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**Objection regarding the proposed intensification of the Landfill facility at Derryclure: W0029-03**

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## 1.0 Outline of Objection

CEWEP Ireland is making this submission as part of a nationwide campaign to highlight the impact of excess landfill capacity on the development of alternative waste management technologies, such as waste-to-energy. At present, excess landfill dominates the waste sector and has made it uneconomic for investors to develop alternatives such as composting and waste-to-energy.

CEWEP Ireland recognizes that landfill is required as part of an integrated waste management system for residual waste. However, based on national figures from the EPA and projections used for other recent landfill extension applications, it is submitted that there is no need for the intensification at Derryclure. CEWEP Ireland therefore submits that the EPA refuses the development of this intensification.

It is noted that the EPA has signaled its intention to apply conditions to all waste licences restricting the landfill of untreated MSW. By restricting the types of waste that can be accepted to landfill, such conditions can encourage the development of alternative waste management facilities even where excess landfill capacity persists. However, this condition would also reduce the overall need for additional landfill capacity, which would only serve to undermine the grounds for the proposed intensification.

## 2.0 CEWEP

CEWEP represents over 340 waste-to-energy plants across Europe in 16 countries, treating approximately 52 million tonnes of municipal solid waste (MSW) per year. CEWEP in Ireland supports European and Irish waste policy and promotes an integrated approach to managing waste. This involves supporting the development of sustainable waste-to-energy facilities in Ireland and banning the landfill of combustible waste. CEWEP Ireland therefore strongly supports the introduction of pre-treatment conditions by the EPA for landfill operators, which will effectively contribute towards CEWEP's goals.

## 3.0 Need for the Scheme

The Environmental Protection Agency Act, 1992, specifies that in carrying out its functions, the Agency shall (amongst other things):

*“ensure, in so far as is practicable, that a proper balance is achieved between the need to protect the environment (and the cost of such protection) and the need for infra-structural, economic and social progress and development”*

Where the environmental impacts cannot be justified by the need, this “balance” will not be attained. As explored in this submission, the need for the facility cannot be justified.

Further to this, according to the Waste Management Act 1996 and the 2003 Act specifies, in reference to the granting of waste licences, that the Agency must have regard to:

*the policies and objectives of the Minister or the Government in relation to waste management for the time being extant,*

and,

(4) The Agency shall not grant a waste licence unless it is satisfied that ...

(bb) if the activity concerned involves the landfill of waste, the activity, carried on in accordance with such conditions as may be attached to the licence, **will comply with Council Directive 1999/31/EC** on the landfill of waste

The proposed intensification of the Derryclure landfill does not align with national policy (outlined in Appendix D), and may impact on Ireland's ability to meet its Landfill Directive targets.

### 3.1 Need for Capacity

#### 3.1.1 Capacity in the GDA

The Derryclure EIS argues that capacity is required to service a landfill capacity shortage in the GDA.

Two recent landfill extension applications have also sought to satisfy this potential capacity deficit, amounting to an additional 550,000 tpa. Of this, 240,000 tpa has already been approved at the Drehid facility in Kildare (PL 09.PA0004).

The Inspector's report for the Drehid planning approval considered two scenarios. The first scenario provided an optimistic outlook assuming the Nevitt landfill (PL06F.EL2051) could be operational by 2010 and the Poolbeg waste-to-energy plant (PL29S.EF2022) by 2012. This found that, following a short term deficit of around 100,000 tpa in 2009, there would be excess landfill capacity of 200,000 tpa from 2010 and over 1 million tpa from 2013. The second scenario was less optimistic and assumed that Nevitt would be delayed until 2015 and Poolbeg until 2016/2017. In this assessment, a total of 1.5 million tonnes deficit was predicted over the six years from 2009 to 2015.

Based on this forecast deficit, the decision was taken to approve the Drehid extension for five years, to provide 1.2 million tonnes capacity. The Inspector noted that:

*"The uncertainty surrounding the delivery of Nevitt and Poolbeg creates difficulties in terms of planning for the deficits arising in the GDA"*

but also noted that there had been slow progress in the achievement of alternatives to landfill, which could impact on actual future waste arising in the GDA. It is notable that the Bord modified the proposed application by reducing the period of the extension from seven years to five years; it seems by reference to need, as the reason for this was stated to be as follows:

*"Having regard to predicted waste arising and capacity issues in the Greater Dublin Area and to national policy objectives in relation to reduction of waste, the Board considered that a five year limit on the increased through-put of waste at the facility is more appropriate than the seven years sought by the applicant"*.

Condition 1 restricts the extension to 360,000 tonnes per annum until 1 December 2013. However, it is clear that the Board considered it inappropriate to authorise the increased capacity for the longer period due to doubts as to whether this was in fact needed. The Board envisages that additional capacity at Drehid can be authorised if appropriate in the future. In its reason for the imposition of Condition 1, the Board states that it:

*“considers it appropriate that the increased rate of waste deposition hereby permitted should be reviewed after five years, in the light of waste policy and capacity pertaining at that time”.*

Furthermore, the Inspector considered it reasonable to permit the Drehid extension only on the proviso that controls were placed on the capacity at the Nevitt facility, to ensure that excess capacity did not arise in the GDA that may compromise the delivery of alternative waste management infrastructure.

According to this analysis, the extension at Drehid will cover any potential deficit arising in the GDA. It is designed to cater for significant delays to both key infrastructure developments in the GDA (Nevitt and Poolbeg), which may not be justified in the long term. For example, since this decision was made, the Poolbeg facility received an EPA Waste Licence (W0232-01) and site clearance has begun. Construction of the facility is anticipated to commence in 2009.

### 3.1.2 National Landfill Capacity

Due to interregional waste movements and the rationalisation of waste infrastructure, need should also be considered on a national basis. CEWEP Ireland has been campaigning for a number of years about the problem of excess landfill capacity at a national level. National waste deposits and landfill capacity for 2007 is given in Appendix A.

This shows that Ireland is currently heavily reliant on landfill despite numerous policy imperatives to move away from landfill at both a national and EU level (see Appendix D). This reliance is largely due to excess landfill capacity, which came about in the early 2000s in response to an imminent landfill shortage.

CEWEP Ireland has estimated that there is currently 3.8 million tpa approved capacity compared with only 2.0 million tpa waste<sup>1</sup> deposited to landfill in 2007 (see Appendix A). Effectively, Ireland has 180% of the capacity required for residual waste arising. When compared with the amount of waste Ireland is allowed to send to landfill under the Landfill Directive, or with the targets for landfill under the Programme for Government, this excess is even greater.

Projections to 2013 (Appendices B & C) also indicate that at no stage in the future, given current approvals, is there likely to be a national deficit in landfill capacity. This is important because the continued oversupply of landfill capacity to date has supported an ongoing reliance on landfill and prevented Ireland from moving towards its landfill diversion targets.

<sup>1</sup> According to EPA figures from the *National Waste Report 2007*



That is, planning for landfill capacity to make up for a deficit, to compensate the lack of alternatives, is part of a vicious circle since the overcompensated landfill capacity prevents these alternatives from ever developing. This includes compensating for potential delays and uncertainties relating to key waste infrastructure, or providing reserve capacity. A constant surplus of landfill capacity removes any market incentive for much needed alternative infrastructure, and in the absence of other legislative or economic drivers, landfill will continue to dominate the waste market.

As shown in Appendix B, even with the closure of a number of landfills in 2012 and delays to the planned capacity in the GDA, there will still be an excess of around 60,000 tpa. If this planned capacity is developed on time, the excess could rise to over 1.16 million tpa (Appendix C).

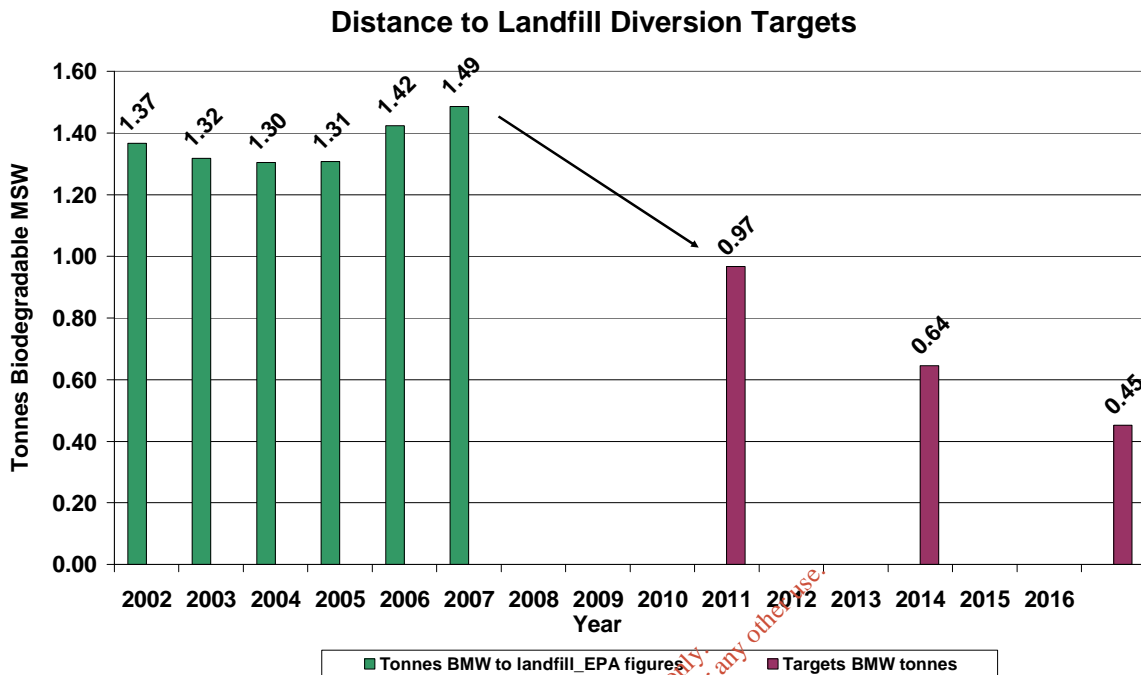
It is noted that no attempt has been made here to compare available capacity with forecast waste arising. The EPA has signalled its intention<sup>2</sup> to introduce conditions to all landfill licences that require a certain amount of pre-treatment of residual waste prior to landfill disposal. As noted in the Derryclure EIS (Figure 1.4), this will have the effect of reducing the overall landfill requirement. The EIS estimates the Midlands landfill requirement at 56,966 tpa by 2018. It is noted that the existing capacity as shown in Appendices B & C would adequately cater for this demand.

Therefore, according to these figures, there is no justification for the proposed Derryclure intensification.

### 3.3 Landfill Directive Targets

The Landfill Directive requires a 35% reduction in the amount of biodegradable waste currently going to landfill by 2010, with further reductions of 57% and 70% by 2013 and 2016 respectively. These targets are shown on the right hand side of Figure 4 below. Missing them could incur fines from Europe of over €100,000 per day.

<sup>2</sup> EPA, *Municipal Solid Waste – Pre-Treatment and Residuals Management*, Sept. 2008, available at <http://www.epa.ie>



**Figure 4: Landfill figures and diversion targets for Ireland**

As shown on the left hand side of Figure 4, the amount of BMW going to landfill has been increasing since 2004. This was due to increased competition between landfills for waste and a subsequent drop in gate fees. The EPA in its 2006 report<sup>3</sup> recognised this problem, and found that it had reduced the economic incentive to collect source-separated materials or to develop alternatives to landfill.

Competition between landfills has prevented the entry into the waste market of much needed infrastructure higher in the waste hierarchy, such as recycling, composting, waste-to-energy and mechanical-biological treatment facilities. It is estimated that landfill gate fees dropped to as low as €60/t<sup>4</sup> to €70/t between 2006 and 2008.

This demonstrates the importance of limiting the amount of available landfill capacity, to prevent competition for waste and enable alternatives to enter the waste market. As shown in Appendices A to C, the proposed intensification at Derryclure will only contribute to excess landfill capacity in Ireland and will therefore perpetuate this landfill reliance.

<sup>3</sup> EPA, *National Waste Report 2006, 2007*, available at <http://www.epa.ie>

<sup>4</sup> Cre, *New Government has to make changes for composting*, Newsletter 15-August 2007, 2007, available at <http://www.cre.ie>, industry evidence at *Waste Summit* in November 2008



## 4.0 Summary

There is no demonstrated need for the intensification sought for the Derryclure landfill. The recent planning approval of the Drehid landfill extension was intended to cater for any deficit arising in the GDA. This was based on a careful assessment by An Bord Pleanála of waste arising and capacity need in the region, and is substantiated in this submission by national landfill figures compiled by CEWEP Ireland. Any regional deficit can be easily absorbed by the national landfill capacity surplus. In any case, is likely to be displaced (to other treatment technologies) by the EPA pre-treatment conditions.

It is critical that any unnecessary landfill capacity is avoided. Excess landfill capacity prevents alternatives like recycling, mechanical biological treatment and waste-to-energy from developing, which perpetuates Ireland's reliance on landfill in a vicious circle. Given that the Landfill Directive targets are now less than 12 months away, further landfill developments would be extremely unhelpful to Ireland meeting its obligations.

Since there is no demonstrated need for the Derryclure intensification, it does not constitute sustainable development insofar as there is no balance between the need to protect the environment and the need for infrastructural development. Therefore, it is submitted that a waste licence for this intensification should be refused.

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## Appendix A: Excess Landfill Capacity in 2007

This table shows the landfill capacity available compared to waste deposited in 2007 based on the EPA *National Waste Database 2007*.

Waste Region	Landfill	Current Status	Waste Deposited (Based on EPA figures)	Approved Capacity
Clare	Inagh	Operational	48,090	56,500
Limerick	Gortadroma	Operational	36,591	130,000
Kerry	North Kerry	Operational	54,779	77,000
<b>Total</b>			<b>139,460</b>	<b>263,500</b>
Connaught	Ballaghaderreen	Operational	23,368	25,000
	Derrinnumera	Operational	18,941	40,000
	Rathroeen	Operational	17,978	45,000
	East Galway / Connaught Regional	Operational	98,712	100,000
<b>Total</b>			<b>158,999</b>	<b>210,000</b>
Cork	Derryconnell	Due for closure 2008/9	9,618	14,000
	Kinsale Road	Due for closure 2008/9	33,544	100,000
	Youghal	Due for closure 2009/10	125,150	170,000
	Bottlehill	Built but not operational		217,000
	East Cork	Closed	4,061	-
<b>Total</b>			<b>172,373</b>	<b>501,000</b>
Donegal	Ballynacarrick	Operational	32,270	25,000
<b>Total</b>			<b>32,270</b>	<b>25,000</b>
Dublin	Arthurstown	Due for closure 2010	480,529	400,000
	Balleally	Due for closure 2008/9	88,829	450,000
<b>Total</b>			<b>569,358</b>	<b>850,000</b>
Kildare	KTK	Due for closure 2008/9	180,625	275,000
	Drehid	Operational 2008		
	Usk	Operational 2010		
	Kerdiffstown	Operational		235,000
<b>Total</b>			<b>180,625</b>	<b>510,000</b>
Midlands	Ballaghveny	Operational	29,169	37,000
	Ballydonagh	Operational	51,678	60,000
	Derryclure	Operational	59,118	40,000
	Kyletalesha	Operational	41,174	47,100
<b>Total</b>			<b>181,139</b>	<b>184,100</b>
North East	Corranure	Due for closure 2009	80,088	90,000
	Scotch Corner	Operational	38,665	39,500
	Whiteriver	Operational	51,608	92,000
	Knockharley	Operational	136,154	132,000
<b>Total</b>			<b>306,515</b>	<b>353,500</b>

Waste Region	Landfill	Current Status	Waste Deposited (Based on EPA figures)	Approved Capacity
South East	Donohill	Operational	14043	40,000
	Dunmore	Due to close 2008	21543	42,495
	Killurin	Due to close 2008	9339	8,000
	Powerstown	Operational	33873	40,000
	Holmestown	Under construction		67,000
<i>Total</i>			<b>78,798</b>	<b>197,495</b>
Wicklow	Rampere	Due for closure 2010	48425	50,000
	Ballynagran	Operational	146836	150,000
<i>Total</i>			<b>195,261</b>	<b>200,000</b>
<b>Total</b>			<b>2,014,798</b>	<b>3,294,595</b>

<b>Excess:</b>	<b>1,279,797 tpa</b>
	<b>164% %</b>

*Note: The approved capacity for Arthurstown has been revised to align with capacity estimates from Appendix 1.2.1 of the Dredge WtF Intensification and Extension EIS.*

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## Appendix B: Estimated Capacity post 2012

Estimated landfill capacity post 2012 assuming closure of numerous landfills in Clare/Limerick/Kerry, Connaught, Cork, Dublin, Kildare, the South-East and Wicklow as highlighted as well as the opening of the Usk landfill. This scenario assumes that the Carranstown WTE plant is operational but that there have been significant delays to the development of Nevitt and Poolbeg (highlighted). It is noted that the Drehid extension is only permitted until 2013, but that provisions have been made to review this at that time with a view to further extension if necessary.

Waste Region	Landfill	Current Status	Waste Deposited (Based on EPA 2007)	Approved / Available Capacity	Excess
Clare Limerick Kerry	Inagh	Operational	48090	53,800	5,710
	Gortadroma	Operational	36591	130,000	93,409
	North Kerry	Operational	54779	75,000	20,221
	<b>Total</b>		<b>139,460</b>	<b>258,800</b>	<b>119,340</b>
Connaught	Ballaghaderreen	Closed	23368		-23,368
	Derrinnumera	Closed	18941		-18,941
	Rathroeen	Operational	17978	45,000	27,022
	East Galway / Connaught Regional	Operational	98712	100,000	1,288
<b>Total</b>		<b>158,999</b>	<b>145,000</b>	<b>-13,999</b>	
Cork	Derryconnell	Closed	9618		-9,618
	Kinsale Road	Closed	33544		-33,544
	Youghal	Closed	125150		-125,150
	Bottlehill	Operational		189,000	189,000
<b>Total</b>		<b>172,373</b>	<b>189,000</b>	<b>16,627</b>	
Donegal	Ballynacarrick	Closed	32270		-32,270
<b>Total</b>		<b>32,270</b>	<b>0</b>	<b>-32,270</b>	
Dublin	Arthurstown	Closed	480529		-480,529
	Balleally	Closed	88829		-88,829
	Poolbeg WTE	Delayed			0
	Nevitt	Delayed			0
<b>Total</b>		<b>569,358</b>	<b>0</b>	<b>-569,358</b>	
Kildare	KTK	Closed	180625		-180,625
	Drehid	Operational	0	360,000	360,000
	Usk	Operational	0	180,000	180,000
	Kerdiffstown	Operational	0	235,000	235,000
<b>Total</b>		<b>180,625</b>	<b>775,000</b>	<b>594,375</b>	
Midlands	Ballaghveny	Closed	29169		-29,169
	Ballydonagh	Closed	51678		-51,678
	Derryclure	Operational (1)	59118	40,000	-19,118
	Kyletalesha	Operational	41174	47,100	5,926
<b>Total</b>		<b>181,139</b>	<b>87,100</b>	<b>-94,039</b>	

Waste Region	Landfill	Current Status	Waste Deposited (Based on EPA 2007)	Approved / Available Capacity	Excess
	Corranure	Closed	80088		-80,088
North East	Scotch Corner	Operational (1)	38665	39,500	835
	Whiteriver	Operational	51608	92,000	40,392
	Knockharley	Operational (1)	136154	88,000	-48,154
	Carranstown WTE	Operational		200,000	200,000
<i>Total</i>			<b>306,515</b>	<b>419,500</b>	<b>112,985</b>
	Donohill	Closed	14043		-14,043
South East	Dunmore	Closed	21543		-21,543
	Killurin	Closed	9339		-9,339
	Powerstown	Closed	33873		-33,873
	Holmestown	Operational		55,000	55,000
<i>Total</i>			<b>78,798</b>	<b>55,000</b>	<b>-23,798</b>
Wicklow	Rampere	Closed	48425		-48,425
	Ballynagran	Operational	146836	150,000	3,164
<i>Total</i>			<b>195,261</b>	<b>150,000</b>	<b>-45,261</b>
<b>Total</b>			<b>2,014,798</b>	<b>2,079,400</b>	<b>64,602</b>

(1) Currently seeking extension

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## Appendix C: Estimated Capacity post 2012 with new capacity

As per Appendix B but with Nevitt and Poolbeg online. It is noted that the Drehid extension is expected to be restricted back to 120,000 tpa by 2013, but this will not have a significant impact on the considerable excess capacity identified here.

Waste Region	Landfill	Current Status	Waste Deposited (Based on EPA figures)	Approved / Available Capacity	Excess
	Inagh	Operational	48090	53,800	5,710
Clare	Gortadroma	Operational	36591	130,000	93,409
Limerick					
Kerry	North Kerry	Operational	54779	75,000	20,221
<b>Total</b>			<b>139,460</b>	<b>258,800</b>	<b>119,340</b>
	Ballaghaderreen	Closed	23368		-23,368
Connaught	Derrinumera	Closed	18941		-18,941
	Rathroeen	Operational	17978	45,000	27,022
	East Galway / Connaught Regional	Operational	98712	100,000	1,288
<b>Total</b>			<b>158,999</b>	<b>145,000</b>	<b>-13,999</b>
	Derryconnell	Closed	9618		-9,618
Cork	Kinsale Road	Closed	33544		-33,544
	Youghal	Closed	125150		-125,150
	Bottlehill	Operational		189,000	189,000
<b>Total</b>			<b>172,373</b>	<b>189,000</b>	<b>16,627</b>
Donegal	Ballynacarrick	Closed	32270		-32,270
<b>Total</b>			<b>32,270</b>	<b>0</b>	<b>-32,270</b>
Dublin	Arthurstown	Closed	480529		-480,529
	Balleally	Closed	88829		-88,829
	Poolbeg WTE	Delayed		600,000	600,000
	Nevitt	Delayed		500,000	500,000
<b>Total</b>			<b>569,358</b>	<b>1,100,000</b>	<b>530,642</b>
Kildare	KTK	Closed	180625		-180,625
	Drehid	Operational	0	360,000	360,000
	Usk	Operational	0	180,000	180,000
	Kerdiffstown	Operational	0	235,000	235,000
<b>Total</b>			<b>180,625</b>	<b>775,000</b>	<b>594,375</b>
	Ballaghveny	Closed	29169		-29,169
Midlands	Ballydonagh	Closed	51678		-51,678
	Derryclure	Operational (1)	59118	40,000	-19,118
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	Carranstown WTE	Operational		200,000	200,000
<i>Total</i>			<b>306,515</b>	<b>419,500</b>	<b>112,985</b>
	Donohill	Closed	14043		-14,043
South East	Dunmore	Closed	21543		-21,543
	Killurin	Closed	9339		-9,339
	Powerstown	Closed	33873		-33,873
	Holmestown	Operational		55,000	55,000
<i>Total</i>			<b>78,798</b>	<b>55,000</b>	<b>-23,798</b>
Wicklow	Rampere	Closed	48425		-48,425
	Ballynagran	Operational	46836	150,000	3,164
<i>Total</i>			<b>195,261</b>	<b>150,000</b>	<b>-45,261</b>
<b>Total</b>			<b>2,014,798</b>	<b>3,179,400</b>	<b>1,164,602</b>

(1) Currently seeking extension

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## Appendix D: Policy Imperatives for Landfill Diversion

The policy statement *Changing Our Ways* as far back as 1998 set out to dramatically reduce Ireland's reliance on landfill in favour of an integrated approach. This was highlighted as the most fundamental issue to be addressed in waste management, since a heavy reliance on landfill limited the development of an integrated approach and inhibited waste recovery and recycling. Later policy documents, including *Waste Management - Taking Stock and Moving Forward (2004)* and *National Overview of Waste Management Plans (2004)* also recognised, as a critical part of national waste policy, the necessity of eliminating reliance upon landfill.

More recently:

- The *National Strategy on Biodegradable Waste* sought to reduce Ireland's dependence on landfill in line with EU Landfill Directive targets
- The *National Bioenergy Action Plan* and the *National Development Plan 2007 – 2013* emphasised that landfill is the least favoured option for residual waste management.
- The 2007 *Programme for Government* set an objective to reduce reliance on landfill to as low as 10% and required that those landfills provided for under regional waste management plans should be the last to be constructed for a generation

Government and EU policy therefore requires that Ireland moves away from landfill and that no new, unplanned facilities are developed, due to the impact of a heavy reliance on landfill on the development of alternatives.

Despite these policies, Ireland has made little progress in moving away from landfill. This has caused serious concern over Ireland's ability to meet its EU targets. The alarm was first raised in a report by the Comptroller and Auditor General in 2005, which stated that *"there is a significant risk that Ireland will fail to meet the targets set down in the Landfill Directive"*. Since then, the amount of waste going to landfill has increased and as a consequence, Ireland has moved further away from meeting its targets. Various organisations continue to highlight the increasing urgency of this problem, including, for example:

- The EPA in the *National Waste Report 2006*, which warned that *"Urgent action is required in 2008 on diverting waste from landfill..."* and that *"new policy intervention is recommended to divert waste, and biodegradable waste in particular, from landfill in the short term"*
- The Economic and Social Research Institute (ESRI)'s *Medium Term Review 2008-2015*<sup>5</sup>, which warned that without a substantial shift to recycling or large-scale use of incineration, it is unlikely that Ireland will meet its EU Landfill Diversion obligations

<sup>5</sup> Fitzgerald, J. et al, *Medium-Term Review 2008-2015*, ESRI, 2008

The development of any new landfill capacity must be carefully evaluated in this context.

It is worth noting that, where there is a demonstrated short-term need, Government policy endorses the extension and expansion of activity at existing sites to avoid the development of new facilities. This was outlined in *Changing Our Ways*, which states that:

- *“There may be situations where local authorities face an imminent shortage of disposal capacity, with some situations so acute as to require action in advance of the outcome of the current strategic planning process. A commitment to the provision of new landfill facilities, in isolation from the broader issues which require to be addressed, should as far as possible be avoided. Every effort should be made to develop interim solutions which do not prejudice the outcome of longer-term strategic solutions.”*
- *“Where imminent landfill capacity problems exist, action to extend the life of existing landfill facilities, rather than to provide new landfill sites, should be a priority. This can be facilitated by..... seeking access to landfill capacity available in neighbouring local authority areas”*
- *“Where a local authority determines that it has no option but to provide additional landfill capacity in advance of completion of the strategic planning process, consideration should first be given to the phased development of small scale cells, on or adjacent to existing facilities, rather than the acquisition and development of large green-field landfill sites for new landfill with a lengthy lifespan.”*

The movement of waste for the rational use of infrastructure was later formalised in Circular WIR 04/05.