



**UCD GEARY INSTITUTE
DISCUSSION PAPER
SERIES**

**The Governance of the
Environment in Ireland**

Professor Brigid Laffan

Principal, College of Human Sciences, University College Dublin

Brigid.Laffan@ucd.ie

Dr. Jane O'Mahony

Lecturer in European Politics, University of Kent

J.A.O'Mahony@kent.ac.uk

15 November 2007

This paper is an output of the Governance Research Programme at UCD Geary Institute, funded by PRTL I 3.

The views expressed here do not necessarily reflect those of the Geary Institute.
All errors and omissions remain those of the authors.

Geary WP/38/2007

The Governance of the Environment: Handling the Waste Mountain

Brigid Laffan and Jane O'Mahony

Introduction

Concern about the environment and pressure for enhanced environmental protection emerged as a political and policy issue in Ireland in the 1970s. Although the first Green party TD was not elected until 1989, environmental concerns became part of the political agenda from the 1970s onwards. Furthermore, membership of the European Union in 1973 had a major impact on the evolution of environmental policy and law. Prior to membership, there were a number of laws that addressed environmental concerns, notably the Foreshore Act (1933), the Forestry Act (1946) and the Local Government (Planning and Development) Act of 1963. Notwithstanding this, Ireland's system of environmental regulation was one of the weaker national regulatory regimes when Ireland joined the Union (Flynn 2007; Flynn, 2003, 138). The weaknesses related both to the regulatory framework, institutional capacity, enforcement and policy responsiveness. Consequently, EU membership and the evolving environmental *acquis* was a major driver of policy change. During the 1970s and 1980s, there was a flurry of legislative activism with the enactment of a myriad of laws in this field. Many of the laws were intended to give effect to EU directives. Moreover, Ireland faced growing problems of environmental sustainability, particularly in relation to waste management.

The focus of this chapter is on the evolution of governance in the environmental sphere in Ireland since the 1990s. Waste management, a critical issue for sustainable development, offers a lens to explore the political and institutional challenges that have arisen in the governance of the environment in Ireland. There have been changes in policy, institution-building, law-making, investment in infrastructure, and the mediation of deep conflicts about the location of such infrastructure. Public authorities were under sustained pressure because of the growing problem of waste and presence of the European Commission with its demands to strengthen the regulatory framework, diversify the range of waste management infrastructures, and enhance enforcement and compliance. Ireland's waste problem was greatly exacerbated by the growth of the Irish economy from the

mid 1990s onwards. The political and institutional system of environmental governance, however, struggled to manage the multiple pressures in this policy field. The chapter begins with a brief overview of the problem of waste.

The Waste Mountain

Since the early 1990s, successive governments and environmental ministers have struggled to come to terms with a growing waste mountain. Prior to the establishment of the Environmental Protection Agency (EPA) in 1993, reliable statistics on waste generation in Ireland were not available. Following its establishment, the EPA maintained a national database on waste that shows significant increases in the generation of municipal waste, industrial waste, hazardous waste, and construction waste in the 1990s. The down side of high levels of economic growth in the '90s was pressure on the existing infrastructure for waste management and confirmation of the widespread practice of illegal dumping. In its 2001 Millennium Report on Ireland's environment, the EPA reported that almost 80 million tonnes of waste was generated in 1998. In the period 1998-2001 there was an overall increase of 31.5 per cent in municipal waste, an average increase of 10.5 per cent per annum (EPA, 2003, 14). Moreover, a large number of illegal dumps were found in Wicklow adjacent to Dublin. In August 2001, Wicklow County Council staff discovered an illegal dump on lands owned by a private landowner. The investigation of this dump led to the subsequent discovery of many other illegal dumps in the area including one on lands owned by a major Irish company, CRH. The investigation of the dumps found that there was 'systematic illegal dumping' and 'illegal dumping on a commercial scale' in Wicklow (quotes from Mr. Edward Sheehy, Wicklow County Manager, in evidence to the Joint Committee on the Environment and Local Government, 5 February, 2003). The waste found included hazardous waste from Dublin hospitals, construction and demolition waste, and household waste. Given the scale of the problem (88 illegal sites) and the nature of the waste that was dumped there, Wicklow County Council used the courts to get those responsible to deal with the waste and restore the sites. In addition, the Gárda National Bureau of Criminal Investigations was called in and is investigating the criminal dimension of the illegal activity. A number of Dublin based waste companies are under investigation.

As the domestic system struggled to come to terms with the emerging waste problem, the EU was the main forum for the evolution of Irish environmental policy and regulation on waste management. A number of specific directives on packaging, waste oils, landfill of waste and incineration augmented the EU's 1975 Framework Directive on Waste. The Union's waste policy paradigm sought to minimise the generation of waste in the first instance, thereafter to encourage recovery and recycling and finally the disposal of waste safely. The paradigm was encapsulated in a waste continuum-prevention, minimisation, reuse, recycling, energy recover, and disposal- extending from the most to least favoured policy option. Traditionally, the practice of waste management in Ireland relied heavily on landfill sites with limited recovery and recycling. In other words, there was a serious misfit between Ireland's practices of waste management and what was emerging in the EU as best practice. The literature of the domestic impact of European regulation emphasises misfit between the demands of EU legislation and national policy as a source of adaptational pressures on the member state (Börzel and Risse, 2003, 61). It is argued that the need for policy adjustment is high when national policies differ from EU demands (Héritier et al, 2001, 9). Misfit is regarded as a necessary but not sufficient condition of domestic change. In waste management terms, Ireland was a laggard. See Figures 1 and 2 for a comparison between Ireland and other EU member states of the generation and disposal of municipal waste.

Figures 1 and 2 about here

Landfill accounted for 86.7 per cent of waste disposal in 2001, a reduction of over four percent from the 1998 figure of 91 per cent. There are, as yet, no commercial waste incinerators in Ireland. 48 per cent of hazardous waste items are sent abroad for treatment and recycling (EPA, 2007). During the 1990s, landfill sites came under considerable pressure due to the growing volume of waste and the need to improve and up-grade existing sites that were poorly run and managed. Increasingly local environmental groups resorted to the courts to obtain closure or better management of landfill sites in their areas (O'Sullivan, 2001, 20; Flynn, 2007). The Environmental Protection Agency warned in 2001 that landfill:

Will not be sustainable in the longer term given the quantities of waste being generated and the difficulty in providing new facilities due to public objections. In addition, targets set by EU directives and declared national policy preclude the continuance of the current scale of reliance on this mode of disposal (EPA, 2001, 192).

The EU's 1999 Landfill directive requires a 25 per cent reduction of biodegradable waste going to landfill by 2006, rising to 65 per cent in 2016. During the 1990s, the growth of waste, the impending exhaustion of landfill sites, and increased concern about waste disposal in the media meant that waste management emerged as a key priority and challenge to successive Governments. As successive ministers sought to address the policy and implementation challenges, the Commission continued its pressure on the Irish public authorities. In early 2002, the Commission's Environment Commissioner, Margot Wallström stated that as far as the Commission was concerned, waste was the dominating environmental issue facing the Irish public. Speaking at a public meeting in Ireland, the Commissioner said:

We prefer material recovery before energy recovery but we also put incineration before landfill. You have too many landfills and you also have illegal dumping. You'll have to decide on that ...The Commission does not have one model that goes for all member states. You'll have to find an Irish model (Commissioner Wallström, *Irish Times*, 25 January, 2002).

The objective of this chapter is to explore and explain the institutional, policy and political dynamics that have moulded the evolution of Ireland's governance regime in waste management. The next section outlines the analytical framework adopted in this chapter.

An Explanatory Framework

The analytical framework adopted in this chapter to explain the evolution of waste management in Ireland has a number of elements. The policy process is conceived as a process involving formal and informal goal-oriented actors operating within an institutional framework that establishes the norms, rules and opportunities within which the actors interact. A key characteristic of this policy field is the fragmentation of responsibility across governmental levels, the national, local and European. Given the nature of the waste problem identified above and sustained pressure from the European Commission, domestic actors are under pressure to promote a new policy paradigm, EU driven, for waste management and to develop the

political and institutional capacity to implement it. The evolution of waste management in Ireland required not just the implementation of new policy paradigms but also a strengthening of the organizations responsible for the policy area.

The concept of ‘reform capacity’ was developed by H eritier et al to explore the impact of EU laws on the member states (H eritier et al, 2001, 9). The latter study defines reform capacity as ‘integrated political leadership, based on formal competences or factual consensus capacity’ (H eritier et al, 2001, 10). The two facets of political leadership identified in this definition matter. First, the formal competences of the various actors in this policy domain mould their authority and their opportunities to achieve their goals. The second facet, ‘consensus capacity’ relates to the ability of those promoting change and new policy paradigms to achieve a coalition for reform. Waste management is however a highly contested issue. There is conflict about the underlying principle ‘the polluter pays’ and deep conflict about the nature and location of waste infrastructure. The capacity for reform is hampered by the presence of ‘veto players’ in the political system. Tsebelis distinguishes between institutional veto players and partisan veto players (Tsebelis, 1995, 2002). Institutional veto players are akin to ‘veto points’ where there are constitutional or jurisdictional opportunities for particular actors to veto a particular law or policy. The Irish political system is not characterised by formal veto points. The authority of a government with a majority in parliament is strong. The nature of the Irish electoral system, on the other hand, promotes the mobilisation of partisan veto players,

Those actors attempting to overcome the mobilisation of veto players cannot rely on a deeply rooted support for environmental sustainability in the political culture which has enabled executives to overcome opposition in other European jurisdictions. Historically, societal interest in and sympathy for environmental protection in Ireland has been weaker than in many other EU states, although this is now changing (Flynn, 2007; Flynn, 2003, 139). Attitude surveys during the 1980s revealed that Ireland was consistently at or near the bottom of the league in terms of concern for the environment, especially when the issue was a trade-off between economic growth and environmental protection (Coyle, 1994, 64). A study commissioned by the Department of the Environment published in 2000 concluded that Irish attitudes were characterised by a disjuncture between what people thought and how they behaved in relation to the environment. Figure 3 conveys the principal elements of this analytical framework.

Figure 3 about here

Formal and Informal Actors

The key public actors with a role in the development and implementation of waste management policy in Ireland are:

- The Department of the Environment and Cabinet with responsibility for framing the laws, developing policy, financing waste infrastructure and mediating between Dublin and Brussels; The department and minister are the key drivers of policy change in the domestic context. Ireland's Westminster system of government is characterised by strong executive power and relatively autonomous sectoral ministries.
- The European Commission in its role of monitoring compliance with European directives and developing shared policy norms in this area. The Commission uses its role as guardian of European legislation to bring cases to the European Court of Justice against the member states for non compliance.
- The Environmental Protection Agency (1993) as a key regulator of other actors and the source of authoritative information about waste.
- Local Authorities with particular responsibilities under law in this area both as a regulator and provider of services.

In addition, private companies and households are important players as customers and suppliers of services. Waste is both a private and public goods issue with a high salience capable of being politicised with ease. The key institutional actors are driving policy change in a system that is institutionally and geographically fragmented. The capacity of different public agencies to engage in reform in this policy field has a major impact on policy outcomes. Moreover reform is being conducted in the context of a high level of civil society mobilisation on questions of policy and location of waste infrastructure. Given a high level of mobilisation, the capacity of the system to mediate conflict and manage 'veto players' has a major impact on policy outcomes.

Tackling the Problem

Central government under the guise of the Department of the Environment and Local Government has primary responsibility for the ‘national’ development of a waste management strategy. Having adopted a series of ad hoc legislations and institutional changes in the 1980s and the early 1990s, central government moved to reform Ireland’s system of waste management. This has involved changes to the regulatory framework, the establishment of new agencies, the granting of new roles to those agencies and the promotion of new policy principles. Rather than a one off reform, there have been a series of incremental changes that together have amounted to significant change. See Figure 4 for a summary of the Governmental response.

Figure 4 about here

Two key developments were the establishment of the Environmental Protection Agency (EPA) in 1993 and the enactment of the Waste Management Act in 1996, a law that came into force in 1998. The establishment of the EPA underlined the growing role of specialised agencies in Irish governance. Institution-building and law were combined to enhance the regulatory capacity of public authorities in this area. The Act was designed to provide ‘a comprehensive and modern regulatory framework for the application of higher environmental standards, particularly in relation to waste disposal, in response to EU and national waste management requirements’ (Department of the Environment, February 1998). The Act integrated the key principles of EU waste management policy which were, (a) the precautionary principle – preventative action should be taken if serious risk exists, (b) the proximity principle – waste should be treated as close to its source as possible and (c) the polluter pays principle – the cost of waste management should be borne by those who produce it.

Its key provisions related to:

- a more effective organisation of public authority functions in relation to waste management, involving new or redefined roles for the Minister, the EPA and local authorities,
- enabling measures designed to improve performance in relation to the prevention and recovery of waste, and

- a comprehensive regulatory framework for the application of higher environmental standards, in response to EU and national requirements (<http://www.environ.ie/wastemanagement/> 29 July 2003). See Figure 5 for a summary of the licensing regulations.

Figure 5 about here

The Act clarified the roles of the two main public actors responsible for the management of waste disposal, the Environmental Protection Agency and the local authorities. The EPA was assigned responsibility for licensing all significant waste recovery and disposal activities and for the planning, management and control of hazardous waste. It would continue to operate the Integrated Pollution Control (IPC) licensing system established by the EPA Act in 1993. In an important development, local authorities had for the first time to apply to the EPA for a licence on the basis of an IPC to operate recovery or waste disposal systems. The EPA, before granting a licence to a public or private operator, had to be satisfied that its criteria were met. Local authorities were thus subject to the regulatory reach of the EPA and were faced with additional responsibilities. Local authorities were responsible for:

- Waste management planning in relation to non hazardous waste
- Authorisation of commercial waste collection activities
- Control of waste movements
- Ensuring that adequate arrangements exist for the collection, recovery and disposal for household waste
- Making bye-laws in relation to the manner in which waste is presented for collection

For local authorities the two most significant aspects of the Act were (a) the provision requiring them to prepare local and regional waste management plans and (b) the provision that established the ‘polluter pays’ as a key principle that should govern waste management. The Minister for the Environment was given the power to specify the form and content of the local authority plans, and the power to compel them to co-ordinate their waste management plans.

Central Government continued its activism in this area with a major policy document on waste management: Figure 6 outlines the sequence of its commitments.

Figure 6 about here.

In October 1998, a policy statement on waste management – *Changing Our Ways* – was produced and addressed chiefly to local authorities. The 2002 document provided a national policy framework for waste management. It outlined the Government’s policy objectives and endorsed strategic waste planning, on a regionalised basis and a reduction in reliance on landfill. Local authorities were obliged to prepare waste management plans providing for development of new waste infrastructure at the regional level. The 1998 policy statement identified landfill as the ‘most fundamental issue to be addressed in the waste management area, and which should be the core objective of the current local planning process (Changing Our Ways, 1998, 3). The statement anticipated future EU directives in relation to land-fill and drew attention to the ineffectiveness of previous waste plans. A new planning process was advocated with an emphasis on a regional approach and the use of more private operators in waste management. The politically sensitive issue of waste charges, flagged in the 1996 act, was explicitly advocated:

It is recognised that Ireland’s waste management infrastructure has been consistently under-resourced and that significant capital investment will be necessary to achieve the radical improvements which are required. ...Local authorities must move rapidly towards full cost recoupment for the waste services they provide. As a matter of equity, and in order to directly incentivise waste reduction, the level of waste charges should vary according to usage (*Changing Our Ways*, 1998, 11).

The possibility of adding incineration to the available waste infrastructure was suggested. Finally, the policy document established a series of targets for waste management to be achieved by 2013. The 1998 policy document was supplemented by an additional statement *Delivering Change* in 2002, that made provision for two new levies to finance an Environment Fund that would be used to assist waste recycling and other environmental initiatives. The policy statement also contained a number of further commitments and targets. The policy and legal framework was subject to additional change with the enactment of the 2003 Protection of the Environment Act amending the 1992 EPA Act, the 1996 Waste Management Act and

the 1997 Litter Pollution Act. The focus of the act was on further embedding the polluter pay principle in the regulatory framework.

Delivering Change?

It proved difficult to transform the new policy paradigm and regulatory framework from blueprint to implementation. Ireland has consistently failed to comply with its legal obligations. The Irish authorities were constantly in trouble with the EU authorities for compliance failures, as Figure 7 shows.

Figure 7 about here

Irish local government and politics struggled to, and in many cases failed to achieve a consensus on waste management (Fagan 2003). An electoral system characterised by inter and intra-party competition privileges the local over the national and allows groups in relatively small geographical areas to mobilise quickly and to have considerable influence on their local councillors. Councillors of all political parties are very unwilling to support unpopular actions because of the PR system. Veto players emerge at local level with relative ease.

Local authorities were slow to draft waste management plans and when they did, the plans were the subject of significant controversy. The drafting of the plans provoked considerable public interest and opposition, largely due to the inclusion of thermal treatment options. Agreement on the plans proved impossible in a number of local authority areas. For example, in January 2000, Wexford County Council rejected the South East Regional Authority's waste plan and in September 2000, Roscommon County Council rejected the draft Connacht waste management plan, which provided for an incinerator and superdump (Irish Times, 26 September, 2000). The Galway, Longford and Louth County Councils also refused to adopt waste management plans for their counties. As a result of the difficulties encountered in the preparation of plans, the then Minister for the Environment, Noel Dempsey, reviewed the powers open to him to speed up the process of developing waste management plans and in fact rescinded the powers of local authorities in this area in March 2001. The minister's decision was later codified in the Protection of the Environment Act, 2003. This overcame one of the weak points in the transmission of policy by taking responsibility out of the hands of local politicians but it did not necessarily overcome

the problem. It merely transferred the pressure point to national politics. TDs face the same pressures as local councillors to promote and protect the local, however defined.

Even where waste management plans were agreed, implementation proved controversial. The implementation of the Waste Management Plan for the Greater Dublin Area illustrates the problems that have arisen. The Dublin regional waste management plan covers four county council areas: Fingal; Dublin Corporation (Renamed Dublin City Council); Dun-Laoghaire-Rathdown; South Dublin County Council. In 1996, when the waste management plan was first undertaken this region had a combined population of 1,056,666 (1996 Census). It was the most densely populated area of Ireland and thus in need of its own specific plan to resolve its household, commercial and industrial waste problems. Dublin's waste management plan was based on the premise that existing land filling rates of some 80% to 90% could not continue, and that new Irish and EU legislation must be met. In terms of the financing waste disposal in the greater Dublin region, the costs of waste collection, treatment and disposal far exceeded the income generated through fees and charges. Apart from collection and disposal costs paid by the commercial sector there had been formerly little application of the polluter pays principle. The domestic user of the services provided by the local authority paid only for disposal at civic amenity sites. Consequently, there was no economic incentive to householders to reduce their use of the service through waste prevention or minimisation and diversion of waste from landfill to recycling. The cost of waste collection activities of the local authorities in the region was estimated at IR£15.6m in 1997. Although this covered some trade collection, the majority of the cost could be attributed to the non-paying domestic sector. Local authority expenditure on household waste in Dublin represented 69% of the overall annual operating expenditure. Waste treatment and disposal costs accounted for 19%, and the remaining expenditure was due to administrative costs and waste reduction and recycling. Relative to investment in waste collection, treatment and disposal, the level of expenditure on waste reduction and recycling was low at 2% of overall operational spend.

The Dublin Waste Management Strategy Study was undertaken in March 1997 and was followed by a 2-month public consultation exercise. Copies of the draft report were given to libraries and other public buildings in the four county region. While the public were keen to be involved in their area's waste management, assisted by local authority education, they were largely ignorant of the finances behind waste

distribution. On a micro-level, they equated litter on the streets with waste, but not landfill and the expense of transporting waste out of the greater Dublin area. When the Local Authorities moved to recoup some of the cost with 'bin charges', extensive opposition to the charges emerged (Davies 2007). In January 2001 the Dublin City Council resolved that an Environmental Waste Charge be introduced for the city and the charges would therefore be legally payable (unless waived) in two instalments annually. Many councillors feared 'a public backlash over "double taxation"' (*Irish Times*, 4.1.02). Dublin saw massive anti-bin charge protests in 2003. By October 2003, all four Dublin local authorities had taken out legal injunctions to prevent further "bin-tax" protests. By October 2003, 15 protesters were in jail, including Joe Higgins TD and Councillor Clare Doyle from the Socialist Party for flouting injunctions preventing the obstruction of refuse collections. The Socialist Workers Party and Sinn Fein were also active in the campaign. The anti-bin charge movement began to lose its fervour in 2004 although a number of anti-bin charge candidates stood in the local elections. Some of the opposition was dissipated by moves to replace standard charges by a "pay-by-volume" system. This is largely felt to be a more successful and popular implementation of polluter pays. Put simply, a bin is only emptied if it is full, and the householder is not charged for a collection they do not require. Overt resistance to the charges dissipated but there remains a problem of non-compliance in some of Dublin's poorer areas leading to illegal dumping and burning.

The bin charges were not the only flashpoint in Dublin on waste management. A proposed municipal waste incinerator on the Poolbeg Peninsula in Dublin Bay met with fierce resistance. It was suggested that a "mass burn" incinerator would have a capacity to deal with up to 500,000 tonnes of non-recyclable waste per annum. At a public meeting, acting assistant city manager Mr Matt Twomey believed that 'thermal treatment was necessary if Dublin was to reduce its 90 per cent dependence on landfill to just 15 per cent within the next seven years. It was proposed to thermally treat 25 per cent of the waste and generate energy and electricity from it.' (*Irish Times* 23.2.00) Opponents argued that Dublin City Council's policy constituted 'mass burn' incineration and was contrary to Government policy. The Combined Residents Against Incinerator (CRAI) group is determined to fight the development of a thermal treatment facility in Poolbeg. In September 2004, Dublin city councillors voted

against the incinerator but the vote is not regarded as having any weight by the Dublin City Council Manager, Mr. John Fitzgerald. This pattern of opposition to bin charges and waste facilities is found in other parts of the country.

The Pattern of Environmental Governance

The case for reforming Ireland's approach to waste management is evident given the growing volume of waste and the problems of waste infrastructure. The system of environmental governance has not proved particularly robust when faced with the challenges. That said, there have been important changes since the early 1990s. Central government has focused on building up the regulatory framework both in terms of law, and regulatory institutions. Irish law in the area of waste management is much stronger and more ambitious than it was and the EPA is maturing as an organization. In addition, central government attempted to shift the policy paradigm in new directions and to invest in waste infrastructure. With or without European Commission pressure, Irish central government would have had to tackle the growing waste mountain. EU deliberations and laws, however, provided a framework for policy in this field and the use by the Commission of sanctions was a resource to central government as it searched for solutions. European law is frequently used at domestic level for doing things that national governments would want or need to do anyway. Blaming Brussels or acknowledging the legal requirement to transpose and enforce European law is part of contemporary governance in Ireland. Considerable effort was devoted by successive ministers to drafting and enacting primary legislation and to developing overarching policy statements and problem-solving strategies. In line with the pattern of regulatory politics elsewhere, the Irish system was characterised by a reliance on law and regulatory institutions, notably, the establishment of the Environmental Protection Agency (EPA) in 1992 and the development of its capacity in terms of expertise and staffing.

Local authorities are a central part of the delivery system. Their role, however, in relation to the environment is problematic as they face cross-cutting pressures from other responsibilities such as road building and local economic development. Moreover, local councillors are far more open to local pressures than the experts working for the EPA. Under pressure from a mobilised public, local councillors become veto players in relation to environmental infrastructure. In relation to the

environment, local authorities are responsible for implementing and enforcing national and EU legislation. They are the responsible authorities for physical planning, litter control, and waste management. In other words, they are responsible for aspects of waste management that are not under the auspices of the EPA. Local authorities have struggled to provide an adequate infrastructure for waste management in their areas. Under pressure from the EU, central government in the 1990s clarified the responsibilities of local authorities and made them subject to licensing from the EPA. Even then, local authorities, particularly councillors, found it very difficult to agree to waste management plans that were highly unpopular among their constituents. Their response was to prevent agreement on waste management plans in many instances. This exacerbated conflict within many councils between the elected tier and the permanent local authority officials.

Central government, the regulatory agencies and local government form the core of the formal policy making, regulatory and policy delivery system. The formal system has delivered a better system of regulation and a higher level of re-cycling than previously. Household collections have greatly increased the level of re-cycling. A significant proportion of the population have been induced to change their behaviour. This was achieved by carrots and sticks; carrots in terms of household recycling and sticks in terms of local charges by weight for local collection. Without the full implementation of the 'polluter pays' principle, the incentives available to alter behaviour will not be adequate.

The location of waste infrastructure remains deeply problematic: Figure 8 summarizes conflicts that have arisen.

Figure 8 about here.

The deliberations on waste management within local authority council chambers act as a lightning rod for the tension between the need to tackle the waste problem, on the one hand, and the ability of local groups to resist and prevent the location of new waste treatment centres in their locality, on the other. The difficulty of mediating conflict about landfill and incinerators throughout the country guarantees that governance in this policy field is highly politicised and subject to veto players. Conflict manifests itself in localised flashpoints throughout the country and in the deep-rooted opposition to charges for waste collection. From the adoption of the

1996 Waste Management Act, flashpoints have erupted regularly between private waste facility developers, local authorities, the EPA, and local environmental action groups over proposed incineration and landfill projects. Tovey and Share draw attention to the growth of ‘populist’ environmentalism in Ireland representing a ‘relatively independent movement of dissent, by ordinary people working at the local level. Populist environmentalists may not necessarily see themselves as environmentalists’ according to Tovey (Tovey 1992, Tovey and Share, 2000, 461). The rise of such groups is well documented in newspapers. Frank McDonald, Environment Correspondent of the Irish Times, writing in 1997 said:

Any mention of plans for a new landfill dump leads to the formation of an instant action group to fight it all the way. But this is nothing compared to the whiff of an incinerator, which is guaranteed to generate much higher levels of public hysteria (F. McDonald, *Irish Times*, 28 February 1997).

The proliferation of such groups and their success in preventing the introduction of energy recovery operations in Ireland has acted as a major factor in ensuring that waste remains a problem for public policy. Whether such groups should be termed ‘populist’ environmental groups or simply representative of the pervasive NIMBY syndrome is a normative question.

Conclusions

This paper traced the evolution of efforts to modernise and up-date the regulatory framework, institutional capacity and policy paradigm on waste management in Ireland. A temporal perspective is necessary to capture the interaction between the expansion of waste, on the one hand, and governmental efforts to come to terms with the nature of the problem and find solutions, on the other. Throughout the 1990s, successive governments attempted to deal with the problem in a multi-dimensional manner, through legislation, new institutions and policy changes. Central government had to rely on the institutional capacity of other public authorities, notably the EPA and the local authorities, to carry out the new policy and institutional prescriptions. It is well established in implementation research, that implementation in a multi-level system is far more problematic than at one level of government (Hill and Hupe, 2002). Local authorities throughout the country have

struggled to devise waste management plans and to implement them. Some progress has been made with recycling but it has had a marginal impact on tackling the growing problem.

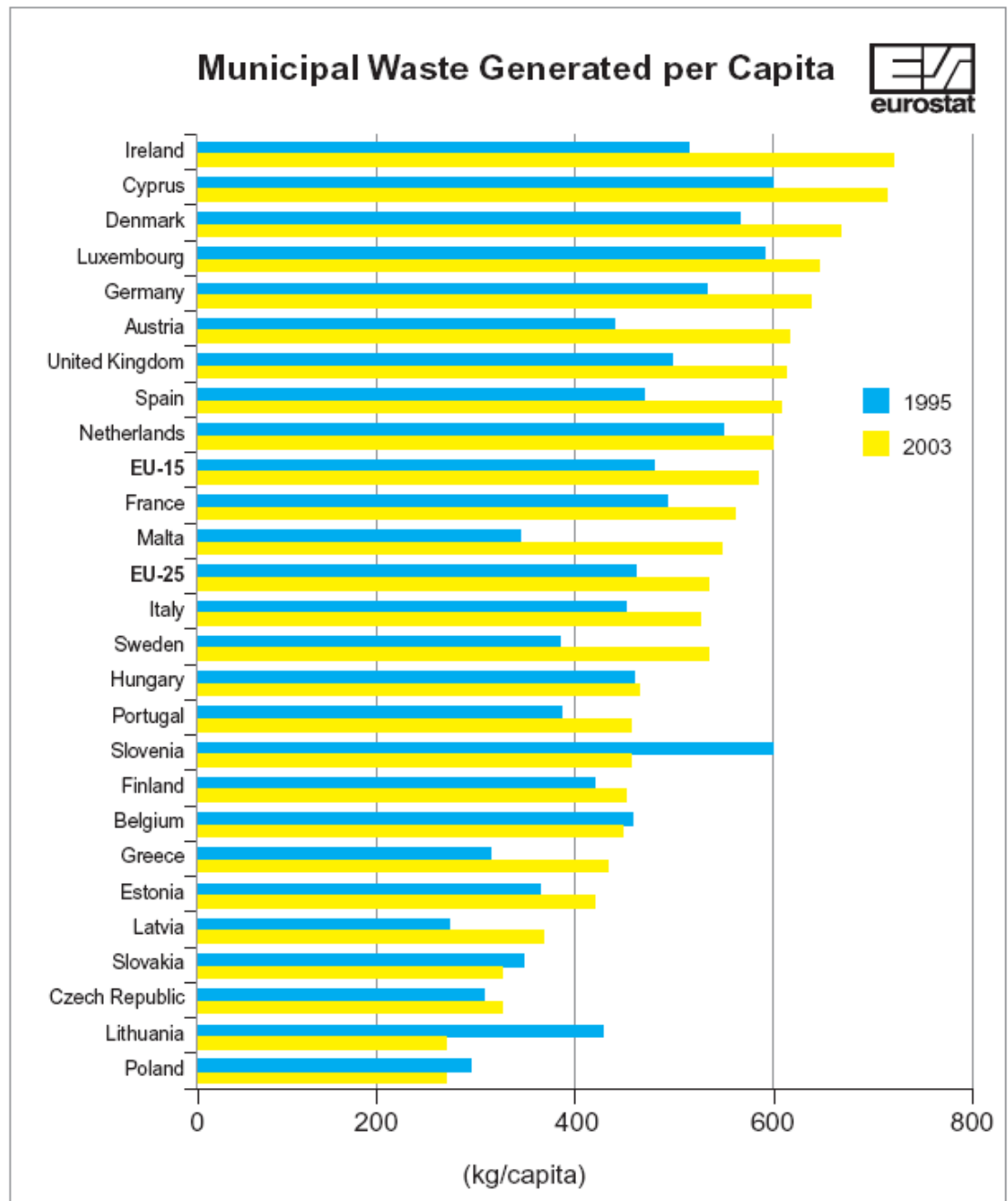
Localism and populism together make it difficult for the formal governmental system to tackle the problem. The Irish electoral system created a political opportunity structure in which it is very easy for local opposition to be mobilised and effective. Within local authorities, there is a clash between the elected councillors easily pressurised by their electorates and the managerial staff who are faced with the disposal of waste. The localism generated by the electoral system is not confined however to local politics. It impacts on the attitudes of national parliamentarians and members of the Cabinet. The incinerator issue presented a particular challenge to the Green Party once in government with Fianna Fáil, following the election of 2007. The Green Minister for the Environment, John Gormley, was obliged to manage competing positions: on the one hand his own party's total opposition to incineration and the particularly strong resistance within his own constituency base, and on the other a commitment by the previous administration to building several incinerators. The Minister proposed an alternative plan to build no more than two incinerators, a compromise that seemed as likely to inflame opposition as to win support (RTE, News <http://www.rte.ie/news/2007/1011/incinerator.html>).

The Irish political class appears unwilling to stand up to local protest given multi-member constituencies and party competition. There is little evidence that courageous political leadership would generate political returns. There is a poor capacity for risk assessment at the national and local levels and politicians and experts have failed to convey just what the risks are. Experts and officials have not managed to develop communication strategies to educate the public on the costs of waste disposal and the need to make choices.

Is there a way out of the institutional weaknesses identified in this chapter as the present system is clearly unsustainable? The EU will continue to exert pressure for change and over time, European legislation bites. However, a consensus on Ireland's waste management strategy remains elusive and the political and institutional system seems incapable of overcoming and outflanking opposition. There is a considerable gap between the waste strategy and implementation. There is also a considerable gap between the policy makers and the public on this issue. The successful development

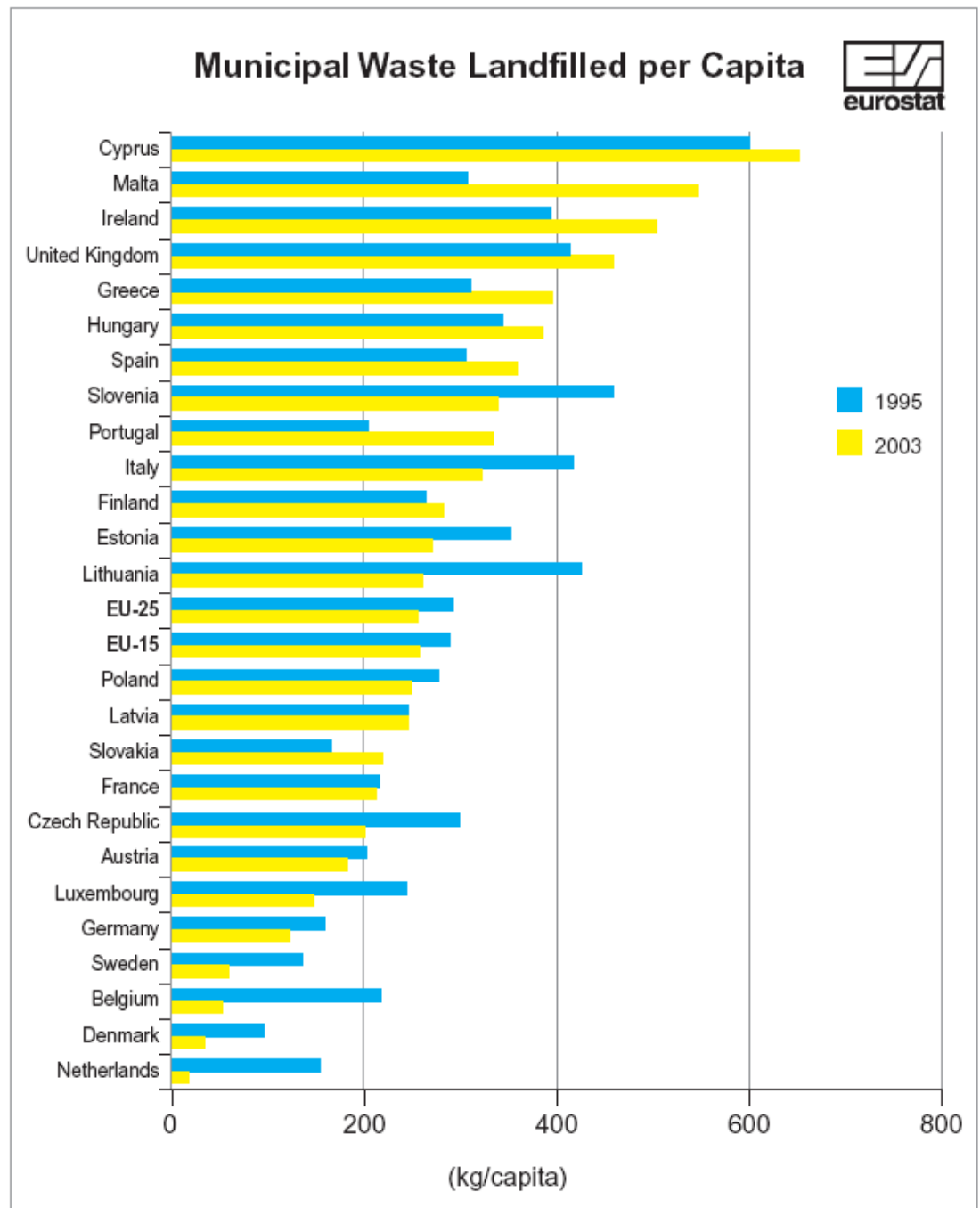
of one municipal waste incinerator could act as a demonstration project that would overcome the fears that have led to such deep rooted opposition to a technology that is part of the waste management strategies of most countries in Europe. The deliberative processes at national, county and local levels need to be developed so that individuals, families and businesses can explore how their waste can be minimised and dealt with. The provisions of incentives for those areas that host what is now regarded as undesirable may have an important role as has the discussion of risk and choice.

Figure 1. Municipal Waste Generated in European Countries



Source: Eurostat 2005, 153.

Figure 2. Municipal Landfill Waste in EU Countries



Source: Eurostat 2005, 155.

Figure 3. The Analytical Framework

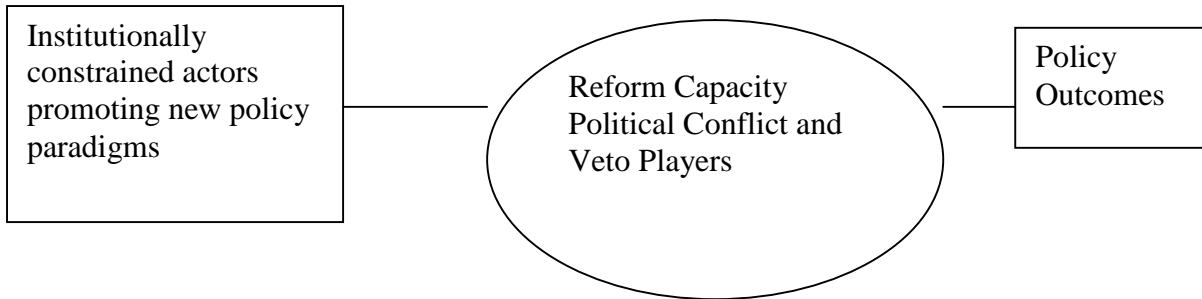


Figure 4: Central Government Response to the Challenge of Waste Management

Regulatory Framework	EPA Act 1992 Waste Management Act 1996 Protection of the Environment Act 2003
Institution Building	Establishment of the EPA 1993 Establishment of Environmental Enforcement (OEE) 2003
New Roles	Enhanced role for EPA in licensing Additional demands local authorities New waste management planning system
New Policy Principles and Policy Documents	EU Waste Hierarchy Pollutor Pays Changing Our Ways (1998) Delivering Change (2002)

Figure 5: Summary: Licensing Regulations, Waste Management Act

- **Local Authority**; shall collect or arrange for the collection of household waste within its functional area and may provide or arrange for recovery or disposal of commercial waste.
- **EPA**; licensing authority for all significant waste disposal and recovery activities.
- **The waste producer (domestic or commercial)**; is obliged to make source segregation of waste as required in local bye-laws enacted by the local authority.
- **Waste collection firms**; are obliged to achieve approval from the local authority through a waste collection permit and to conform to the conditions therein.
- **A waste recovery or disposal facility**; is obliged to obtain a waste licence from the EPA.

Figure 6: Government Waste Policy Commitments by 2002

- Establish a **National Waste Management Board** to coordinate, monitor, review and advise the Government on all aspects of waste management policy at all levels of the waste hierarchy;
- Establish a **National Waste Prevention Programme** to achieve waste prevention and minimisation;
- Establish a **Core Prevention Team** within the EPA to drive the National Waste Prevention Programme;
- Promote voluntary action and other initiatives to implement re-use systems and to implement the plastic bag levy;
- Establish a **Recycling Consultative Forum** to act as a consultative and advisory body on all aspects of recycling;
- Provide funds for waste recovery infrastructure including recycling infrastructure;
- Introduce a landfill levy and implement landfill bans;
- Establish a **Market Development Programme** to identify and promote markets for recyclable material;
- Further promote or establish producer responsibility initiatives for packaging waste, end-of-life vehicles, waste electrical and electronic equipment, construction and demolition waste, newsprint, tyres and batteries;
- Establish a **Producer Responsibility Unit** within the EPA;
- Draw up a national strategy on biodegradable waste in the municipal waste stream; and develop a public service waste management programme.

Figure 7. Irish EU Waste Infringements from 1997 onwards

Date	Infringement	Details
19 December 1997	Reasoned Opinion	Failure to adopt and send necessary implementing legislation for Hazardous waste directive.
30 June 1998	Application to ECJ	Failure to adopt and send all necessary national legislation to implement Packaging Waste Directive.
15 December 1998	Application to ECJ Case C-461/99 '7 December 2001' – Following the recent welcome finalisation and notification of waste management plans by Ireland, a resolution to this case appears imminent'.	Failure to adopt and communicate waste management plans complying with Framework Waste, hazardous waste and packaging waste directives.
28 January 2000	Reasoned Opinion	Failure to send a report required under Waste Shipment Regulation.
7 April 2000	Letter of Formal Notice	Possible incorrect application of: Environmental Impact Assessment Directive and Dangerous Substances Directive, Dangerous Substances Directive, EIA Directive, Framework Waste Directive and Groundwater Directive (operation of waste facility without a waste permit).
26 October 2000	Letter of Formal Notice	Failure to provide information on compliance with regard to four cases under Waste Framework Directive (non-respect of Article 10 of EC Treaty).
14 November 2000	Letter of Formal Notice	Non-respect of Sewage Sludge Directive (failure to submit adequate information for 1995-97).
10 April 2001	Letter of Formal Notice	Failure to correctly transpose and apply Waste Oils Directive
26 July 2001	Reasoned Opinion	Failure to comply with Framework Waste Directive – failure to properly control unauthorised private and local authority waste storage and

		disposal operations and to properly regulate waste collection (Greenore, Co. Louth, Poolbeg, Dublin, wetlands in Co. Waterford and Fermoy, Co. Cork. Local landfills operating without licences.
30 July 2001	Letter of Formal Notice	Waste Oils Directive
7 December 2001	Application to ECJ	Failure to respect Waste Framework Directive with regard to the controlled disposal and recovery of waste. [Uncontrolled private waste operations, Greenore, Poolbeg, Waterford, Fermoy].
1 October 2002	Reasoned Opinion	Failure to completely transpose and correctly apply Landfill Directive.
21 October 2002	Reasoned Opinion	Failure to transpose End-of-Life Vehicles Directive.
19 December 2002	Reasoned Opinion	Failure to apply certain provisions of Packaging waste directive and shortcomings in Irish legislation on implementing packaging waste directive.
15 April 2003	Letter of Formal Notice	Failure to provide information about possible breaches of Groundwater directive, Framework Waste directive, Hazardous waste directive, transfrontier waste shipment regulation, dangerous substances directive and the Habitats Directive.
24 July 2003	Reasoned Opinion	Failing to bring national legislation into line with requirements of Framework Waste Directive in relation to urban waste water treatment plants (no system of permits in operation).
13 July 2004	Five Reasoned Opinions	Illegal dumping of waste and failure to provide information on waste facilities in Kilkenny, Wicklow, Cork, Carlow and Fingal County.

13 January 2005	Seven Reasoned Opinions	Failure to ensure safe waste disposal e.g. delays in upgrading waste-water treatment for Bray, Shanganagh, Howth, Letterkenney, Sligo and Tramore; lack of satisfactory rules for preventing malodours from urban waste-water treatment plants in accordance with the EU Framework Directive on Waste; inadequate disposal of construction waste from former Tynagh Mines site, Galway; failure to remove waste from Boyne estuary.
21 March 2007	Letter of Formal Notice	Inadequate transposition of the 1999 Landfill Directive.
17 October 2007	Cooperation Document on Illegal Waste Exports	Commission welcomed the adoption of a cooperation document aimed at strengthening contacts between Ireland and the UK to combat illegal waste exports.

Figure 8. Opposition to Incinerators

Goddamendy, West Dublin 1997

Proposal to incinerate by: Foster Wheeler Power Systems and ESB.
Opposed by: Local resident groups and VOICE environmental group (Dublin based).
Methods of protest used: petitions, representations to local politicians.
Proposal withdrawn.

Benbulbin, Co. Sligo 1998

Opposed by North Sligo Environmental and Health Awareness Group.
Proposal withdrawn.

Kilcock, Co. Kildare 1999-2000

Proposal to incinerate made by Thermal Waste Management Limited who appealed An Bord Pleanála decision not to grant planning permission (also refused by Kildare County Council).
Appeal action opposed by: North Kildare-South Meath Anti-Incineration Alliance. Members established a steering committee, scientific and legal committee and fundraising committee. The Alliance set up a full time office in Kilcock, employed a PR company and set up its own website. 6,000 objections were made to the Appeal, a series of public meetings held, local representatives lobbied and 65 stud farms made a statement against the incinerator.

Roscommon, 2000

Action taken against inclusion of incineration option in Connacht waste management plan and siting of incinerator and superdump in Roscommon.
Opposed by Roscommon Environmental Alliance.
Waste management plan abandoned incineration option.

Duleek, Carranstown, Co. Meath 2001-2003

Proposal to incinerate made by Indaver Ireland.
Opposed by Louth-Meath Anti-Incineration Alliance, Boyne Valley and Newgrange Environmental Protection League and The No Incineration Alliance.
Methods of protest used: 4,000 individual objections made, 27,000 signatures collected.
Incinerator proposal approved by An Bord Pleanála 5 March 2003. Approved by the High Court (two rulings), Supreme Court and EPA. Plan to expand incinerator approved by An Bord Pleanála on 16 October 2007. According to Indaver Ireland, the plant should be operational by 2010 (Irish Times 16 October 2007).

Clarecastle, Co. Clare 1996-1999

Proposal to incinerate made by Syntex Ireland/Roche Ireland. Incinerator to operate in own plant only.
Opposed by Care For Clare, Clare Alliance Against Incineration.

Methods of protest used: Protests with vehicle cavalcade, petitions, 80 families threatened to move from the area, judicial proceedings taken against EPA decision to grant licence. High Court upheld EPA decision.

Ringsend, Co. Dublin 1996

Proposal to incinerate made by: Waste to Energy Ltd.

Opposed by: local resident groups.

Methods of protest: petitions, public meetings.

Proposal withdrawn.

Ringaskiddy, Co. Cork 2001-ongoing

Proposal to build commercial toxic waste incinerator made by Indaver Ireland.

Opposed by Ringaskiddy and District Residents Association, CHASE (Cork Harbour Alliance for a Safe Environment), Irish Doctors' Environment Association, Actor Jeremy Irons. See CHASE website: www.chaseireland.org.

6,000 objections made to original planning application.

Case ongoing. Ringaskiddy Residents Association and 11 local residents granted a judicial review of planning consent by An Bord Pleanála for toxic waste incinerator, October 2007; application also lodged for judicial review of EPA decision to grant a licence for two incinerators.

Wexford 2000-2001

Opposition to incineration option in South East Region Management Plan (in area known as SKEWW box – South Kilkenny, East Waterford, Wexford).

Opposed by local councillors (waste plan rejected by Wexford County Council) and Research and Information Group (who proposed to put forward a candidate in the 2002 general election).

Incineration option dropped from Waste Management Plan.

Galway 2001

Draft Alternative Waste Management Plan presented by Galway Waste Alliance in April 2001. Waste Alliance comprises of six local groups: Ballinasloe Against the Superdump, Clontuskert Anti Incineration Group, Cross/New Inn Anti-Dump Committee, Galway for a Safe Environment, Ballinahistle/Kilrickle Anti-Dump Committee, Newbridge Action Committee.

'Coolmore Stud', Rosegreen, Cashel, Co. Tipperary 2002-2003

Proposal to construct incinerator by rendering plant National By-Products Ltd (CEO Jack Ronan) for the thermal treatment of meat and bone meal. Received planning permission from An Bord Pleanála and EPA.

A group led by racehorse trainer Aidan O'Brien and magnate John Magnier sought judicial review of the decision. They were supported by public figures such as Andrew Lloyd Webber, Alex Ferguson, local GPs (37 in all), An Taisce, Irish Farmers Association, Irish Creamery and Milk Suppliers Association, Sinn Fein, Dr Martin Mansergh, Special Advisor to Taoiseach Bertie Ahern and Fianna Fail candidate in 2002 general election. Public meetings were organised with attendance

of up to 1,500 people. A 20,000 strong petition was gathered. In the High Court Aidan O'Brien threatened to leave Ireland. An MRBI poll was conducted on the issue (telephone poll of 500, 70 per cent opposed to incinerator). An Appeals Advice Centre was established in Fethard, Co. Tipperary and both sides employed Dublin-based PR firms.

In the end, Jack Ronan of National By-Products Ltd withdrew the application in April 2003. Earlier newspapers reported that Jack Ronan was subject to a vicious campaign of intimidation by those opposed to incinerator (Irish Times, 4 October 2002).

Poolbeg, Ringsend, Co. Dublin 2003 - ongoing

Proposal to build incinerator made by Treasury Holdings.

Opposed by Combined Residents Against Incineration Group.

Source: Taken from various issues of *Irish Times*: <http://www.ireland.com>

References

- Boyle, Richard, Peter C. Humphreys, Orla O'Donnell, Joanna O'Riordan, Virpi Timonen. 2003. *Changing Local Government. A Review of the Local Government Modernisation Programme. CPMR Research Report 5*. Institute of Public Administration: Dublin.
- Coyle, Carmel. 1994. 'Administrative Capacity and the Implementation of EU Environmental Policy in Ireland'. Susan Baker, Kay Milton and Steven Yearly. Eds. *Protecting the Periphery. Environmental Policy in Peripheral Regions of the European Union*. Frank Cass: Ilford.
- Coyle, Carmel. 1997. 'European Integration: A Lifeline for Irish Local Authorities?' in MJF Goldsmith and KK Klausen eds. *European Integration and Local Government*. Edward Elgar: Cheltenham.
- Davies, Anna. 2007. 'A Wasted Opportunity? Civil Society and Waste Management in Ireland'. *Environmental Politics*. Vol.16, No.1.
- Doyle, Alan. 2003. 'Environmental Law: Integrated Control of Pollution?' In Mary Catherine Lucey and Cathrina Keville. Eds. *Irish Perspectives on EC Law*. Round Hall Ltd: Dublin.
- Department of the Environment and Local Government. 2002. *Attitudes and Actions. A National Survey on the Environment*. April. Prepared by Drury Research.
- EPA. 2001. Ireland's Environment. A Millennium Report. <http://www.epa.ie/soe/soemain.html>. Downloaded 15 August 2003.
- EPA. 2003. National Waste Database Report 2001. Wexford: Ireland.
- EPA. 2007. Proposed National Hazardous Waste Management Plan. Wexford: Ireland.
- Eurostat. 2005. *Energy, transport and environment indicators*. Luxembourg.
- European Commission. 2002. *Fourth Annual Survey on the Implementation and Enforcement of Community Environmental Law 2002*. SEC (2003) 804.
- Fagan, G. Honor. 2003. 'Sociological Reflections on Governing Waste'. *Irish Journal of Sociology*. Vol.12, No.1.
- Faughnan, Pauline and Breda McCabe. 1998. *Irish Citizens and the Environment. A Cross National Study of Environmental Attitudes, Perceptions and Behaviours*. Environmental Protection Agency: Ireland.
- Fitzsimons, Jarlath. 1999. 'A Decade of Waste Management in Ireland'. *Irish Planning and Environmental Law Journal*. Vol. 6, No.2.
- Flynn, Brendan. 2003. 'Much Talk But Little Action? "New" Environmental Policy Instruments in Ireland'. In Andrew Jordan, Rüdiger K.W. Wurzel and Anthony R. Zito. *'New' Instruments of Environmental Governance? National Experiences and Prospects*. Frank Cass: London.
- Flynn, Brendan. 2007. *The Blame Game. Rethinking Ireland's Sustainable Development and Environmental Performance*. Irish Academic Press: Dublin.

- Gallagher, Michael. 2003. 'Stability and Turmoil: Analysis of the Results'. In Michael Gallagher, Michael Marsh and Paul Mitchell. Eds. 2003. *How Ireland Voted 2002*. Palgrave Macmillan: Hampshire.
- Heritier A., Kerwer D., Knill C., Lehmkuhl D., Teutsch M, and Douillet A., 2001, *Differential Europe: The European Union Impact on National Policymaking*, Rowman and Littlefield, Boulder:USA,
- McGowan, Lee. 1999. 'Environmental policy'. In Neil Collins. Ed. *Political Issues in Ireland Today*. 2nd Edition. Manchester University Press: Manchester.
- OECD. 2000. *Environmental Performance Reviews. Ireland*. OECD: Paris.
- O'Sullivan, Jack. 2001. 'An Approach to Resolving the Current Waste Management Crisis'. *Irish Planning and Environmental Law Journal*. Volume 8, No.1.
- Scannell, Yvonne. Ed. 1990. *Environmental Protection and the Impact of European Community Law*. Irish Centre for European Law: Trinity College Dublin.
- Scannell, Yvonne. 1995. *Environmental and Planning Law in Ireland*. Roundhall Press: Dublin.
- Sinnott, Richard. 1995. *Irish Voters Decide. Voting Behaviour in Elections and Referendums since 1918*. Manchester University Press: Manchester.
- Swords, Pat. 2001. 'Waste Management: The Hot Topic'. *Irish Planning and Environmental Law Journal* Vol.8, No.2.
- Taylor, George. 2001. *Conserving the Emerald Tiger: The Politics of Environmental Regulation in Ireland*. Arlen House: Galway.
- Taylor, George and Cathi Murphy. 2002. 'Environmental Policy in Ireland'. In Taylor. Ed. *Issues in Irish Public Policy*. Irish Academic Press: Dublin.
- Tovey, Hilary. 1992. 'Environmentalism in Ireland: Modernisation and Identity'. In Clancy, Kelly, Wiatr and Zoltaniecki. Eds. *Ireland and Poland: Comparative Perspectives*. Department of Sociology, University College Dublin: Dublin.
- Tovey, Hilary and Perry Share. 2000. *A Sociology of Ireland*. Gill and MacMillan: Dublin.
- Tsebelis G. 1999. 'Veto Players and Law Production in Parliamentary Democracies: an Empirical Analysis, *American Political Science Review*, 93, 591-608.
- Tsebelis G. 2002. *Veto Players: How Political Institutions Work*, Princeton, NJ, Princeton University Press.