

sub (66)

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**Sent:** 04 January 2007 19:38  
**To:** Catherine O'Keeffe  
**Subject:** CEWEP Submission to Waste Licence Application for Proposed FingalCo Co Landfill



CEWEP  
bmission.pdf (430 K)

Please find attached a CEWEP submission to the Waste Licence Application (Your Ref: W0231-01) for the Proposed Fingal Co Co Landfill at Nevitt/Tooman in North County Dublin for the Agency's consideration.

A hard copy has also been forwarded by post for your files.

I would be grateful if the Agency could confirm receipt of this submission for our files.

Kind regards,

Jackie Keaney  
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**Submission to the EPA regarding the Fingal Landfill Facility at Tooman/Nevitt**

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## 1.0 Outline of Submission

This submission outlines the reasons for which the EPA should reject the Waste Licence application submitted by Fingal County Council for the proposed Fingal Landfill at Tooman/Nevitt.

The proposed Fingal landfill will contribute to excess landfill capacity in the Greater Dublin Area and in Ireland. This will inhibit the development of waste treatment options higher in the waste hierarchy, which will contravene EU and Irish policy and have a negative environmental impact, by:

- adversely affecting Ireland's ability to meet **biodegradable municipal waste diversion targets** as outlined in the EU Landfill Directive
- adversely affecting Ireland's ability to meet **national landfill diversion targets**
- inhibiting the development of an **integrated waste management system** in Ireland
- in the absence of a justified need, **unnecessarily impacting on the environment**. The development does not achieve the balance between the need to protect the environment and the need for progress and development would be disrupted.

This submission outlines in detail the issues that underpin EU and Irish waste policy, and how landfill capacity impacts on the current Irish waste management system.



## 2.0 CEWEP

The Confederation of European Waste to Energy Plants, or "CEWEP", was founded in 2002 and includes members with over 330 WTE plants across Europe. Our members treat over 45 million tonnes of waste annually with a total turnover of €4.5 billion and represent 90% of the Waste to Energy market in Europe.

CEWEP members treat municipal solid waste (MSW) in an environmentally sustainable way using state-of-the-art incineration technology, which reduces the volume of waste going to landfill by up to 90%. This process also recovers energy from the waste, which can be delivered to homes, hospitals and industry as heat or electricity.

Our Mission is to secure as part of Government policy the banning of landfill of untreated combustible waste. This is consistent with the principles of the waste hierarchy, and more importantly, EU and Irish waste management policy.

CEWEP Ireland monitors policy and market developments in the Irish waste sector. In 2005, CEWEP observed and reported on the fact that landfill approvals were not all consistent with Regional Waste Management Plans. This has led to a situation in which the available landfill capacity exceeded the capacity required for residual waste disposal.

As part of a campaign to raise awareness about this excess landfill capacity, CEWEP distributed this report to the Department of Environment, Heritage and Local Government, to state agencies such as An Bord Pleanála, and the EPA, Local Authorities such as Fingal County Council and a number of environmental consultancies and other public bodies. The report was also made available on the CEWEP Ireland website ([www.cejwepireland.com](http://www.cejwepireland.com)).

CEWEP has updated this report to reflect recent landfill capacity approvals and other developments. This submission outlines the findings of these reports in the context of national landfill capacity and the impact that the proposed Fingal Landfill project would have on Ireland's waste management system. An important point made in both reports is that landfill does have a role to play in an integrated waste management system. However, excess landfill prevents the development of alternative technologies higher up on the waste hierarchy (see Appendix A).

CEWEP believes that the proposed Fingal Landfill facility will contribute to a greater reliance on landfill, thereby contravening national policy. This policy is outlined in more detail below.

### 3.0 Legal Framework

It is submitted that the Fingal landfill development is not in line with EU and Irish policy. The following discussion highlights some of the key environmental and waste policies that support this theory. It is submitted that the EPA must have regard to this policy in making decisions on awarding operating licences to waste management facilities.

#### 3.1 Sustainable Development and the Waste Hierarchy

The EC Treaty enshrines the objective of environmental protection with Article 174(2.1) stipulating that:

“Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community.”

Another objective given force in the provisions of the EC Treaty is sustainable development, which is mentioned in the Preamble to the Treaty on European Union and Articles 2 and 6 of the EC Treaty.

These two objectives were linked by the European Commission in the Sixth Environmental Action Programme, which proposed a significant reduction in the quantum of waste disposed of.

Priorities for sustainable development in the waste sector were outlined in Article 3 of the Waste Framework Directive 75/442/EEC (as amended by Council Directive 91/156), which provides for a waste hierarchy as follows:

1. Member States shall take appropriate measures to encourage:
  - a. firstly, the prevention or reduction of waste production and its harmfulness, in particular by
    - i. the development of clean technologies more sparing in their use of natural resources
    - ii. the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or final disposal, to increasing the amount or harmfulness of waste and pollution hazards

iii. the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery

b. secondly:

i. the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or

ii. the use of waste as a source of energy

This Waste Hierarchy is illustrated in Figure 1 below.

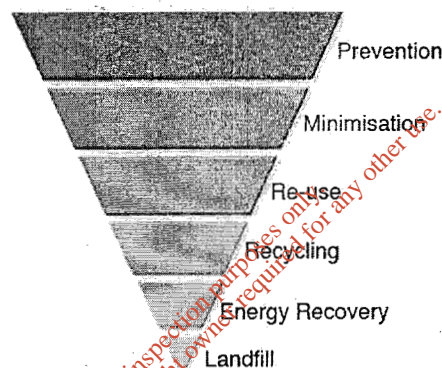


Figure 1. Internationally recognised Waste Hierarchy

As can be seen, **landfilling of waste is at the very bottom of the hierarchy** and is, therefore, positively discouraged as a waste disposal method under the Framework Directive. This is because:

- Landfill is the least efficient at recovering materials and energy embodied in the waste
- Landfill gas emissions are potent greenhouse gases and have negative effects on climate change
- Landfills have important local impacts on air (including odour), soil and water quality

The Waste Hierarchy is one of the core principles of EU and Irish Waste Policy.



## 3.2 EU Waste Policy

### 3.2.1 Development of Waste Policy

EU waste policy was originally set out in *Community Strategy for Waste Management of 1989 (SEC(89) 934 Final 1989)*. This document forms the cornerstone of European waste policy. In 1992, the EU adopted a vigorous and progressive environmental policy entitled "Towards Sustainability". The policy laid the foundations for achieving sustainable development into the new millennium.

The strategic direction of EU waste policy has been set out in the 5<sup>th</sup> & 6<sup>th</sup> Environmental Action Programme. The 6<sup>th</sup> Environmental Action Programme provides the environmental component of the Community's strategy for sustainable development, placing our environmental plans in a broad perspective, considering economic and social conditions. It also makes the link between environment and European objectives for growth and competitiveness.

An important component of the 6<sup>th</sup> Environmental Action Plan is the Thematic Strategy on Waste Prevention & Recycling, adopted in December 2005. Whilst the waste hierarchy still applies, the Thematic Strategy prioritises the principles of life cycle analysis in waste management to ensure that the maximum benefit for the environment is achieved relative to the effort expended. It is expected that the strategy will "**contribute to continuing to move waste flows away from landfill**", through improved implementation and promotion of economic instruments. As a consequence, it is expected that waste will be channelled into options higher up the waste hierarchy, namely recycling and energy recovery from waste.

### 3.2.2 Landfill Directive

These policies are implemented on a practical level through, amongst other measures, the Landfill Directive (Directive 99/31/EC on the Landfill of Waste). This expands upon the provisions of the Waste Framework Directive, aims as far as possible to prevent or reduce risks to public health and harmful environmental effects caused by landfill disposal. The objectives of the Directive are evident from the recitals thereto which include the following:

- (4) Whereas further consideration should be given to the issues of incineration of municipal and non-hazardous waste, composting, biomethanisation, and the processing of dredging sludges;
- (5) Whereas under the polluter pays principle it is necessary, *inter alia*, to take into account any damage to the environment produced by a landfill;

- (6) Whereas, like any other type of waste treatment, landfill should be adequately monitored and managed to prevent or reduce potential adverse effects on the environment and risks to human health...
- (7) Whereas both the quantity and hazardous nature of waste intended for landfill should be reduced where appropriate; whereas the handling of waste should be facilitated and its recovery enhanced...
- (16) Whereas measures should be taken to reduce the production of methane gas from landfills, *inter alia*, in order to reduce global warming, through the reduction of the landfill of biodegradable waste and the requirements to introduce landfill gas control;
- (17) Whereas the measures taken to reduce the landfill of biodegradable waste should also aim at encouraging the separate collection of biodegradable waste, sorting in general, recovery and recycling;

The overall objective of the Landfill Directive is spelt out in Article 1(1) thereof which recognises the significant impacts on the environment of landfills and the undesirability of the landfilling of waste:

With a view to meeting the requirements of Directive 75/442/EEC, and in particular Articles 3 and 4 thereof, the aim of this Directive is, by way of stringent operational and technical requirements on the waste and landfills, to provide for measures, procedures and guidance to prevent or reduce as far as possible ***negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste***, during the whole life-cycle of the landfill.

Amongst other things, the Landfill Directive sets targets that restrict biodegradable municipal waste (BMW) going to landfills. Each Member State is obliged to take measures to implement the targets, which are outlined in a National Biodegradable Waste Strategy and submitted to the European Commission.

It can be seen from the foregoing, and the other provisions of the Landfill Directive that it seeks to discourage the landfilling of waste and to reduce the amount of waste that is disposed of by landfill and to encourage, instead, waste prevention, and other forms of waste recovery such as waste to energy facilities that are higher in the waste hierarchy than landfill.

CEWEP supports EU waste policy and supports an integrated approach to waste management.



## 3.2 National Policy

### 3.2.1 National Policy Framework

The Department of Environment, Heritage & Local Government is responsible for the development of national legislation necessary to put in place a framework to implement EU law and to achieve policy goals.

Ireland's environmental policy was comprehensively set out in the 1997 Department of the Environment document "*Sustainable Development – a Strategy for Ireland*". In summary the policy approach was founded on the "integrated waste management" approach, based on the internationally adopted hierarchy of options in Figure 1. This approach was further developed in the policy statement "*Waste Management – Changing our Ways*" in 1998, which, to this day, provides a national policy framework for the adoption and implementation of the Waste Hierarchy and the other core principles of EU waste policy.

This document states that:

"The primary purposes of this Policy Statement are to provide a national framework within which local authorities and the waste industry can plan ahead with confidence, and in particular, to.....identify actions which should be taken by local authorities to secure the provision of an adequate, national infrastructure to meet modern waste management needs."

Overall, the policy statement strongly endorses:

- meaningful strategic planning on a regionalised basis; and
- **a dramatic reduction in reliance on landfill**, in favour of an integrated waste management approach, which utilises a range of waste treatment options to deliver effective and efficient waste services and ambitious recycling and recovery targets.

Regarding a framework for implementation of an integrated waste management system and diversion of waste from landfill, the Policy document states that:

- "Landfill will continue to have a role in future waste disposal in Ireland. The nature of that role must change so that landfill becomes a subsidiary element of an integrated waste infrastructure, catering for the disposal of residual waste which cannot be prevented or otherwise treated, and where the primary focus is on prevention, recovery and recycling. Strategic planning must now take account of all available options to **reduce long-term reliance on landfill**, or that over a 15 year planning horizon, required capacity can be very substantially reduced."

- **“Reducing this reliance on landfill is the most fundamental issue to be addressed in the waste management area, and should be the core objective of the current local planning process.”**
- **“Heavy reliance on landfill coupled in many cases with uneconomic charging policy has limited the development of integrated waste management approaches” and “inhibited waste recovery and recycling options.”**
- **“the importance of economies of scale: waste infrastructure should be planned on a scale that facilitates *viable, cost-effective alternatives to landfill.*”**

This illustrates the adverse impacts that landfill has not only on the immediate environment, but also on the development of alternative waste management options that are more sustainable. Increasing landfill capacity therefore has a direct impact on the implementation of an integrated waste management system (see Appendix A).

It is clear that a reliance on landfill cannot continue to be the basis of modern waste infrastructure.

The document states that the implementation of a modern integrated waste management system and diversion of waste from landfill should facilitate the achievement of specific waste management targets over a 15-year timescale (i.e. 2013-2014), which include:

- recycling of 35% of municipal waste;
- a diversion of 50% of overall household waste away from landfill;
- a minimum 65% reduction in biodegradable wastes consigned to landfill;
- the development of waste recovery facilities employing environmentally beneficial technologies, as an alternative to landfill; and
- rationalisation of municipal waste landfills.

It is outlined in *Changing Our Ways* how Ireland is to implement waste policy and achieve these targets. Local Authorities were to put in place strategic waste management plans under which a series of ambitious targets and objectives towards improved waste management would be met, for example the Dublin Waste Management Plan.

Regarding management of this transition period (i.e. this 15-year timescale referred to above), as Ireland moves away from an over dependence on landfills and implements an integrated waste management approach, the Policy Document 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.”

### 3.2.2 Recent Waste Policy

A similar theme continued in *Preventing and Recycling waste – Delivering Change*, published in 2002, which aimed to look at the factors and practical elements that are relevant to achieving waste policy objectives. In particular, it supports the objective of moving from an over-dependence on landfill towards implementation of the waste management hierarchy of minimisation, reduction, reuse and recycling.

This Policy Document states that the reuse and recycling of waste and landfill diversion is to be promoted by, among other things, the introduction of landfill levies and banning the landfilling of certain types of materials. These and later policy reviews such as:

- Waste Management - Taking Stock and Moving Forward (2004)
- National Overview of Waste Management Plans (2004)

indicate a commitment on the part of the State to continued improvement in waste management generally, and recognise, as a critical part of the national waste policy, the necessity of eliminating reliance upon landfill, diverting waste away from landfill and developing prevention and minimisation initiatives together with recycling, biological treatment and thermal treatment facilities.

Thus Irish waste policy, in line with EU policy, is geared towards landfill diversion, highlighting the unacceptable environmental impacts associated with landfill compared with other waste management options.

CEWEP supports Ireland's waste policy and concurs with the need for a fully integrated and sustainable waste management system. Waste must be treated in a more sustainable way. This can be achieved by proper treatment in a WTE plant of all non-recyclable, combustible waste where only the residue (the volume of which is typically reduced by 90%) goes to landfill.

CEWEP is concerned about the lack of policy direction and implementation of existing policy regarding landfill diversion targets, which has resulted in the approval of 2 – 3 million tpa of excess landfill capacity (i.e. above that which is needed).

### 3.2.3 Role of the EPA

It is submitted that the EPA has a key role to play in the prevention of further landfill capacity developments in line with its objectives as protector of the Irish Environment. The Environmental Protection Agency Act, 1992, specifies that:

- 2) In carrying out its functions, the Agency shall—
  - a. keep itself informed of the policies and objectives of public authorities whose functions have, or may have, a bearing on matters with which the Agency is concerned,
  - b. have regard to the need for a high standard of environmental protection and the need to promote sustainable and environmentally sound development processes or operations,
  - c. have regard to the need for precaution in relation to the potentially harmful effect of emissions, where there are, in the opinion of the Agency, reasonable grounds for believing that such emissions could cause significant environmental pollution,
  - e. 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.

The balance referred to in 2(e) can be assessed from an Environmental Impact Statement (EIS), which must be submitted to the EPA. The EIS contains a description of the aspects of the environment likely to be significantly affected by the proposed development, as well as a justification for the need for the facility. These aspects are required by the EC Council Directive 85/337/EC, transposed into Irish legislation as the Local Government (Planning and Development) Acts 1963 to 1993. Thus where the environmental impacts cannot be justified by the need, then the balance referred to in 2(e) 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:

(2) Subject to subsection (5), in considering an application for a waste licence or in reviewing, pursuant to this Part, a waste licence, the Agency shall have regard to ...

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

Furthermore,

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

(b) the activity concerned, carried on in accordance with such conditions as may be attached to the licence, will not cause environmental pollution,

(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

(c) the best available technology not entailing excessive costs will be used to prevent or eliminate or, where that is not practicable, to limit, abate or reduce an emission from the activity concerned ...

It is submitted that it is in the remit of the EPA to have regard to national policy, as well as the Landfill Directive, and to promote sustainable and environmentally sound development.

It is submitted that, as highlighted in national waste policy, the Fingal landfill project will prejudice the outcome of long-term strategic solutions to waste management, by increasing Ireland's reliance on landfill, which inhibits waste recovery and recycling options. This will in turn affect Ireland's ability to meet the Landfill Directive as outlined in following sections.

Whilst it is recognised that landfill has a role as a residual waste disposal option, landfill developments must be constrained in order to promote alternative waste management solutions and attain the alluded balance between the "need to protect the environment and the need for infra-structural, economic and social progress and development". It is contested that in the presence of excess landfill capacity in Ireland, this balance cannot be attained.

The Fingal Landfill project does not constitute sustainable and environmentally sound development and is not in line with EU and Irish waste policy.

## 4.0 Current Waste Management in Ireland

It is submitted that Ireland is behind in meeting Landfill Directive targets, as well as national landfill diversion targets, due to its reliance on landfill as a waste disposal method. This creates greater environmental impacts compared with higher in hierarchy waste management options.

However, in the presence of excess landfill capacity currently available in Ireland, the development of much needed alternative waste management technologies is inhibited. Appendix A outlines this in more detail. Authorising additional landfill capacity can only exacerbate this situation.

As highlighted above, in its capacity in assessing and authorising operational licences to landfills, the EPA must have regard to Irish waste policy, the Landfill Directive, and the balance between the need for the facility and the protection of the environment.

### 4.1 Landfill diversion targets

Under the Landfill Directive, each Member State must complete a strategy for the diversion of biodegradable waste from landfill and submit this to the European Commission.

Figures from the European Commission in 2002 show that a majority of the Member States had achieved 2006 targets or far better for biodegradable waste diversion. Some Member States were already meeting 2016 targets. These generally had well-established recycling and WTE infrastructure and either low landfill capacity for pre-treated waste or a high landfill tax. This is illustrated in Figure 2.0.

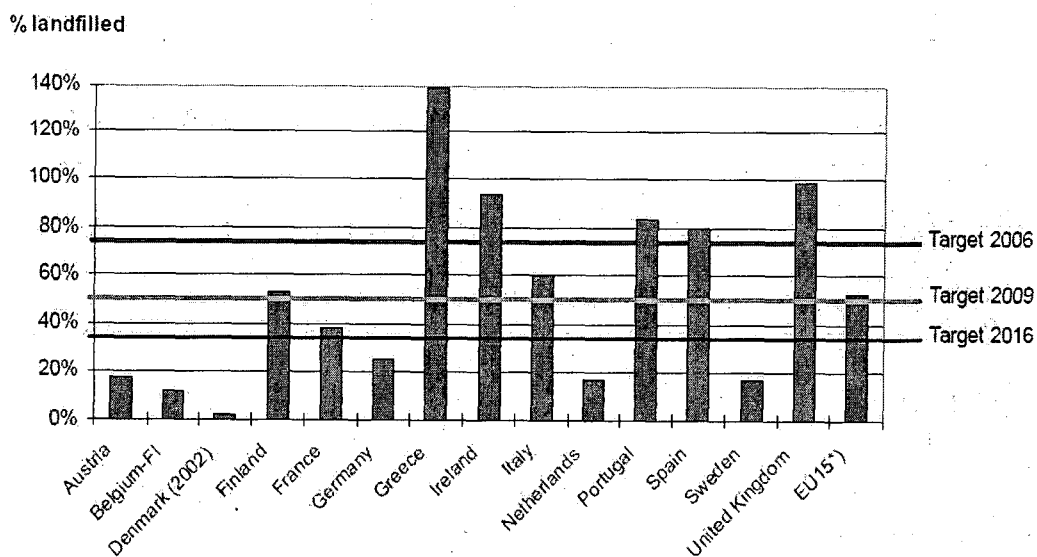


Figure 2.0 : Biodegradable municipal waste distance to target, 2002

(Source: EC Directorate-General Environment)



## 4.2 National Biodegradable Strategy

Ireland submitted a *National Strategy on Biodegradable Waste* to the European Commission in April 2006. It is disappointing to note that Ireland obtained a 4-year derogation on diversion targets, pushing the first target back to 2010. Despite this, the *National Biodegradable Waste Strategy* recognises that achieving even these diversion targets will represent **“a huge challenge to the Irish waste industry”**.

The Strategy outlines Ireland’s landfill diversion targets that, in line with the Landfill Directive, are to reduce biodegradable waste to landfill by:

- 75% of the total amount (by weight) of BMW produced in 1995 by 2010;
- 50% of the total amount (by weight) of BMW produced in 1995 by 2013; and
- 35% of the total amount (by weight) of BMW produced in 1995 by 2016.

The strategy outlines the minimum quantities of residual BMW that will require alternative treatment and the maximum quantities of residual BMW that can be landfilled, as illustrated in Table 1.0.

**Table 1.0: Projected generation & management of residual BMW 2010-2016**

Year	Projected Quantity of Residual BMW Collected (tonnes)	Maximum Quantity of Residual BMW to Landfill (tonnes)	Minimum Quantity of Residual BMW for Alternative Treatment (tonnes)
2010	1,276,337	967,433	308,904
2013	1,083,146	644,956	438,190
2016	951,231	451,469	499,762

Note: Figures do not take into account non-biodegradable residual municipal & industrial waste. Residual MSW arising are estimated to be within range of 2.1 to 2.5 million tonnes over the period 2010-2016

However, total quantities of BMW sent to landfill have increased since 1995. According to the EPA's *National Waste Report 2004*, 101% of the total amount of BMW produced in 1995 was sent to landfill in 2004 (the 2006 target was for 75% BMW produced in 1995). To achieve diversion targets, Ireland must increase biodegradable waste diversion by the amounts shown in Table 2.0.

**Table 2.0 : Reduction in Biodegradable Waste to Landfill Required to achieve Diversion Targets**

Year	Gap Analysis (at projected BMW growth rates)
2004 existing	630,788
2010 required	1,412,083
2013 required	1,729,585
2016 required	1,817,262

(Source: *National Biodegradable Waste Strategy*)

This implies that Ireland should be striving as much as possible to improve on biodegradable waste diversion from landfill. **Creating additional and excess landfill capacity will negatively impact on this goal.**

In addition to these EU targets, Ireland has set national targets of 50% household waste diversion from landfill by 2013. This was outlined in the national policy statement *Waste Management – Changing our Ways* in 1998.

The recently published 2005 Annual Report of the Comptroller and Auditor General remarks that:

“While the overall percentage of BMW going to landfill has been reducing the volume going to landfill has continue to increase in the period 1995 to 2004. It would appear, therefore, that **there is a significant risk that Ireland will fail to meet the targets set down in the Landfill Directive**. In light of the possibility of EU financial penalties arising from any such failure, I sought the views of the Accounting Officer on the effectiveness of the measures taken to date and on the action proposed to meet the specified targets.”

It went on to note that the Accounting Officer had confidence that the *National Strategy on Biodegradable Waste* would form:

“a credible basis for the achievement of the landfill diversion targets.”

However, the National Biodegradable Waste Strategy requires the implementation of alternative treatment technologies, which will not be possible in an environment of excess landfill capacity.

### 4.3 Biodegradable Waste Diversion at Fingal Landfill

As part of a Waste Licence, developers must provide information as to the quantities of biodegradable municipal waste and how the targets of the Landfill Directive (1999/31/EC) are to be achieved.

The Fingal Landfill project EIS describes how these targets will be achieved through source separation and the development of composting, recycling and WTE capacity. However, as recognised in Irish waste policy, an overdependence on landfill as a disposal route prevents the development of alternative infrastructure. This is exacerbated in Ireland at present due to the availability of excess landfill capacity (see Section 7).

Thus the proposed Fingal Landfill will inhibit the development of alternative waste management infrastructure, upon which it relies for biodegradable waste diversion in order to meet the prescribed targets.

### 4.4 Waste Management Plans

National targets and objectives are implemented through a series of regional strategic waste management plans. Local authorities are responsible for compiling and implementing these plans, the first of which were published in 1999. These Regional Waste Management Plans set policy targets and envisaged significant landfill diversion and the development of recycling and WTE technology.

Typical policy targets would be:

- 45% Recycling Rate
- 35% Waste-to-Energy Rate
- 20% Landfill Rate

Increasing landfill capacity, either within waste management regions, or on a national level, makes it virtually impossible to develop the necessary alternative waste management infrastructure required to achieve these challenging landfill diversion targets. This is because excess landfill capacity in one waste region has a direct impact on integrated waste management in both that region and neighbouring regions, by lowering landfill gate fees and rendering waste management options higher in the waste hierarchy less competitive.

CEWEP has observed that not all of the initial Waste Management Plans were adhered to. Landfill approvals that were not in line with waste plans have led to the



development of excess landfill capacity; particularly in Kildare, Wicklow and the North East. This will impact directly on the development of recycling and thermal treatment in those and all neighbouring regions, including Dublin. Approving a further 500,000 tpa landfill capacity in Dublin will cripple the development of these higher in hierarchy treatment options, and ensure that waste continues to be diverted to lower cost landfill.

Therefore, even if the Fingal landfill is required for strategic reasons to secure waste disposal in the Dublin region, it is submitted that the impacts this would have on neighbouring regions, compounded by the impacts of excess landfill capacity in Wicklow, Kildare and the North East, would be extremely harmful to the development of recycling and thermal treatment.

The EPA can play a key role in restricting landfill capacity, to promote sustainable development, minimise environmental impacts and align with Irish waste policy. In making decisions on awarding operating licences, the EPA must have regard to Irish waste policy, which sets out long term landfill diversion targets and a need to reduce Ireland's dependence on landfill. In the context of current excess landfill capacity, any future decisions are of a critical nature for the achievement of policy goals and the sustainable development of Ireland's waste management sector.

If approval is given for further landfills, there is a high likelihood that Ireland will miss its national and EU landfill diversion targets and will continue to rely on landfill in preference to more environmentally desirable and efficient methods of recycling and waste disposal.

#### 4.5 Funding of Local Authority Waste Management Activities

CEWEP is concerned that the continual development of landfill capacity may be influenced by the financial gain associated with landfill operations.

The majority of current available MSW landfill capacity is operated by the public sector. CEWEP understands that local authorities derive considerable income from these operations, which has substantially increased in the last 8 years. This is illustrated in Table 3 below<sup>1</sup>.

<sup>1</sup> Grant Thornton assessment of Local Authority revenue from waste management operations commissioned by CEWEP subsequent to publication of the Indecon International Economic Consultants, *Indecon Review of Local Government Financing Report Commissioned by the Minister for the Environment, Heritage and Local Government*, October 2005, available from <http://www.environ.ie>

**Table 3.0: Local Authority Dependence on Landfill Income**

	1996 € mn	2004 € mn
<b>Total receipts from charges for services</b>	530.9	1,125.0
<b>Receipts from Waste Management</b>	29.2	322.4
<b>Receipts from Landfill Operation</b>	22.9	253.1
<b>Landfill Income as a % of Charges Income</b>	4.3%	22.5%

This shows that in the period from 1996 to 2004, overall income from all sources of local authority funding increased by 221%. Over the same period, income from waste management in general and landfill sites in particular increased by 1,103%. Landfill income as a percentage of charges for services income rose from 4.3% in 1996 to 22.5% in 2006.

CEWEP has concerns regarding the potential impact such a significant revenue source may be having on the justification for the 'need' the proposed development.

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## 5.0 Sustainable Development in Waste Management

As previously outlined, according to Irish Waste Policy, it is unsustainable to develop additional landfill capacity to meet a 'strategic need'. As *Changing Our Ways* (1998) states:

"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.**"

CEWEP would contend that there is excess landfill capacity in the short-term and sufficient capacity in the long-term for projections up to 2020 (except for the period 2011-2012 as identified previously). Where a temporary regional deficit arises, *Changing our Ways* states:

"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."

Where this cannot be met within the immediate region, waste policy (*Changing Our Ways, 1998*) states that capacity deficits can be facilitated by..... seeking access to landfill capacity available in **neighbouring local authority areas.**"

It is submitted that any short-term capacity deficit in the Dublin Region should not be supplemented by a new facility, particularly where this facility would contribute to long-term excess landfill capacity. To do so would:

- contravene Irish and European waste policy
- prejudice the outcome of longer-term strategic solutions
- unnecessarily increase the environmental impacts of waste disposal



## 6.0 Summary

On the basis of the figures presented above, it is clear that developing the proposed Fingal landfill capacity will contribute to serious adverse long-term impacts on the environment, by:

- Preventing the attainment of biodegradable municipal waste diversion targets
- Preventing the attainment of national landfill diversion targets
- Increasing landfill gas emissions to atmosphere, including gases that contribute to global warming, amongst other negative environmental impacts
- Preventing the development of an integrated waste management system in line with the Waste Hierarchy, EU and national waste policy.

As matters stand, there is a considerable amount of excess landfill capacity in Ireland and the Greater Dublin Area, which is undermining Ireland's ability to meet EU and national diversion targets. Awarding an operating licence to this project would only exacerbate the situation further. As the need for the facility cannot be justified, as outlined in the EIS under the EC Council Directive 85/337/EC (amended by 91/11/EC), it would also counter any balance between the need to protect the environment and the need for progress and development.

According to Irish Waste Policy, it is unsustainable to develop additional landfill capacity to meet a 'short-term capacity need'. Instead, existing facilities should be extended or excess capacity in adjacent regions used to make up a deficit.

In its capacity to award operating licences to waste management facilities, the EPA must have regard to national waste policy, as well as to protecting the environment in general. It is submitted that approval of the landfill facility would contravene Irish waste policy and, in particular, the provisions of the Waste Framework and Landfill Directives which seek to reduce the landfilling of waste and the promotion of alternatives. It would also lead to greater environmental impact from waste disposal activities.

Accordingly, it is submitted that approval for the proposed landfill should be refused.

## Appendix A: Excess Landfill Capacity

The approval of landfill capacity that was not in line with Regional Waste Management Plans has led to the development of an excess of available landfill capacity. Under the recently revised Regional Plans, this surplus in landfill capacity has increased. Indeed, the more recent plans offer less direction on meeting landfill diversion targets and therefore provide, to a lesser extent, a guide to landfill capacities on a national level. CEWEP believes that this dilution of the Plans is due to Local Authority reliance on landfill revenue.

CEWEP has produced a report that compares data from 38 landfill sites (See Table A.1). Data was collected on approved landfill capacities from planning permission and waste licence documentation, with current waste volumes deposited derived from Annual Environmental Reporting. These reports are in the public domain and available for consultation.

**Table A.1: Approved National Landfill Capacity (tpa) as of November 2006**

Waste Region	Landfill	Current Status	EPA Approved Capacity	ABP Capacity	Current Need (Based on waste deposited 2004 - 2005)
Clare Limerick Kerry	Inagh	Operational	56,500	56,500	43,000
	Gortadroma <sup>1</sup>	Operational	130,000	130,000	50,219
	North Kerry	Operational	77,000	77,000	34,430
	<b>Total</b>		<b>263,500</b>	<b>263,500</b>	<b>127,649</b>
Connaught	Ballaghaderreen	Operational	25,000	25,000	18,000
	Derrinurera	Operational	40,000	40,000	29,915
	Pollboy	Due for closure	120,000	120,000	122,000
	Rathroeen	Operational	45,000	45,000	28,264
	East Galway	Operational	100,000	100,000	161
	<b>Total</b>		<b>330,000</b>	<b>330,000</b>	<b>198,340</b>
Cork	Derryconnell	Operational	14,000	14,000	10,231
	East Cork	Due for closure	120,000	120,000	97,238
	Kinsale Road	Operational	100,000	100,000	43,830
	Youghal	Operational	170,000	170,000	5,376
	Bottlehill <sup>2</sup>	Built but not operational	217,000	217,000	0
	Ballyguyroe	Rejected by ABP	145,000	0	0
	<b>Total</b>		<b>766,000</b>	<b>621,000</b>	<b>156,675</b>
Donegal	Meenaboll	Rejected by ABP – negotiations ongoing	25,000	0	0
	<b>Total</b>		<b>25,000</b>	<b>0</b>	<b>0</b>

Waste Region	Landfill	Current Status	EPA Approved Capacity	ABP Capacity	Current Need (Based on waste deposited 2005)
Dublin	Arthurstown	Operational	600,000	600,000	497,273
	Balleally	Operational	451,000	451,000	131,236
	Nevitt/Tooman	Planning and EIS lodged with ABP	0	0	0
	<b>Total</b>		<b>1,101,000</b>	<b>1,101,000</b>	<b>635,621</b>
Kildare	KTK	Operational	275,000	275,000	273,000
	Drehid	Under construction	120,000	120,000	0
	Calf Field	Rejected by ABP	213,500	0	0
	Usk	Recently approved	180,000	180,000	0
	Kerdiffstown	Operational	235,000	235,000	0
	<b>Total</b>		<b>1,023,500</b>	<b>810,000</b>	<b>273,000</b>
Midlands	Ballaghveny	Operational	37,000	37,000	32,620
	Ballydonagh	Operational	60,000	60,000	31,040
	Derryclure	Operational	40,000	40,000	41,685
	Kyletalesha	Operational	47,100	47,100	41,685
	Anniskannan	Rejected by ABP	175,000	0	0
	<b>Total</b>		<b>359,100</b>	<b>184,100</b>	<b>146,958</b>
North East	Corranure	Operational	90,000	90,000	32,050
	Scotch Corner	Operational	39,500	39,500	38,823
	Whiteriver	Operational	92,000	92,000	60,833
	Knockharley <sup>3</sup>	Operational	175,000	88,000	136,121
	<b>Total</b>		<b>396,500</b>	<b>309,500</b>	<b>267,827</b>
South East	Donohill	Operational	40,000	40,000	20,416
	Dunmore	Due for closure	42,495	42,495	25,524
	Kilbarry	Due for closure	68,000	68,000	35,541
	Powerstown	Operational	40,000	40,000	33,000
	Garrynagree	Rejected by EPA	0	0	0
	Holmstown	Due for construction	80,000	80,000	0
	Hardbog	Under judicial review	40,000	40,000	0
	<b>Total</b>		<b>310,495</b>	<b>310,495</b>	<b>114,481</b>
Wicklow	Rampere	Operational	50,000	50,000	14,000
	Ballynagran	Now operational	175,000	150,000	0
	<b>Total</b>		<b>225,000</b>	<b>200,000</b>	<b>14,000</b>
<b>Total</b>			<b>4,750,095</b>	<b>4,079,595</b>	<b>1,927,511</b>

**Notes:**

1. Approved 5 cells only
2. Bottlehill Tonnage to increase to 217,000 at year 4
3. Capacity restricted to 132,000 tpa until 2007 and 88,000 tpa thereafter by An Bord Pleanala

Data source: [www.epa.ie](http://www.epa.ie); [www.pleanala.ie](http://www.pleanala.ie); Regional Waste Management Plans; White Young Green Environmental Consultants

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In summary, the total capacity approved by the EPA amounts to 4.75 million tonnes per annum compared with a total approved capacity by An Bord Pleanála of just over 4 million tpa. Only half of this capacity, or just less than 2 million tpa, is currently required for residual waste. Therefore, today Ireland has over 2 million tonnes per annum of excess landfill capacity. This is illustrated in Figure A.1 below.

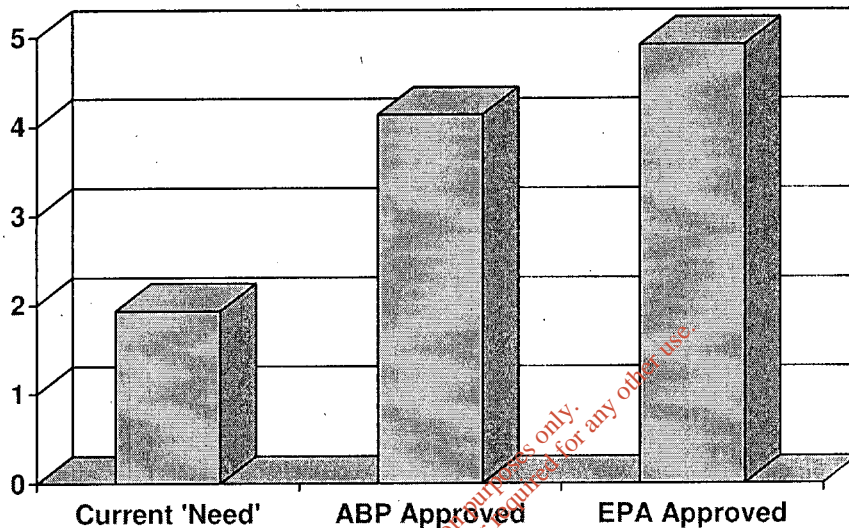


Figure A.1 Excess Landfill Capacity on a National Level

### Impacts of Excess Landfill Capacity

The CEWEP report analyses the long-term implications of current landfill approvals, comparing total available landfill capacity against residual waste volumes from 2006 to 2020. Annual landfill capacities were calculated from projected life spans and capacities of all landfills currently with planning and licensing approvals. Volumes of residual waste were based on projections in Regional Waste Management Plans given targeted recycling, composting and thermal treatment rates. The findings are illustrated in Figure A.2.

This indicates that with current approvals, national landfill capacity exceeds residual waste requirements for most of the study period. The short-term deficit projected for the period 2011-2012 could be met by extending existing landfill facilities in line with the DoEHLG's *Changing Our Ways* Policy Statement. The approval of an additional 500,000 tpa capacity, as for the proposed Fingal Landfill, would further exacerbate this situation (see Figure A.3).

In the presence of excess landfill capacity, it is unlikely that recycling and thermal treatment infrastructure, which contributes to reaching diversion targets, will develop as hoped in Regional Waste Management Plans.

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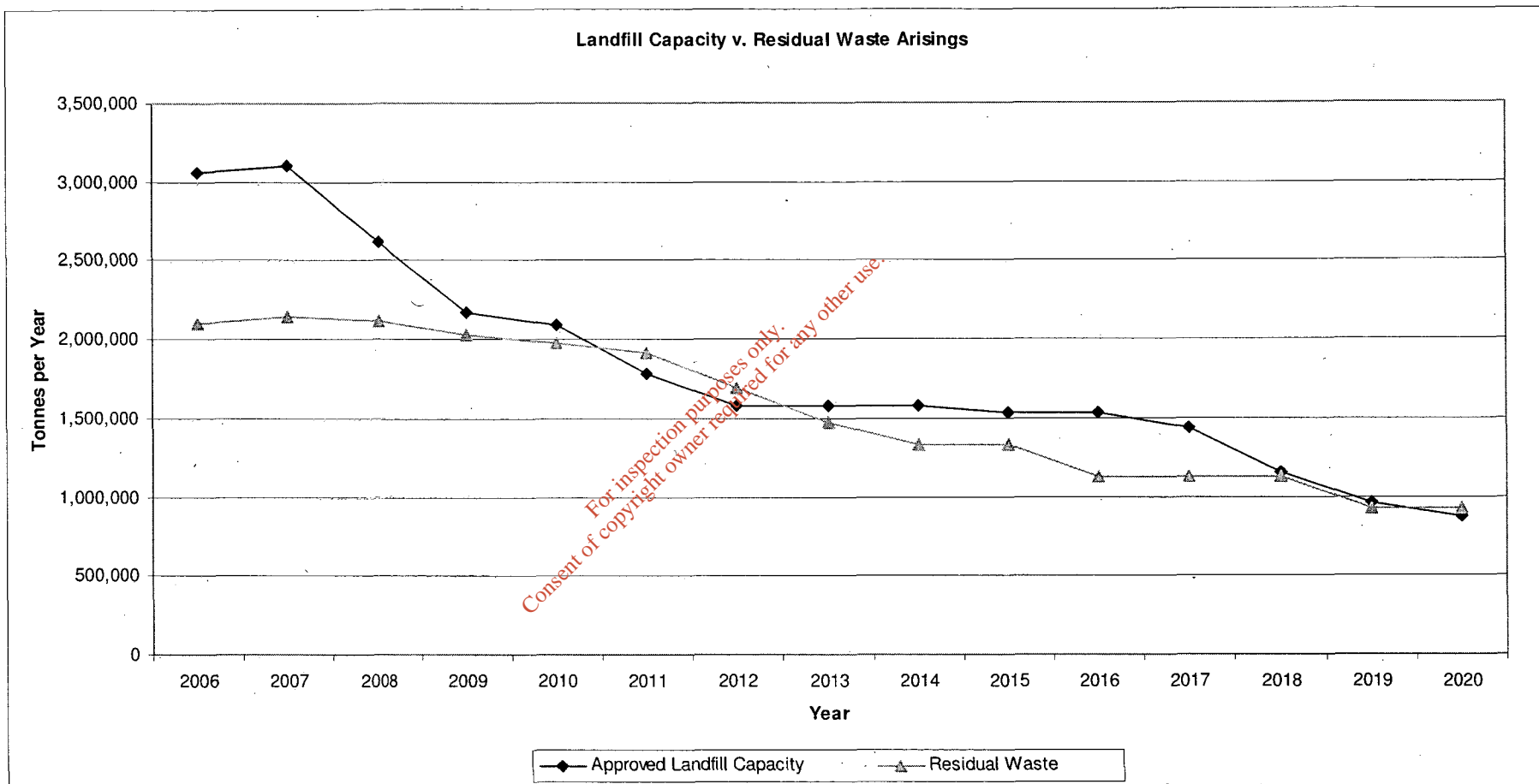


Figure A.2: Projected landfill capacity for the period 2006 to 2020

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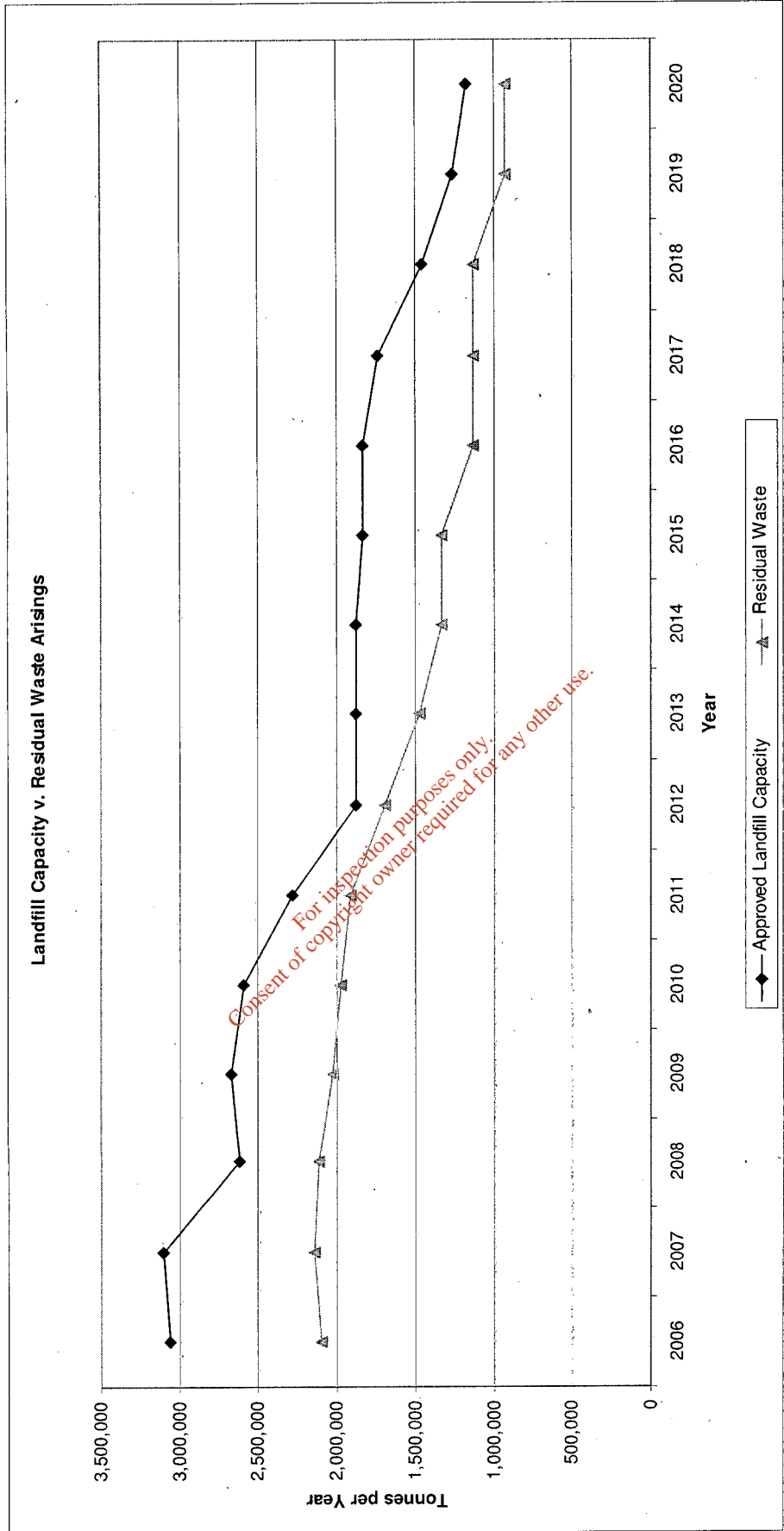


Figure A.3: Impact of proposed development on projected landfill capacity for the period 2006 to 202

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