

**Report: Waste Policy, Planning and Regulation in Ireland - Final Report for Greenstar –
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**Prepared by: Dr Dominic Hogg, Dr Adrian Gibbs and Claire Stonier (Eumonia)
Additional Research by Sean Finlay and Mairead Hogan (TOBIN)**

Synopsis of Report

Existing Data / Page3

There is a question as to how data which does exist has been interpreted, both in national policy documents and in Regional Waste Management Plans (RWMPs). We have seen little by way of coherent analysis supporting waste projections, with an enormous gulf now existing between what is projected nationally, in the National Biodegradable Waste Strategy, and the figures one derives from the sum of all the projections (where they are made) in the RWMPs.

Economy of scale / Page 5

Ireland does not have the characteristics of a country where the obvious solution to dealing with waste is incineration. Such facilities suffer diseconomies of small scale and the dispersed nature of the population outside a small number of urban centres would tend to lend itself to a more decentralised approach to dealing with waste. Given the lower capital costs of alternatives, and the fact that significant diseconomies of small scale kick in at much lower levels for some such facilities, the absence of consideration of them constitutes a blind spot in Irish waste management policy, plans and regulation.

Superiority of Incineration / Page 5

The supposed superiority of incineration as a treatment for residual waste is increasingly called into question. Analysis undertaken for this report indicates that environmental costs for incinerators are not necessarily lower than those for landfills. This is consistent with work undertaken in the UK by HM Customs & Excise, following on from earlier work for Defra on the Health Effects of Waste Management Options and recent work in the Netherlands.

Electricity and Co2 emissions / Page 5

Furthermore, it is not clear, where incinerators are configured to generate electricity only, that their impact on climate change is positive incinerators generating only electricity are net contributors to greenhouse gas emissions and not, as commonly stated, helping to reduce such emissions. Other waste treatments would appear to perform better in respect of climate change and not all of these generate energy.

Health / Page 99

Whatever the merits or otherwise of incineration technology, it is rare to find any commentator prepared to argue that there are no health effects from incineration. And if there are health effects, then a comparative assessment (against other technologies) appears to be of relevance, not least to local communities faced with the siting of such facilities.

Alternatives / Page 5

With few exceptions, the RWMPs in Ireland, encouraged by national policy statements, all include thermal treatment within their mix. Our review highlights a virtual absence of consideration of any facilities which are not thermal in nature for the treatment of residual waste. Given the lower capital cost of alternatives and the fact that significant diseconomies of small scale kick in at much lower levels for some such facilities, the absence of consideration of them constitutes a blind spot in Irish waste management policy, plans and regulation.

Plan B / Page 5

There is a pressing need to consider whether the capacity for treating biodegradable municipal waste – anticipated as necessary in the National Biodegradable Waste Strategy for meeting Landfill Directive targets – is likely to be delivered in the remaining time available (before 2010). It would appear that Ireland needs a Plan B (something other than incineration).

Consultation / Page 98

In discussions with community groups, it is difficult not to carry away a feeling that, in respect of waste management issues, communities in Ireland feel disenchanting to a considerable degree, particularly where the issue concerning the role of incineration in local strategies is concerned.

... it would appear that attempts to engage with communities early in the development of RWMPs were rare. Consultation approaches appear to have been somewhat passive, with few attempts to reach out to communities at early stages in the development of the approach to waste management. One could argue that the thrust of national policy might have been partly responsible for that.

SIB-lack of consultation / Page 99

Communities are genuinely concerned that the Planning and Development (Strategic Infrastructure) Act 2006 will make it more difficult for them to raise legitimate concerns in the context of new planning applications. They also express concerns regarding the movement of personnel between private sector and regulatory bodies. In short, there is a genuine concern that decisions of importance to local communities have, for all intents and purposes, already been made by the time communities are consulted. This view seems to be fuelled by a feeling that consultation has not been sincere in seeking to elicit views and opinion in the formulation of RWMPs. Rather, it has sought feedback on plans already largely determined.

Strategic Infrastructure Act / Page 99

Communities' experience of the planning process has not always been positive, and there are concerns that the Strategic Infrastructure Act will herald a reduction in the significance accorded to the views of communities. The views of communities cannot be overlooked in making, and in implementing, waste management decisions. Particular care should be taken to ensure that planning applications made under the Strategic Infrastructure Act give communities, most of whom are not well-resourced, sufficient time to make submissions of the quality they are capable of making.

Present Structure cannot deliver alternatives / Page 91

...The absence of consideration of alternatives to thermal treatment led to an absence of consideration of what might be needed to bring forward investment in alternative residual waste treatment options – why waste time designing institutions to help bring into existence something which the government has expressed no enthusiasm for?.

Problem with present plan / Page 91

The situation has been that government and those tasked with developing the RWMPs have, in proposing thermal treatment as the most desired solution, effectively overlooked the basic fact that the existing market structure will not deliver such facilities. The lack of serious consideration of alternatives looks all the more strange, therefore, when considered in the context of the existing market for waste collection. The key question which now confronts Ireland is 'what institutions do we need to deliver the system we wish to see.

Flow control / Page 92

The possibility that flow control constraints will be implemented makes it less likely that private sector companies will make such investments unless they know that their own facilities are to be the beneficiaries of a flow control 'order' through waste collection permits.....it would be in the commercial interest of that operator to develop the facility concerned with a greater capacity than is necessary. This is particularly important in the case of facilities whose construction is yet to be complete (of which Poolbeg is one example).

Creating Overcapacity / Page 6

The capacity for this facility, quoted at 400,000 - 600,000 tonnes, is, at its upper end, greater than the total quantity of residual household, commercial and industrial waste which the RWMP anticipates will be generated in 2013 if its own recycling targets are met.

Our own view is that such an approach – directing waste to a specific facility – may not be legal under EU law. Where incinerators are concerned, under existing EU law, the approach implies directing waste to disposal facilities

The effect of the implementation of flow control is to create local monopolies. Quite apart from the legal issues which might arise (especially where direction is to a disposal facility), the tension which this seems to highlight in the existing market is clear for all to see.

There is the thorny question – related to that above – as to who determines what gets directed where, and at what price? If flow control was deemed appropriate for disposal, surely it must be equally so for any facility higher in the hierarchy. If so, progressively diminishing quantities would flow to facilities lower in the hierarchy, and the supposed certainty that direction was intended to deliver would be lost.

Legality of flow control / Page 92

Directing waste, therefore, is one possible route for enabling incinerators to be built in the existing context. It is not, however, the only possible approach. Indeed, there remain some outstanding questions concerning its legality, especially as applied to disposal facilities, in European law, whilst the wider implications for private sector investment in the sector do not appear to have been properly thought through.

Monopolies-Flaw in Government Plan / Page 92

There is an apparent realisation dawning that the only way to get built those facilities which government has pinned its hopes upon is to create monopolies, and potentially, not-so-local ones, in the market for waste disposal.

Alternatives / Page 93

There are clearly other alternatives to this approach. All of these involve designing the institutions which shape the market for waste management services in such a way as to deliver the desired outcome. The Consultation Paper on the Regulation of the Waste Management Sector realises this.

CEWEP / Page 93

One solution being proposed by the Confederation of European Waste to Energy Plants (CEWEP) is to manage the permitting of additional landfill capacity. This approach is clearly intended to restrict supply of landfill, and hence increase its price, such that investment in facilities such as incinerators becomes viable

Problem with present plan / Page 98

The lack of consideration of alternatives to thermal treatment has been highlighted above (see Section 6.1), and one academic has highlighted the similarity in the RWMPs in their proposed resort to thermal treatment.

Engineering consultants based in Ireland drafted all the Waste Management Plans. *There is a remarkable similarity both in presentation and content of all the plans, each one recommending thermal treatment alongside recycling, biological treatment and reduced landfill.* In the particular context of waste management in Ireland the consultants have to be seen as key decision-influencers in the waste management debate and they were pivotal in defining the strategic vision for waste in Ireland (our emphasis).

RWMP / Page 3 & 4

The national policy targets and those in the RWMPs deserve to be reappraised. If there was little by way of clear logic for their initial levels, now is the right time to take stock of progress and consider how the future of waste in Ireland is to be conceived.

To follow the RWMPs as they are currently set out may be counter-productive. We would suggest that the RWMPs be reviewed by an independent body, and the targets established therein scrutinised so as to minimise the potential for regret in the context of future developments in Irish waste management. National policy documents did not give much thought to meeting Landfill Directive Article 5 targets until the Draft national Biodegradable

Move away from Disposal / Page 94

The external costs of landfilling do not seem to be necessarily in excess of those for incineration, where only electricity is recovered. There might be good reasons to introduce an incineration tax alongside the existing landfill tax. The aim would be to move waste management up the hierarchy, ensuring that the future did not simply imply moving large quantities of waste away from one disposal route (landfill) and into another (incineration).

The external costs of landfilled stabilised biowaste are likely to be well below those of waste when landfilled untreated. A landfill tax could, therefore, be differentiated according to whether the waste had reached a specified criterion in respect of its respirometric activity.

Solution to present Situation / Page 94

Under these approaches, collection arrangements could remain much as they are. The effect would be to shape the market through price mechanisms, as well as one facilitating regulatory change. Use of these instruments would, especially if accompanied by revised targets in national policy for recycling (since these appear to be lacking in longer-term ambition), be expected to improve recycling rates considerably through increasing the avoided cost of disposal. Each would be expected to lead to investment in alternatives to landfill, and not simply incineration (subject to RWMPs making space for such residual waste treatments).

Other alternatives also exist. What is clear is that this question is central to Irish waste management policy moving forward.

Creating the Right Market / Page 4

The Department for Environment, Heritage and Local Government (DOEHLG) needs to consider whether the existing institutions governing the market for waste collection are the right ones. The desire to foster a competitive waste market may potentially result in increased costs to householders, whilst also limiting the evolution of the services which might be offered (and hence the recycling rates achieved). In the short term, Ireland needs to be confident that the market will – in future – deliver the right balance of outcomes in terms of performance and cost.

If the market is left in its current state, then the following options would be worth considering so as to give greater confidence to investors:

- employ market-based instruments to give greater certainty regarding the price of different treatments
- employ regulatory instruments restricting the quantity of waste which can be landfilled.

MBT appropriate to Ireland / Pages 7, 93, 101

There are alternatives to thermal processes for dealing with residual waste in such a way as to comply with Landfill Directive targets but enabling regulation is required.

The CEWEP case – that there is too much landfill capacity – adds additional support to the view that MBT-based approaches which do not resort to thermal treatment (and where stabilised residues are landfilled) are entirely appropriate for Ireland.

The potential value of MBT processes includes that:

- they can (in an appropriate regulatory framework) contribute to meeting Landfill Directive targets;
- the simpler forms have a low unit capital ;
- cost (even at relatively small scale);
- some designs are flexible in terms of their mode of operation; and
- they can be constructed relatively swiftly.

For Ireland, they would seem to have much to offer. However, without the enabling regulation, they will remain under utilised, increasing the likelihood that Ireland will fail to meet Landfill Directive targets simply because the preferred option – thermal treatment – is likely to take too long to implement.