardous or non-hazardous underlines the weakness of the proposed licence in this regard.

In essence, from the point of view of the environmental position of the site and the health concerns of local residents, the incinerator will mean the creation of new non-hazardous and hazardous waste (in the sense that it would not be present on the site if the development did not go ahead) that will require disposal or treatment at places unknown. The creation of significant hazardous waste as a by-product of non-hazardous input is wholly at odds with the prevailing approach to dealing with waste, and will be an enduring feature of a proposal that purports to be an environmentally friendly one but which in fact contains a number of negative impacts by way of by-product and potential legacy in an area that is adjacent to established residential communities and is itself to be the subject of important development (as set out in part 5, below).

Furthermore, the inspector responds to submissions received on these points by saying

that "ash is to be moved off-site in sealed transport units for recovery/disposal as appropriate. If suitable landfill is not available in Ireland for the unrecoverable residues, then export of the residues will be necessary". Is such lack of advance information on the eventual destination of this key by-product a good basis for the grant of a licence?

3. Objections to the Agency's determinations in respect of power generation and 'district heating'

3.1 District Heating

Matters related to the proposed 'district heating system' have not been outlined in sufficient detail. The inspector's report states that "the proposed plant has the ability to provide district heating should the need arise" (p 5) and the proposed condition 7.1 would require the licensee to, with regard to BAT, "submit proposals for agreement by the Agency for the operation of the facility in CHP mode with a view to providing heat for a district heating scheme". Both statements are highly conditional and do not represent a clear and unambiguous review of the compliance of the application with accepted principles of the efficient and sustainable use of resources. At the very least, the grant of a licence should be based on actual proposals for district heating (no such fully worked-out proposals appear to exist on the public record, although they are frequently cited by the local authority in defence of its strategy) and a consideration of how the proposed heating scheme is a factor in the overall efficiency of the development.

3.2 Power

We feel that the Agency has given too much weight to the proposed export of energy to the national grid. It is suggested that 60MW will be exported; this would represent approximately 1.25% of peak electricity demand,^{ix} at best a minor side-effect and not a discernable contribution to national objectives in terms of energy and climate change. We argue below (in part 6) that the clear position of European law is that incineration is primarily waste disposal and does not become a sustainable recovery/alternative technology simply by the addition of a very minor power generation function; indeed, the Incineration Directive *requires* that power generation takes place where possible.^x

4 Objection to specific elements of the decision relating to environmental pollution and the protection of human health

4.1 Water Discharge

The inspector notes at p 10 (in support of setting to one side the concerns raised in relation to emissions to surface waters) that "the existing invertebrate and flora species diversity is already low" but it appears from the EIS^{xi} that there is a lack of information on potential contamination. The detailed concerns expressed by the Eastern Regional Fisheries Board^{xii} and by others remain unanswered and the proposed licence does not deal with these issues in a satisfactory fashion. In particular, the question of the impact of biocides on water quality (the use of such described by the Fisheries Board as creating "significant potential for additional contamination of water") remains unaddressed and a case has not been made in the inspector's report for allowing this work to continue without further investigation.

4.2 Emissions

The proposed licence does not provide sufficient reassurance regarding emissions from the proposed facility. To give just one example, it does not address the potential doubling of cadmium (Cd) levels (see the chart reproduced in the inspector's report at p 9) and although the expected result would not bring the predicted concentration at ground level above the relevant limit, clear authority is that a good application of the preventative principle would at least require that the matter be considered and specifically addressed. It is important to note that the recent European Union provisions on certain metals including cadmium (Directive 2004/107) finds that "there is no identifiable threshold below which (these metals) do not pose a risk to human health"^{xiii} and that the relevant limits are targets; any proposed development for which it is accepted that the level could be doubled should be subject to the most careful and cautious of scrutiny, and the mere reproduction of the Directive 2004/107 limits (in Schedule B to the conditions) does not address the overall desirability of approving the emissions in this particular context. Similar arguments can be made with regard to other elements of the range of substances included in proposed emissions.

4.3 Methodology for assessing potential impacts

It was acknowledged in the EIS that "no formal methodology for assessing the extent and degree of impact that the Facility may have on the geological and groundwater aspects of the environment exists."^{xiv} This is but one such admission. It is not sustainable for a licence to be granted in the absence of appropriate methods for environmental protection through the collection of reliable data. As has been noted in the UK, licences of this nature often set limits and targets based on what can be easily measured rather than what the most significant causes of concern are.^{xv} For a major project of this size, the Agency's approach should be to require of an applicant that satisfactory methodological information be presented to it, with the presumption being that a lack of appropriate tools and systems indicates a potential area of environmental concern rather than something that should not be included in a licence.

4.4 General issues pertaining to human health

The discussion and conclusions in the proposed decision and the inspector's report that preceded it with regard to the protection of human health is inadequate.

The inspector notes (at p 14) that he considers:

the technologies and techniques as described in the application and in this report, as well as the technological, operational and the performance standards (Emission Limit Values) set in the RD [recommended decision], to be the most effective in achieving a high general level of protection of the environment and human health having regard - as may be relevant - to the way the facility is selected/located, designed, built, managed, maintained, operated and decommissioned.

It is submitted that the current state of scientific knowledge and relevant research is such that it is not possible to agree with the inspector's conclusion that the proposed development and the specific commitments of the applicant are "the most effective in achieving a high general level of protection of ... human health". In particular, a review of

the relevant literature carried out for the Health Research Board concluded that:

There is some evidence that incinerator emissions may be associated with respiratory morbidity. Acute or chronic respiratory symptoms are associated with incinerator emissions. Reproductive effects, such as an effect on twinning or sex determination, have been described. These findings however are not conclusive. A number of studies have reported associations between developing certain cancers and living close to incinerator sites. Specific cancers identified include primary liver cancer, laryngeal cancer, soft-tissue sarcoma and lung cancer. Although some results are conflicting in this area, other well-designed studies indicate a possible link between cancer risk and residence near incinerator sites. The influence of other sources of pollutants continues to prove difficult to separate and, as a result, evidence cannot be described as conclusive.^{xvi}

It is not possible to reconcile the findings of the HRB report with the upbeat and unconditional finding of the Agency's inspector. In particular, the lack of reference to the existence of significant unresolved concerns in relation to cancer undermines the presumption to which a member of the public should be entitled under the environmental law framework in the EU and in Ireland, that all reasonable concerns have been addressed by the Agency.

4.5 Rejection of submissions on permitted hours of operation

The proposals made by the Health Services Executive regarding the hours of operation of the proposed facility are recalled.^{xvii} The inspector's recommendation to reject this proposal, on the grounds that "it is not practical, nor environmentally efficient or effective" (without further elaboration), is accepted by the Agency in the proposed decision. The rejection of a health-based claim (which, as noted by the HSE, relates to noise and vibration impact) on the grounds of unspecified practical issues is a cause for concern and must be addressed with urgency.

4.6 Health Impact Assessment

A number of those who made submissions to the Agency requested that a health impact assessment (HIA) be carried out. The Agency has not accepted these requests. The failure to carry out such a rigorous and necessary assessment weakens the case that the proposed licence should be granted. We associate ourselves with those other submissions requesting a HIA and renew our call for such to be carried out *before* the grant of any licence is considered. The benefits of such an approach are well-known^{xviii} and the adoption of a health-sensitive approach of this nature is long overdue. The inspector highlights that the impact of the proposals on health has been considered by the applicant but it is submitted that only a separate and rigorous HIA can even begin to fulfil the responsibilities of the Agency for an application of this scale and nature.

4.7 Odour

The experiences of the local community with the adjacent Sewage Treatment Plant are well-known, and while the inspector is right to note (at p 21) that he did not have the power to deal with complaints related to that facility, this, with respect, misinterprets the concerns raised by residents. The reason that so many residents have cited odour as a factor in

relation to this matter is that they were assured that there would not be significant issues related to odours in the development and functioning of the earlier project, and this has not been shown to be accurate over time. Therefore, there is a great degree of concern and worry in the surrounding neighbourhoods that pre-construction assurances on odour cannot be relied upon.

The findings of the inspector are that "odour is not predicted to be a significant issue" and "fugitive emissions are not predicted to be a significant issue"; however, condition 3.10 requires odour control and odour management systems. In this regard, it is suggested that the licence is deficient in not providing for clear systems and commitments, and it is notable that while many aspects require that the systems be agreed between the Agency and the local authority (see for example conditions such as 6.16 (hypochlorite/chlorine dosing plan to be submitted to the Agency for its agreement) or 3.17.1 (test programme/commissioning plan to be submitted to the Agency for its agreement)), there is no such restriction on this matter that, as can be seen from the various records of submissions made to the Agency or to An Bord Pleanála, causes grave concern to residents of the area. At the very least, the applicant should be required to consult with local residents and submit a detailed plan with regard to odours to the Agency for its prior agreement.

In particular, condition 6.10 (requiring monitoring of odours, alongside other matters such as dust or vermin, once a week) is objected to on the grounds that it does not provide for adequately frequent monitoring, and at the very least, daily rigorous monitoring is essential, in the light of the difficulties experienced by residents with previous projects.

5 Objection to the failure of the Agency to consider the impact of the proposed activities on the surrounding community and future developments

5.1 Development of the Poolbeg Peninsula and the plans of the DDDA

Significant development on the "Irish Glass Bottle" site is proposed; the inspector's report notes (at p 3) that planning permission had been granted for 'additional residential development' on the site. Although certain proposed developments in and around the site have subsequently met with planning difficulties, the point stands that the site will be the subject of major development in the coming years.

Many elements of the material submitted to the Agency are based on the fact that the proposed development is in a non-residential area. It is necessary to take specific note of this factor in the context of environmental and health concerns. For example, it is noted in the discussion of stack emissions in the context of air quality by the inspector (at p 7) that "maximum ground level concentrations all occur within 1km of the site". While this is noted by way of a confirmation that residents of areas not directly proximate to the site should not be concerned, the fact that development within this limited area of maximum impact is proposed should be dealt with as a specific aspect of the Agency's consideration of the application.

The specific attention of the Agency is drawn to the approval issued by the Minister for the Environment, following the assent of the Oireachtas, to the Dublin Docklands Development Authority (DDDA) in April 2007 for the development of a scheme pursuant to Section 25 of the Dublin Docklands Development Authority Act 1997, and it is suggested that the local authority's application be considered and analysed, with particular reference to the fact that

assumptions that the surrounding area is non-residential are not a valid basis for the formation of conclusions (even in the medium-term). The processes related to the future Section 25 scheme is a clear statement of Government policy that the Poolbeg Peninsula (excluding a limited number of sites) is to see significant development in the next few years (including, if approved, exempted development in accordance with the DDDA Act and planning law). The Agency must reassess its presumption that Poolbeg is a non-residential area; the fact that the area specified in SI 297/2007 as the area that will be subject to the section 25 regime, which excludes the site of the proposed development but includes not just the Irish Glass site but other parts of the peninsula, is not noted or discussed in the inspector's report or the Agency's decision, undermines the proposed grant of a licence.

5.2 Transport of Waste

The Agency has not considered the environmental and health risks of transport of waste to the site, and in particular must give the most urgent consideration to the impact of the decision of An Bord Pleanála that waste must be transported by way of the M50 and Dublin Port Tunnel. Specific attention is drawn to the requirement that certain vehicles (e.g. those engaged in the transport of oil) are escorted through the Tunnel.^{xix} The fire risk presented by vehicles transporting waste by road is relevant and thus the risks posed by increased volumes of such cargo as may pose a danger in the new circumstances require further investigation. It would be in accordance with best practice for the Agency to consider whether, in the light of the new information presented by the planning decision, further restrictions on the time or manner of the transport of waste to the proposed facility are appropriate. At the very least, this matter is a further reason for the calling of an oral hearing.

6 Objection to the Agency's approach to the role of the local authority

The Act establishes a two-tier system whereby local authorities are considered to be 'fit and proper persons' for the holding of a waste licence, but others are required to satisfy more onerous conditions as set out in section 40(7). In the context of the common knowledge that the local authority does not itself intend to play a significant role in the management of the facility, which will be operated pursuant to a contractual arrangement (further noted in the introduction to the proposed licence), it would be compatible with the spirit of the legislation for the Agency to give further consideration to the experience and record of the agent that the local authority intends to contract with. It was clearly the intention of the Oireachtas, in enacting section 40 of the Act, that private parties be subjected to a greater level of scrutiny than local authorities. In this hybrid situation, where the practical situation is that the private party is charged with significant responsibilities in terms of licence compliance, it is not consistent with a high level of environmental protection for the experience, qualifications and record of the local authority's agent to be excluded from the process.

7 Objection to the Agency's treatment of incineration generally

It is submitted that the Agency's overall approach, as indicated in the proposed decision to grant this licence and as explained in the inspector's report, is not in line with the current position of European law with regard to incineration.

In *Commission v Luxembourg* (2003), the European Court of Justice found^{xx} that:

The shipment of waste in order for it to be incinerated in a processing plant designed to dispose of waste cannot be regarded as having the recovery waste as its principal objective, even if when that waste is incinerated all or part of the heat produced by the combustion is reclaimed. Certainly, such reclamation of energy is in accordance with (the Waste Directive's) objective of conserving natural resources. However, where the reclamation of the heat generated by the combustion constitutes only a secondary effect of an operation whose principal objective is the disposal of waste, it cannot affect the classification of that operation as a disposal operation.^{xxi}

We believe that the decision does not completely reflect these findings of the highest court in Europe. While the inspector's report correctly notes (at p 14) the classification of the proposed facility as primarily one of incineration for disposal (D10), the summary of the 'EU waste hierarchy' elsewhere in the report (p 13) is incomplete in that it refers to the proposal as reducing the amount of waste sent to landfill – it should have been noted at this point that the classification of the facility as disposal rather than recovery means that it is not (in the waste hierarchy as a whole) a preferable, desirable or sustainable method of waste management. Approval of a new facility, which under European law is considered as disposal rather than recovery, to handle 600,000 t/a of waste, makes a minor and barely significant contribution, if at all, to the necessary reform of bad practices in Irish waste management.

Furthermore, we note the recent submissions^{xxii} by Mr. McCarthy and Ms. Jennings regarding the impact of the proposed facility on climate change and the comparing of CO2 emissions expected with regard to the proposed facility with alternatives and feel that these issues deserve more detailed consideration (preferably by way of oral hearing) that that included in the Addenda to the inspector's report, as the doubts raised as to the validity of the applicant's modelling are (or should be), in the context of Ireland's climate change obligations and the heightened scientific and political interest in this most important of issues, at the heart of the Agency's consideration of the efficiency and sustainability of the proposal in terms of environmental protection.

We object to the proposed grant of a waste licence for this project.

References

References to the report of the inspector, Dr. J. Derham, are included in the main text above.

All documents marked PF are available in the EPA's public file on this application.

HRB: "Health and Environmental Effects of Landfilling and Incineration of Waste – A Literature Review" (commissioned by the Health Research Board) (2003)

EIS: Environmental Impact Statement (included in PF)

UKHCL: UK House of Commons Library, Research Paper 02/34, "Waste Incineration"

IPHI: Irish Public Health Institute, "Health Impact Assessment Guidance" (2006)

ⁱ Case 29S/EF2022 (decision of 19 November 2007)

ⁱⁱ <http://www.epa.ie/whatwedo/licensing/waste/process/oral/>

ⁱⁱⁱ Statement, 17 October 2007: IP/07/1524

^{iv} See for example the Minister's speech at the Recycling and Waste World Conference, 11 October 2007 (<http://www.environ.ie/en/Environment/Waste/News/MainBody,15500,en.htm>). Indeed, the inspector on this application has recognised (in other correspondence on the public file, but after the submission of his report) that policy on waste management practices and technologies is under review and discussion: Email, Dr. Derham to Prof. Hayes, 4 December 2007 (PF).

^v See for example the Minister's speech at the EPA Environment Ireland Conference, 3 September 2007

(<http://www.environ.ie/en/Environment/Waste/News/MainBody,15261,en.htm>)

^{vi} Speech, Festival of World Cultures, 26 August 2007

(<http://www.environ.ie/en/Environment/News/MainBody,15183,en.htm>)

^{vii} "EPA proposing to grant Poolbeg licence" (RTÉ News, 22 November 2007)

(<http://www.rte.ie/news/2007/1122/incinerator.html>)

^{viii} Written Question 42, meeting of Dublin City Council 6th December 2007. See also RTÉ News.

^{ix} Calculation based on information made available by Eirgrid: www.eirgrid.ie.

^x 2000/76/EC, article 4(2)(b).

^{xi} EIS, p 421-425.

^{xii} Letter of 26 August 2007 to EPA (PF).

^{xiii} 2004/107/EC, recital 3.

^{xiv} EIS, 304

^{xv} UKHCL, p 4-5, 22-24.

^{xvi} HRB, 186.

^{xvii} Letter to EPA by Gary Kiernan (HSE), 11 September 2006 (PF).

^{xviii} See for example IPHI, especially at p 3; HRB, p 232.

^{xix} See Regulations for the Carriage of Dangerous Goods Through The Dublin Port Tunnel (as amended September 2007): <http://www.nra.ie/Publications/DownloadableDocumentation/PublicPrivatePartnership/file,9034,en.pdf>

^{xx} Commission v Luxembourg, C-458/00 (13 February 2003)

^{xxi} Paras. 41-43.

^{xxii} On various dates in September 2007 (PF).