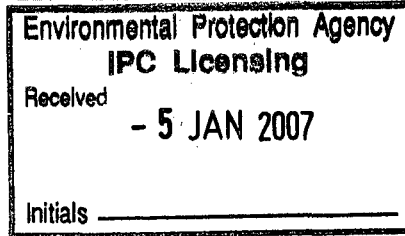


Sub (69)

**Catherine O'Keeffe**

**From:** Claire Shellshear [cshellshear@indaver.ie]  
**Sent:** 05 January 2007 09:08  
**To:** Catherine O'Keeffe  
**Subject:** Submission regarding Application W0231-01



Dear Mr O'Keeffe,

Indaver Ireland is making this submission to object to Fingal County Council's waste licence application for the operation of a large-scale landfill in Nevitt/Tooman (Reg No. W0231-01).

It is submitted that the proposed project is not in line with Irish waste policy, and will have a negative impact on Ireland's ability to meet the Landfill Directive (1999/31/EC). It is also submitted that due to excess landfill capacity in Ireland, the facility is not needed and poses an unnecessary risk to the environment. These issues are described in more detail in the attached submission. Indaver Ireland would urge the EPA to consider them in reviewing the licence application, and to reject the application.

Should you have any queries or comments on this submission or any other matters, please do not hesitate to contact us on the details included below.

Yours Sincerely,

Claire Shellshear

Project Coordinator - Energy  
Indaver Ireland | 4 Haddington Terrace | Dun Laoghaire | Co. Dublin  
Tel: + 353 1 2804534 | Fax: + 353 1 2807865

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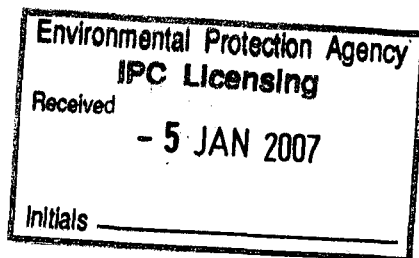
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sub (69)



## Submission to the EPA Regarding the Proposed Landfill Facility at Tooman/Nevitt

### 1.0 Introduction

#### 1.1 Grounds for Submission

Indaver Ireland is making this submission to object to Fingal County Council's waste licence application for the operation of a large-scale landfill in Nevitt/Tooman (Reg No. W0231-01).

It is submitted that the proposed project is not in line with Irish waste policy, and will have a negative impact on Ireland's ability to meet the Landfill Directive (1999/31/EC). It is also submitted that due to excess landfill capacity in Ireland, the facility is not needed and poses an unnecessary risk to the environment.

The EPA must have regard to proper balance between the need to protect the environment and the need for infrastructural, economic and social progress and development (the "need" for the facility as outlined in the EIS). Indaver Ireland proposes that it would contravene both the Environmental Protection Agency Act 1992, as well as the Local Government (Planning and Development) Acts 1963 to 1993, to accord the facility with an operating licence, and requests that the EPA reject the application.

#### 1.2 Company Profile

Indaver was founded in 1985, at a time when the waste management structure in Belgium was very similar to Ireland. While Belgium was beginning to implement an integrated waste management system, the vast majority of its waste was still being disposed of to landfill and there was a very low rate of recycling. Hazardous waste was being exported to other countries for disposal.

The Flemish Government, in partnership with local industry, formed Indaver NV in order to provide an integrated waste management strategy for Flanders and address the waste problem.

Today, Flanders has the highest recycling rate of any region in the world, has 1.2 million tonnes incineration capacity and is self-sufficient in managing hazardous waste. One of the policy drivers used in achieving this was a restriction on national landfill capacity.

Indaver is an integrated waste management company that specialises in waste treatment. The company employs over 800 people and has operations in 8 European

countries. In 2005, Indaver managed approximately 1,480,000 tonnes of hazardous and non-hazardous waste at the company's waste recovery and disposal sites.

Indaver established itself in Ireland in 1999 to develop waste infrastructure. It currently has two major waste to energy (WTE) projects in the planning and licensing system. This includes a non-hazardous WTE plant in County Meath and an industrial waste facility including a hazardous WTE plant in County Cork. In addition we have considerable recycling activities including operation of recycling centres, paper recycling, solvent recycling, WEEE recycling and diversion from landfill solutions. More information on these and other projects is available on the company website <http://www.indaver.ie>.

## 2.0 Legal and Policy Background

### 2.1 Consideration of Irish Waste Legislation

According to the Environmental Protection Agency Act, 1992:

- 2) In carrying out its functions, the Agency shall—
  - 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,
  - 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.

Furthermore, for developments where an Environmental Impact Assessment (EIA) is required, as in the case of the proposed Fingal Landfill project, the descriptive Environmental Impact Statement (EIS) must be forwarded by the planning authority to the EPA.

According to EC Council Directive 85/337/EC (as amended by Council Directive 97/11/EC), transposed into Irish legislation in the Local Government (Planning and Development) Acts 1963 to 1993, the EIS contains a description of the aspects of the environment likely to be significantly affected by the proposed development. It also contains the justification for the need for the facility. These aspects are both required in order to assess the *proper balance between the need to protect the environment and the need for infra-structural, economic and social progress and development* as required by the Environmental Protection Agency Act, 1992. If the need for the facility cannot be sufficiently justified, under either the EU or Irish legislation as outlined above, then this balance is not achieved and a high standard of environmental protection cannot be realised.

In this submission, Indaver Ireland will outline Irish waste policy and the current landfill situation, which clearly demonstrate that further landfill capacity is not needed. Given that the facility is not needed, to accord the facility with an operating licence would:

- **contravene both sections 2(b) and 2(e) of the Environmental Protection Agency Act 1992, and**
- **be inconsistent with the Local Government (Planning and Development) Acts 1963 to 1993.**

In addition to this, the EPA, in making decisions on Waste Licence applications, must have regard, according to the Waste Management Act 1996 and the 2003 Protection of the Environment Act, to:

**40. - (2) (iv) *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 ...

(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 ...

(cc) the activity concerned is consistent with the objectives of the relevant waste management plan or the hazardous waste management plan, as the case may be, and will not prejudice measures taken or to be taken by the relevant local authority or authorities for the purpose of the implementation of any such plan

The following sections outline Irish waste policies and objectives and aspects of the Council Directive 1999/31/EC, demonstrating that the proposed Fingal Landfill project is not in line with these provisions.

## 2.2 Landfill Directive

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. An important component of this is the Thematic Strategy on Waste Prevention & Recycling, adopted in December 2005. It is expected that this will **"contribute to continuing to move waste flows away from landfill"**, through improved implementation and promotion of economic instruments.

This policy drive away from landfill is implemented in a practical sense through, amongst other measures, the Landfill Directive (Directive 99/31/EC on the Landfill of Waste). The overall objective of the Landfill Directive, according to Article 1(1), is:

... 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.

The 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.

## 2.3 Irish Waste Policy

Landfill certainly has a role to play in Ireland's waste management system. However, as outlined in the Department of Environment's *Changing Our Ways* policy document, a heavy reliance on landfill has **"limited the development of integrated waste management approaches"**, and **"inhibited waste recovery and recycling options"**. It has also **"contributed in large measure to the problems now faced by local authorities who lack alternative disposal routes"**. This is largely because reliance on landfill, in many cases with uneconomic charging policies, prevents the development of alternative treatment technologies.

Irish waste policy demonstrates a commitment to dramatically reducing our reliance on landfill, in favour of a range of waste treatment options that better reflected the waste hierarchy and the need for environmental sustainability. Accordingly, it is clear that Government policy dictates that development consent should not be granted for a landfill in circumstances where there is no clearly demonstrated need for the landfill, particularly having regard to the adverse effects on the environment of doing so.

Indaver is objecting to the proposed Fingal Landfill project on the basis that there is no need for the project, as demonstrated below. Accordingly, it is contrary to both EU and Irish waste legislation and waste policy to accord the facility a Waste Licence.

### 3.0 Landfill Capacity in Ireland

#### 3.1 National Landfill Capacity

Regional Waste Management Plans are the primary means for implementing Irish waste policy, and to this extent take precedence in law over other development plans. However, since the formation of the first Regional Waste Management Plans in 1999, a number of planning and licensing decisions have been made which are inconsistent with those plans. For example:

- the Ballynagran landfill in County Wicklow was approved for a capacity of 150,000 tpa, making available 50,000 tpa to the Dublin Region. This contravened the Wicklow Region's Waste Management Plan, which envisaged a capacity of just 25,000 tpa (or one sixth of the approved capacity).
- three recent landfill decisions for the Kildare Region have seen total capacity in Kildare increase to over 500,000 tpa. These were approved on the basis that waste would be accepted from the Dublin area, and have led to a significant excess landfill capacity in Kildare.

These approvals and other national landfill data are detailed in the CEWEP publication *Excess Landfill Capacity : Impacts on the Implementation of Irish Waste Policy*<sup>1</sup>. As a result of these approvals, excess landfill capacity is now available in Ireland, and more specifically in the Greater Dublin Area and neighbouring regions. Excess landfill capacity inhibits the development of alternative treatment methods that would ensure only residual waste is sent to landfill. Without alternative treatment methods, it will not be possible to meet Landfill Diversion targets.

Furthermore, approving facilities that are not in line with the Plans seriously undermines the authority and purpose of the Plans. This not only affects all projects that have been proposed in accordance with the plan, but also affects **all Plans in neighbouring regions, and throughout Ireland**, that were designed in line with National Policy.

In this manner, the excess landfill capacity developed in the Kildare and North East regions seriously impacts on the Dublin Region Waste Management Plan 2005-2010, which had envisaged a requirement for landfill capacity for Dublin's waste. A

<sup>1</sup> CEWEP Publication, *Excess Landfill Capacity : Impacts on the Implementation of Irish Waste Policy*, 2006, available at <http://www.cewepireland.com>

significant quantity of this excess capacity became available only after the Dublin Region Waste Management Plan and the Fingal Landfill project EIS were submitted. Assumptions on capacity in the Dublin Region are discussed further below.

### **3.2 Capacity for Dublin Region**

The capacity of the proposed Fingal Landfill facility was submitted in early 2006, prior to a number of key landfill capacity approvals in the Greater Dublin Area. This capacity justified the need for the facility in line with the Dublin Region Waste Management Plan 2005-2010, as outlined above.

However, the capacity potentially available to Dublin can now be estimated at up to 683,000 tpa by 2008 and up to 654,500 available thereafter, or approximately the same capacity as that proposed for the Fingal Landfill facility.

This is shown in Table 1.0 below, which has been updated from the proposed Fingal Landfill EIS Table 1.4. This updated table reflects:

- A corrected capacity for the Meath incinerator as Indaver has received planning permission for a 200,000 tpa facility.
- a corrected capacity for the Knocknarey landfill in Meath (which is currently under appeal for an extension on this capacity)
- a revised capacity for the Kerdiffstown landfill facility
- the approval of the Usk and Drehid landfills, amounting to a total of 300,000 tpa
- the inclusion of Rampere, Whitestown, Corranure and Scotch Corner landfills which are also in "neighbouring regions" (the North East) as specified in Table 1.4 in the Fingal Landfill EIS

The Applicants took some of these additional capacities into account during an Oral Hearing with An Bord Pleanála in October 2006. Subsequent to revisions to Table 1.4 of the EIS and an acknowledgement of some of the additional capacity in adjacent regions by the Applicants, an estimated available landfill capacity of 440,000 tpa was identified for Dublin. However, despite these revisions, the overall capacity of the proposed Fingal Landfill was not adjusted.

The Council's revised estimate also failed to include the additional 135,000 tpa available in Kerdiffstown, which would bring the total amount to 575,000 tpa. In addition, the excess capacity available in Whiteriver and Scotch Corner was ignored, bringing the total figure up to 683,000 tpa. This is approximately equivalent to the

capacity of the proposed Fingal Landfill facility. In the longer term, it is estimated that up to 654,500 tpa will be available. This is illustrated in Table 1.0.

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Table 1.0 : Table 1.4 as presented in Fingal Landfill Project EIS with Updates

Facility Details			Potential Capacity (tonnes/annum)			Capacity Available to Dublin Region (in 2008) (as authorised in Planning)		Potential Capacity Available to Dublin Post-2008
Landfill	County	Operator	Total	Waste Type	Total Updated Figures as of October 2006	Tonnes / Annum	Tonnes / Annum Updated Figures as of October 2006	Tonnes/Annum Updated Figures as of October 2006
Carranstown WTE	Meath	Indaver	150,000	Municipal	200,000	0	0 <sup>1</sup>	Operational <sup>2</sup>
Knockharley	Meath	Greenstar	150,000, reducing to 88,000 (2007)	Municipal	132,000, reducing to 88,000 (2007) <sup>3</sup>	0	0	30,000 <sup>2,4</sup>
Ballynagran	Wicklow	Greenstar	150,000	Municipal	150,000	50,000	50,000	50,000
Kerdiffstown	Kildare	Neiphin	100,000	C/I	235,000 <sup>5</sup>	100,000	235,000	235,000
Usk	Kildare	Greenstar	180,000	Residual	200,000	0	200,000 <sup>5</sup>	200,000
Calf Field	Kildare	Thornton	0	Municipal	0	0	0	0
Drehid	Kildare	Bord na Mona	120,000	Municipal	120,000	0	60,000 <sup>6</sup>	60,000
Whitestown	Wicklow	Brownfield Restoration Ireland	0	C/I, Municipal, C&D	0	0	0	0
Rampere <sup>7</sup>	Wicklow	Wicklow County Council	0	Municipal	50,000	0	50,000	0 <sup>8</sup>
Whiteriver <sup>9</sup>	Louth	Louth County Council	0	Municipal	92,000	0	30,000 <sup>10</sup>	40,000 <sup>2</sup>
Corranure <sup>9</sup>	Cavan	Cavan County Council	0	Municipal	90,000	0	58,000 <sup>10</sup>	0
Scotch Corner <sup>9</sup>	Louth	Monaghan County Council	0	Municipal	39,500	0	0 <sup>10</sup>	39,500 <sup>2</sup>
<i>Subtotal</i>			<b>0.85 M</b>		<b>1.2645 M</b>	<b>0.15 M</b>	<b>0.683 M</b>	<b>0.6545 M</b>

<sup>1</sup> Not expected to be operational by 2008



<sup>2</sup> The Carranstown facility will free up landfill capacity that could service the Dublin Region. Thus landfills in the NE will become available to Dublin.

<sup>3</sup> Actual approved capacity is 132,000 and not 150,000 as noted in Table 1.4 in EIS

<sup>4</sup> Recently obtained permission to receive waste from Dublin

<sup>5</sup> Recently received Waste Licence for increased capacity

<sup>6</sup> Approved since March 2006

<sup>7</sup> Not included in Table 1.4 in EIS but lies within GDA so included here

<sup>8</sup> Rampere to close est. 2011

<sup>9</sup> Not included in Table 1.4 in EIS but lies within "other neighbouring regions" as does Carranstown and Knockharley, so included here

<sup>10</sup> Excess capacity derived from approved capacity less waste deposited (based on 2005 figures)

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In light of this available capacity, there is clearly no demonstrated need for the landfill capacity proposed at Tooman/Nevitt.

As both the Dublin Region Waste Management Plan 2005-2010 and the Fingal Landfill EIS were co-written by Fingal County Council, the same assumptions were made regarding available capacity. Therefore, the fact that the Fingal Landfill project is in line with the Dublin Region Waste Management Plan 2005-2010 is insufficient justification for the project (see Section 40 (4)(cc) of the Waste Management Act 1996 as amended by the Protection of the Environment Act 2003).

To follow the Dublin Waste Management Plan and approve the proposed Fingal Landfill, despite excess landfill capacity being available in neighbouring regions, would contravene:

- *the policies and objectives of the Minister or the Government, according to the Waste Management Act 1996 and the 2003 Protection of the Environment Act, which requires a reduction on reliance on landfill to be for residual waste only and therefore,*
- *the Local Government (Planning and Development) Acts 1963 to 1993 and the Environmental Protection Agency Act 1992 in assessing the balance between the need for the facility and the need to protect the environment*

It will also have an adverse effect on Ireland's ability to meet the Landfill Directive (1999/31/EC).

Indaver Ireland urges the EPA to have regard to these issues in its consideration of the Fingal Landfill waste licence application.

### **3.3 Short Term Impacts**

In the shorter term, the Fingal Landfill EIS and Dublin Waste Management Plans both estimate a considerable capacity deficit in the Dublin Region.

The 1998 Government policy document *Waste Management - Changing Our Ways* clearly states that landfill should not be developed to resolve a short term capacity situation. It highlights the importance of avoiding compromise of long term sustainability for short term gain. This is illustrated in Section 5.5.1 which states:

*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 long-term strategic solutions.***

Therefore, should a short term deficit arise despite this added capacity, it would be in contravention of the above policy, and would be unsustainable to resolve this by building a new landfill. There is sufficient landfill capacity in Ireland to cater for any short to medium term perceived deficit within the Greater Dublin Area. Either an extension can be developed to an existing landfill, or waste can be diverted to existing landfills with excess capacity available within the Greater Dublin Area or neighbouring regions as illustrated in Table 1.0.

### **3.4 Long Term Impacts**

The proposed facility is a long term project, which would extend Ireland's reliance on landfill and prolong the availability of excess landfill capacity.

Excess landfill capacity in the long term will have an important and detrimental impact on the development of alternative technologies as part of an integrated waste management system. As previously highlighted, the 1998 Government policy document *Waste Management - Changing Our Ways* recognised that a heavy reliance on landfill "limited the development of integrated waste management approaches", and "inhibited waste recovery and recycling options". This leads to a number of negative long term impacts including an increase in overall cost of waste management, an increase in greenhouse gas emissions from the waste sector, an inability to meet EU and national landfill diversion targets, and a need to export or landfill valuable recyclable and combustible waste materials.

The problem of excess landfill capacity is not a local or even a regional problem, but an **issue of national importance**. It is crucial that planners and policy makers restrict landfill capacity on a national scale in order to prevent the negative consequences that come with a lack of alternative treatment technologies.

## **4.0 Additional Environmental Impacts**

### **4.1 Impacts of landfilling biodegradable waste**

The diversion of biodegradable waste is not just important for meeting EU diversion targets. Landfilling such waste impacts on public health and the environment. The National Biodegradable Strategy states that:

"Landfilling of biodegradable waste creates **negative impacts on the environment**, such as: production and release of landfill gas, a potential global warming gas, which is also odorous; generation of leachate which must be collected and treated; slow rate of degradation – management of landfill gas and leachate must continue for many years after a landfill is closed."

These impacts would be greatly reduced by implementing waste management options higher in the Waste Hierarchy.

A recent review by the EPA<sup>2</sup> found that 58% of all public complaints in 2005 about IPPC licensed facilities related to waste facilities. The majority of these complaints were odour-related, principally regarding landfill or non-hazardous waste transfer stations. Almost 500 complaints were made in 2005 regarding odour from waste management facilities compared with less than half of this in 2004. This is illustrated in Figure 1.0.

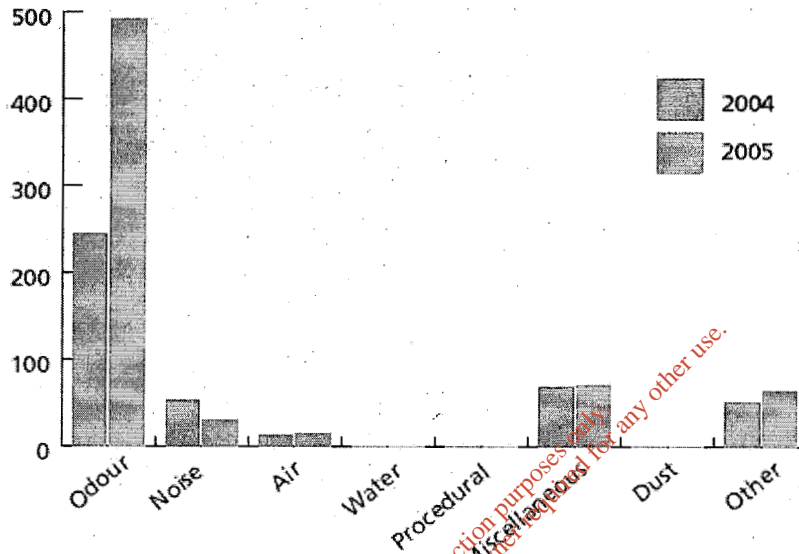


Figure 1.0 Complaints received by the EPA relating to waste facilities by category

Of the above, 16.5% of complaints received by the EPA regarding waste licensed facilities related to landfill odour. According to the review:

“10 landfills were responsible for 90% of these complaints: it is of concern that these include the most **recently opened landfills**, which have engineered lined cells in place, and some older landfills containing engineered lined cells in recent years.”

This demonstrates the importance of diverting biodegradable waste away from landfill according to the National Biodegradable Waste Strategy. However, as outlined in the CEWEP report *Excess Landfill Capacity : Impacts on the Implementation of Irish Waste Policy*<sup>3</sup>, in the presence of excess landfill capacity, the development of alternative treatment technologies will be inhibited and there will be little option but to consign biodegradable waste to landfill. This not only threatens Ireland's ability to meet EU landfill diversion targets, but will also have long term social and environmental impacts as highlighted above.

<sup>2</sup> EPA Publication, *Focus on Environmental Enforcement*, 2006, available from [www.epa.ie](http://www.epa.ie)

<sup>3</sup> CEWEP Publication, *Excess Landfill Capacity : Impacts on the Implementation of Irish Waste Policy*, 2006, available at <http://www.cewepireland.com>

## 4.2 Transport Impacts

The proximity principle for the treatment of waste is often cited as a reason to develop regional landfill capacity. This principle is invoked in order to minimise the cost and environmental impact of waste transportation. However, it is submitted that in terms of the proximity principle there is no net transport, and thereby, environmental gain from choosing to construct and operate a 500,000 tpa facility at Tooman/Nevitt when there is sufficient capacity already available in the Dublin area.

The proximity principle is assessed through a "centre of gravity" analysis, which looks at the total distances travelled to transfer waste from the source to the disposal site. Indaver Ireland has conducted this analysis for the proposed Fingal Landfill by comparing the distances between existing/proposed baling stations in Dublin and the proposed Fingal landfill with the distances between the same baling stations in Dublin and existing landfills in the greater Dublin area (Wicklow, Kildare and Meath). This considers the "centre of gravity" as where waste is **going to**, which is most representative of how waste movements impact on traffic.

The assessment in the proposed Fingal Landfill EIS considers where waste is **coming from** (namely the city centre). However, in reality, much of Dublin waste departs for final disposal from baling stations. These are in fact located in South and West Dublin and are more proximate to landfills in Wicklow and Kildare than they would be to Fingal. For example Dun Laoghaire waste leaves from Dun Laoghaire and is more proximate to Ballynagran than it is to Tooman, Tallaght waste leaves from Tallaght and is more proximate to Usk, and so on (See Map 10 Dublin Regional Waste Management Plan).

Tables 2.0 to 4.0 illustrate a typical scenario of waste movement based on baling stations and final destinations. The figures in the tables were derived by the following means:

- Distances were obtained from Microsoft Auto Route Planner software.
- The baling/transfer stations in Dublin were assigned as the points of departure of waste in the county.
- The distance was calculated between each baling station and the closest existing landfill using main roads and motorways.
- Then the distance was calculated from each baling station to the proposed facility at Tooman/Nevitt.
- The tonnage of waste handled at each baling station was based on available capacity at the baling stations and the landfill

- Please note that for calculation purposes a weight of 20 tonnes per load was assumed.

**Table 2.0 - Total kilometers traveled delivering waste from baling stations to landfill**

Point of Departure -No Tooman	Destination	Tonnage Delivered by Dublin Authorities	Number of Loads	Kilometers	Load Kilometers
Ballyogan	Ballynagran	60,000	3,000	42.4	127,200
	Kerdiffstown	100,000	5,000	42.0	210,000
Oxygen Ballymount	Kerdiffstown	70,000	3,500	26.9	94,150
	Usk	70,000	3,500	44.7	156,450
SDCC Ballymount	Usk	70,000	3,500	44.7	156,450
	Drehid	20,000	1,000	52.3	52,300
Thorntons Ballyfermot	Usk	40,000	2,000	43.5	87,000
	Drehid	20,000	1,000	51.6	51,600
Kilshane Cross	Knockarley	30,000	1,500	43.8	65,700
	White River	20,000	1,000	64.4	64,400
Total		500,000			1,065,250

**Table 3.0 - Total kilometers traveled delivering waste from baling stations to proposed Fingal Landfill**

Point of Departure - With Tooman	Destination	Tonnage Delivered by Dublin Authorities	Number of Loads	Kilometers	Load Kilometers
Ballyogan	Tooman	160,000	8,000	54.2	433,600
Oxygen Ballymount	Tooman	140,000	7,000	39.1	273,700
SDCC Ballymount	Tooman	90,000	4,500	39.1	175,950
Thorntons Ballyfermot	Tooman	60,000	3,000	38.4	115,200
Kilshane Cross	Tooman	50,000	2,500	25.9	64,750
Total		500,000			1,063,200

Table 4.0 - Capacity for Dublin waste in the greater Dublin area.

Landfill	Capacity of Landfill	Tonnage Delivered by Dublin Authorities	% Landfill Capacity Used by Dublin	Capacity Remaining for Host County	Waste Region	Status For Own Needs
Ballynagran	150,000	60,000	40%	90,000	Wicklow	Excess Capacity Available
Kerdiffstown	235,000	170,000	72%	65,000	Kildare	Excess Capacity Available
Usk	200,000	180,000	90%	20,000	Kildare	Excess Capacity Available
Drehid	120,000	40,000	33%	80,000	Kildare	Excess Capacity Available
Knockarley	88,000	30,000	34%	58,000	North East	Excess Capacity Available
White River	92,000	20,000	22%	72,000	North East	Excess Capacity Available
<b>Total</b>	<b>885,000</b>	<b>500,000</b>	<b>56%</b>	<b>385,000</b>		

These show that the total amount of kilometers traveled (1,065,250) calculated in Table 2.0 is similar to the total amount of kilometers traveled (1,063,200) calculated in Table 3.0. Further, the figures in Table 4.0 show that there is excess landfill capacity in existing facilities in Kildare, Wicklow and Meath after each waste management region has met it's own needs. Therefore in terms of the proximity principle and transport impact there appears to be no net gain from choosing to construct and operate a 500,000 tpa facility at Tooman/Nevitt when there is sufficient capacity already available in the Dublin area.

It is also important to note that the three landfills in Kildare (Kerdiffstown, Usk and Drehid) were recently awarded planning permission with a view to accepting waste from the Greater Dublin Area. As one can see from Table 4.0 there is the possibility of disposing of 390,000 tonnes of Dublin waste into the three existing Kildare landfills, while still serving Kildare's needs.

This demonstrates that there may be no net environmental benefit in terms of transport in constructing additional landfill at the proposed Tooman/Nevitt site.



## 5.0 Summary

The negative environmental and legal impacts as outlined in this submission outweigh the any potential benefits associated with constructing the landfill. This submission has proven that the facility is not needed, contrary to the justification in the EIS provided for the project as required according to the EC Council Directive 85/337/EC (as amended by Council Directive 97/11/EC), and the Local Government (Planning and Development) Acts 1963 to 1993. Therefore, it does not achieve the balance between the *need to protect the environment* and the *need for infra-structural, economic and social progress and development* as required in the Environmental Protection Agency Act 1992 and should not be accorded an operational licence.

EU and national waste policy require a movement away from landfill towards waste management options that are higher in the waste hierarchy. However, decisions made that were inconsistent with regional waste management plans have lead to national landfill capacity exceeding national landfill requirements. This excess capacity fails to reduce Ireland's reliance on landfill, and will have a significant and negative impact on the development of alternatives such as recycling and recovery of waste.

As demonstrated, over 600,000 tpa can be considered available in the Greater Dublin Area and neighbouring regions to cater for the short, medium and long term requirements of Dublin. Much of this was not available or not taken into consideration at the design stage of the proposed Fingal Landfill. However, the proposed Fingal Landfill capacity has not since been adjusted to reflect this.

Finally, the landfill cannot be justified in terms of the proximity principle and reduced environmental impacts from transport, as total distances travelled by waste will not necessarily be reduced.

As such, the proposed facility is not consistent with sustainable development, and would not attain the:

*proper balance ... 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.*

referred to in Environmental Protection Agency Act, 1992. The adverse environmental impacts that are associated with the construction and operation of the facility cannot be justified in terms of a need for the landfill capacity. A decision to approve the facility would be incompatible with both European and National policy, would prejudice the outcome of longer-term strategic solutions and would contravene the EPA's obligation to grant permission only for sustainable development and to have regard to Government policy.