



**NOTIFICATION TO ATTEND MEETING OF THE ENVIRONMENT SPC  
TO BE HELD IN THE COUNCIL CHAMBER, CITY HALL, DAME STREET, DUBLIN 2,  
ON WEDNESDAY, 27 APRIL 2016 AT 3.30 PM**

**AGENDA**

**WEDNESDAY, 27 APRIL 2016**

	<b>PAGE</b>
1 Minutes of the meeting held on 9th March 2016 (copy attached).	<b>1 - 8</b>
2 Matters arising.	
3 Chairpersons Business.	
4 Correspondence (See attached).	
5 Recent Dumping Campaign and data protection concerns.	<b>9 - 14</b>
6 Update on Independent Expert Assessment of Dollymount Flood Defence.	
7 Minutes of the Special Committee on Waste Regulations meeting held on 24th March 2016. (Copy attached)	<b>15 - 16</b>
8 Dublin Waste to Energy update report. (Report attached)	<b>17 - 38</b>
9 Issues referred from the Public Participation Network Environmental Linkage Group Meeting held on 15th March 2016.	
a Dublin Bay Tidal Flood Prevention Walls are not suitable at Clontarf and Sandymount. This is because of the prevalence of pluvial flooding at both of these sites. Previously the sea wall at Clontarf has had to be breached to release pluvial flood water. Demountable barriers are required at these sites rather than a sea wall. (Report attached)	
b Prioritisation of the orbital sewer within West Dublin. This is to avoid continued flooding at Ringsend caused by storm waters being directed into the frequently overloaded water treatment plant. (Report Attached)	
10 A.O.B.	

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**MINUTES OF THE ENVIRONMENT STRATEGIC POLICY COMMITTEE  
HELD ON 9<sup>th</sup> MARCH 2016**

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1. Minutes of the meeting held on 25<sup>th</sup> November 2015.

**Order: Agreed**

2. Matters arising.
  - **Environment Strategic Policy Committee documentation to be placed on DCC website.**  
All documentation up to and including the November 2015 meeting is now on the website.
  - **Departmental guidelines to determine allowances paid to Chairs of Committees.**  
The Director of Traffic advised that the guidelines have been sought and a response has not been received. They will be circulated to all members when available.
  - **Terms of reference of the Community Gain fund committee and minutes of the meetings.**  
The Chairperson advised that he has written to the Chair of the CGF committee seeking this information and will distribute to the members when it is available.
  - **Condition 3 of the planning permission for the Dublin Waste to Energy Project.**  
The Director of Traffic advised that this has been referred to the Finance Strategic Policy Committee for consideration.
3. Chairpersons Business.
4. Establishment of a Subcommittee – Waste Regulations (Report)
  - The Director of Traffic advised that a Special Committee has been established to look at this with a view to lobbying the Minister in relation to the rules governing bag / bin collections. The Committee's first meeting will be on 24<sup>th</sup> March 2016 at which a Chair will be elected and the process will be agreed.

**Order: Report Noted.**

5. Revised SPC scheme. (Report)

**Order: Report Noted.**

6. Correspondence.

- Letter from Louise McCann, Sectoral Member, Disability Federation of Ireland resigning from this Committee.

**Order: Noted. Measures to be put in place to seek a new sectoral representative.**

7. Draft Litter Management Plan.

Members raised the following points / queries

- Number of submissions
- Opening of Bring Centres on Sunday.
- Source segregation of waste in litter bins.
- Changes to the bulky household waste collection service.
- City streets being used as lavatories / human waste.
- Cigarette litter outside public houses / restaurants.
- Chewing gum litter.
- Litter bin emptying.
- By and large our streets are well kept.
- Cost and prevalence of Graffiti.
- Possibility of encouraging street art in specific areas.
- Are there changes in work practices to underpin the plan.
- Will Dog fouling bins in City Parks be clearly identifiable and have discussion taken place with Waterways Ireland with a view to the provision of dog fouling bins along the canal walkways.
- Will dry recyclables continue to be accepted free of charge at bring centres.
- Would it be possible to target one waste stream (aluminium cans) for on street recycling. It may be worth trialling with an industry partner where the aperture on the receptacle will only accept aluminium cans.

Brain Hanney, Senior Executive Officer & Declan Wallace, Director of Traffic responded

- In total 163 submissions were received and all were given detailed consideration.
- It is proposed to open the bring centres on Sunday during the Summer.
- Source segregation was trialled previously on Grafton Street and was not very successful. It was pointed out that litter bin waste is segregated when it is brought to the waste facility.
- It is planned to target cigarette litter outside public houses.
- A common sense approach will be adopted to the application of the charge for the bulky household collection in instances concerning elderly household with limited means. A waiver will not be granted as this is contrary to the polluter pays principle. Customers will be able to avail of this service by phone in addition to the on line service.

- In addition to €300,000 spent annually on Graffiti we have a dedicated team working on its removal. The provision of specific areas for Graffiti has been piloted in Dublin and other European cities but those who engage in the practise tend to avoid such areas however it is something that we will examine
- Talks are ongoing with the unions in relation to work practices, shifts and patterns and it is envisaged that it will lead to improved service. It is intended that shifts will be altered, with agreement, to reflect the needs of the service
- We are aware of some issues surrounding litter bin emptying in particular at weekends. The possibility of installing compacting litter bins which will require less frequent servicing is being examined & pilots are planned.
- On street segregation will be retrialled and will be revisited by the Committee at the September meeting.
- Discussions will take place with Waterways Ireland on the provision of dog fouling bins.
- Following the introduction of charges shouldf the Bring Centres become inundated with dry recyclables the charging structure may have to be reviewed.

**Order: Trials of on street segregation of the various waste streams in litter bins to be included in the plan.**

**Recommend to the City Council that the Plan is adopted.**

8. Climate Change Subcommittee update report.

Councillor Claire Byrne, Chair of the Climate Change Subcommittee & Ms. Helen McNamara Senior Executive Officer updated Members on the workings of the group to include.

- Existing Strategy has been reviewed.
- A collaborative approach with the Dublin Local Authorities to develop a regional strategy.
- The various presentations that have been delivered by DCC Departments and the NTA which assist in development of the plan.
- The timeline for the strategy development.
- The Regional Strategy will be presented to the SPC this year.
- 2017 / 2018 detailed action plans falling out of the Regional Strategy will be developed. The action plans will be specific to each Local Authority.
- Membership of the group will be expanded to include other interested parties, e.g. The National Transport Authority.

Members commended the group for the work to date and endorsed the Chair's recommendation to expand the membership of the committee as deemed necessary.

**Order: Noted.**

9. Dublin Waste to Energy update report.

Mr. McCarthy raised the following issues.

- **The technique used to measure PM10.**  
A report has been issued to members
- The retention of the meeting webcasts on the Council's website for the period of tenure of this Committee
- **Terms of reference of the Community Gain Fund Committee were to be circulated to members**  
The Chairperson advised that he has requested this information and it will be circulated along with minutes of the meetings to members when it is to hand.
- **If correspondence took place with the Finance SPC and An Bord Pleanala in relation to the value of the Community Gain Fund.**

It has been referred to the Finance SPC for consideration.

- **What enforcement will take place to ensure compliance with condition 1 of the planning permission in relation to the source of the waste in light of the announcement that contacts have been entered into to supply 60 % of the facility's waste requirements.**

The Executive Engineer advised that the waste will be primarily from the Dublin Region. The project agreement with Dublin Waste to Energy requires them to comply with all the statutory consents including planning permission.

- **Referred to a report that issued to Members of the City council last month on calculation of the value of the community gain fund which did not express the opposing views adopted by this committee.**

The Director of Traffic advised that following a request he circulated members of the Council with the official view on the calculation of the CGF. He also stated that following the reply for An Bord Pleanala he contacted the Planning Authority which has confirmed the Executive's calculation.

#### **Mr. McCarthy responded**

- Not advising Members of the City Council of the report adopted by this committee disputing the calculation of the CGF is disingenuous.
- The report adopted by this Committee should be put combined with a report outlining the errors in the report issued to the City Council and issued to the City Council as required by Capita recommendations. This will give Councillors sight of an alternative view on the value of the CGF.
- There is further material which supports his calculation. Mr Tierney, former City Manager stated it was intended that Covanta would proceed to construction stage using balance sheet financing. Covanta was in a position to alter their position on this and secured equity / project funding. The cost of this funding is €150m. The opposite of what Mr. Tierney told the Council is in Mr. Wallace's report.

- Mr. Wallace's report did not address the issue that interest payments on projects like this must be capitalised. Covanta does capitalise interest. There is an instruction for Dept. of Finance that interest should be capitalised.
- The calculated loss of profit to the Councils is €48.9m. Total monies lost is €84m

**Mr. Wallace responded.**

- The report that issued to the Councillors was DCC's calculation of the CGF. Counter arguments were not requested.
- DCC's position on the CGF has not changed, it was always based on the construction cost, the facts were always in the EIS and this has not altered.
- Financing is a side issue
- He is no longer going to expend resources unpicking something that has been decided upon by the relevant statutory bodies. The courts are available to those who wish to challenge the CGF value.
- This is a planning matter and the highest planning authority in the land has made its decision

**Chairperson Councillor Naoise O'Muirí stated.**

- We have had the debate on the CGF and it will not be rerun.
- The counter report on the value of the Community Gain Fund will be part of the main report that will issue to the Council from this Committee.

**Mr. James Nolan Executive Engineer in response to Mr. McCarthy's statement that there is financial risk to the Dublin Local Authorities stated**

- Dublin City Council is not taking financial risk on the financing of the project.
- Costs incurred on financing the project are a matter for the PPP Company.
- Our share or returns were based on tender and this has not changed.
- The financing has no impact on DCC's returns or costs.

**In response to Mr. McCarthy stated**

- The Manager stated that the returns on the share mechanism were the foundation for getting the approval from the NDFA for the financing package.
- Matters changed in 2014 to the detriment of monies arriving back to the Dublin Local Authorities & he believes Mr. Nolan is incorrect.

**Mr. Nolan responded**

- Financing (of the project) is not a risk for the Dublin Local Authorities

**Order: Report Noted with the following actions**

- (i) **Mr. McCarthy's report to be forwarded to the Finance SPC for consideration.**

- (ii) The Audit Committee to examine the CGF calculation.**
- (iii) Mr. McCarthy's report will form part of this Committee's report to the main council on the Dublin Waste Energy Project.**
- (iv) Terms of reference of the Community Gain Committee and minutes of its meetings to be forwarded to members when available.**

10. Dublin City Flood Risk Management.

Members thanked Gerry O'Connell for his presentation and raised the following points / queries

- It is worrying that a 200 year event has become a 50 year event in 16 years and any mitigations measures that can be introduced are crucial
- When will the Dodder works be completed?
- Is there liaison with the other stakeholders involved in the Dodder Greenway and the Sutton to Sandycove cycleway.
- Level of communication with householders in high risk areas in relation to measures that can be taken to protect themselves from flooding
- The erection of scaffold on bridges (Iarnrod Eireann) can impede to flow of rivers.
- Incidences of felled trees left on the banks causing dams when a pluvial event occurs.
- Is there a website to inform householders of guidance on flood protection.
- The Swan river can become problematic.
- Measures to address sewage etc, being discharged in to Liffey in the event flooding
- How effective will the Liffey walls be.
- The role of the Civil Defence, what happens if a large number of people are displaced as result of a flooding event.
- Can anything be done in relation to encourage householders to use Sustainable Urban Drainage System in instead of concreting gardens to provide off street car parking.
- Dublin Port is highly dredged, what affect does this have on a high tide.
- Have lessons been learnt from the recent flooding in the Shannon region.
- Is it well known the value of tree planting in terms of drainage.
- Householders are finding it increasingly more difficult to access flood insurance.

Gerry O'Connell responded

- It is anticipated that works on Dodder up to Beaver Row will be completed end of next year.
- We are speaking with both the Dodder Greenway and Sutton to Sandycove groups.
- Most Private property owners at risk of flooding are aware of the risk. The OPW flood maps and Dublin City Pluvial maps have been on display.
- The Iarnrod Eireann Bridge has been modified since the 2011 flooding event to allow for a larger capacity of flood water than was previously the case.
- The policing of felled trees on flood plains proves difficult.
- Information is available on the City Council's website and on the OPW's [www.flooding.ie](http://www.flooding.ie)



- The Swan River is being dealt with by Irish Water with a scheme being developed to provide storage and holding tanks which will reduce flooding and discharges to the Liffey and Dodder rivers
- The walls of the Liffey from Butt Bridge to Cardiff Lane are currently being worked on which will protect the most at risk properties around the South Liffey.
- The Civil Defence can be called upon to assist and evacuation sites have been identified in the event of a major emergency.
- Tree planting is promoted in the City.
- No one knows for sure how long the defences on the Liffey will be effective but he is confident they will be effective for 30 – 60 years
- The dredging of the port does not have an adverse affect on levels.
- We have no control on insurance companies' activities.

**Order: Presentation Noted**

11. Motion referred from the City Council's January meeting in the name of Councillor Jim O' Callaghan

*"In the wake of the devastation which has been wreaked on both the west coast of Ireland and the midlands in recent weeks arising from the stormy weather, and having regard to the risks arising from high tides and further stormy weather in the coming months, this Council resolves that the Council shall act to ensure that residents along the sea in Sandymount, Irishtown and Ringsend are given adequate protection from the risk of flooding, and notes, in particular, that the system whereby a small number of sandbags are left at gates or made available for collection in containers in car parks along the Strand is inadequate in circumstances where:*

*1) The relevant car parks are the first areas closed off so cars must be parked on the road which in itself is a traffic hazard;*

*2) There is quite a distance to carry the bags to the cars;*

*3) Most people can only carry one bag at a time as they are quite heavy. Many, for various reasons, are not in a position to carry a bag at all; and*

*4) Many cars can take only circa five bags whereas the requirements in all cases will be for many, many more bags.*

*This Council notes further that the alternative to providing comprehensive protection, which is the risk of catastrophic flooding, especially given the intensity of such storms in winter 2015/16, is unacceptable."*

**Order: Agreed. A report was issued to Members.**

12. Motion referred from the Protocol Committee's January meeting

*"The Manager then referred to a report to be circulated re Postering. Members expressed their displeasure at the recurring breaches of the Postering Protocols and requested that enforcement action be taken; they further requested that the Environment SPC examine current bye-laws, especially in relation to public meetings held by politicians and resultant posters."*

**Order: Agreed. A report was issued to Members.**

13. A.O.B.

**Attendance**

**Members**

Councillor Catherine Ardagh  
Councillor Claire Byrne  
William Brennan – Dublin Community Growers  
Nicholas Cloake, Dublin Docklands Business Forum  
Councillor Mannix Flynn  
Councillor Andrew Keegan  
Joe McCarthy - An Taisce  
Robert Moss - Dublin City Community Forum  
Councillor Michael O'Brien  
Councillor Ciaran O'Moore  
Councillor Naoise Ó Muirí (Chairperson)

**Non Members**

Councillor Cieran Perry

**Apologies**

**Absent**

Councillor Declan Flanagan

**Officials**

Declan Wallace, Director of Traffic  
Pat Cronin, Executive Manager  
Martin Fitzpatrick, Principal Environmental Health Officer  
Helen McNamara, Senior Executive Officer  
Brian Hanney, Senior Executive Officer  
Gerry O'Connell, Senior Executive Engineer  
Simon Brock, Administrative Officer  
James Nolan, Executive Engineer  
Ciarán McGoldrick, Staff Officer  
Owen Sweeney, Staff Officer

**Councillor Naoise Ó Muirí**  
**Chairperson, 18<sup>th</sup> March 2015**



Príomhoifig an Lárcheantair, An Lárcheantar,  
51-53 Sráid Sheáin Mhic Dhiarmada Íocht, Baile Átha Cliath 1

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25<sup>th</sup> April 2016

**To Each Member of the  
Environment Strategic Policy Committee**

**Report on North Inner City Litter Action Group (NICLAG) Actions to  
combat illegal dumping and littering in the North Inner City**

Over the last number of years the North Inner City, has been graded extremely poor in the Irish Businesses Against Litter (IBAL) reports. The IBAL Litter Pollution Monitoring System provides an accurate picture of litter pollution countrywide and accurately measures changes over time.

In January 2013, Dublin City Council set up an inter-departmental group, the North Inner City Litter Action Group (NICLAG) to combat illegal dumping and enforce the Bye-Laws for the storage, presentation and collection of household and commercial waste in the Central Area.

The aim of NICLAG is to:

- Carry out examinations of the litter issues in the North Inner City and to identify particular causes of litter/dumping in the area.
- Devise and implement actions to bring about a gradual and consistent improvement in the situation.

NICLAG have from the outset examined the problem in depth. NICLAG meet on a monthly basis to oversee and advise on actions required to consider the steps needed to address these complex issues and focus resources in a sustained approach, in an effort to change behaviour and attitudes in relation to litter/dumping in the area.

Outlined below are the various enforcement activities undertaken to date in respect of the work of the North Inner City Litter Action Group:

**Bag Searches**

The statistical data indicates that the levels of dumping have remained static throughout the process, some fluctuation has occurred but overall the figures remain unacceptably high across the area.

The data has been useful in showing a truer picture of the extent of the problem faced, however there is evidence of previously issued litter fines recovered from some bags that were searched.



### Statistical Data on Bag Searches

Month	Number of Streets Inspected	Number of Bags Investigated	Number of Fines Issued
October 2015	151	423	24
November 2015	163	593	31
December 2015	179	546	30
January 2016	202	772	26
February 2016	226	797	77
March 2016	197	902	66

### Compliance Surveys

The surveys when carried out repeatedly appear to show an increase in compliance over the period of the survey.

Advisory Notices have been useful in eliciting responses and provision of information following surveys carried out.

### Statistical Data of Compliance Surveys

*(February 2014 to March 2016)*

<b>Streets surveyed in overall target area</b>	160
<b>Addresses surveyed in overall target area (a number of these properties have been surveyed on several occasions)</b>	4702
<b>Advisory Notices issued to non-compliant addresses</b>	2080
<b>Addresses compliant in overall target area</b>	2,146 (46%)

### Fines

The level of fines issued has increased generally by between 100% and 200% monthly in respect of the numbers issued by the area based Litter Wardens prior to the commencement of the exercises.

### Other Activities

- Installation of bins in approximately 160 Dublin City Council properties.
- Installation of bins in an approved Housing Body complex.
- Use of additional informational signage, notifying of correct bin collection day.



- The Multi Use Games Area (MUGA) at Aldborough Parade, Dublin 1 was developed in 2014 as a response to tackling littering and dumping in this once litter black spot, with great success.
- Community Environmental Initiatives - Engaging with groups funded to provide services in the North Inner City to explore and encourage their community involvement in enhancing the area through implementation of environmental projects with their local service users.
  - NICLAG invited the 40 plus funded community organisations within the inner city area to join with us in developing and delivering small environmental initiatives. The emphasis was on encouraging an inter agency approach in co operating and encouraging residents and workers to take pride in their area.
  - 8 groups developed ideas and are working with their clients in delivering environmental projects in the area supported by the Area Office.
- Adopt a Street: 2 streets have been adopted in the Central Area.
- Dublin City Council's Green Schools Officer has tried to get the local schools to participate in environmental initiatives, largely to no avail.
- Dog fouling signage has been put in place throughout the area.
- Traffic Box Art Project: This is an innovative community based art project run by Dublin Canvas on behalf of the City Council. The aim of the project is to add colour to the city making Dublin a more beautiful place to live, work and visit. Completed boxes brightened up and turned these once dull, heavily tagged boxes into beautiful works of art, transforming Dublin City into a walking gallery of public art. 17 boxes were completed in the Central Area in 2015. 27 boxes have been selected for painting in 2016.
- Enforcement of Housing Standards Regulations through environmental health inspections.

#### Statistical Data on Environmental Health Inspections

<b>Overall Dwellings Inspected – Including Multi-let</b>	1542
<b>Non-compliant</b>	929
<b>Inspections – Individual Units</b>	2511
<b>Enforcement Notices Issued</b>	828
<b>Achieved Compliance</b>	714
<b>Prohibition Notices Issued</b>	80
<b>Legal Actions</b>	40



- Dublin City Council's Anti-litter campaign – launched August 2015
- Central Area's Team Dublin Clean-up event - held on Easter Saturday 2016. 22 groups participated in the Central Area.

### **CCTV**

While we had some success as part of the afore-mentioned initiatives there was a demand from, City Councillors, Public Representatives, residents, community groups and business owners to deal with the escalating problem of illegal dumping and littering in the area.

Dublin City Council identified numerous black spots in a mapping exercise and in an attempt to target these black spots the installation of CCTV was considered in an effort to identify the pattern of dumping at these locations and to issue fines where possible.

In February 2016, CCTV and notifications regarding same were erected in a litter black spot in the North Inner City and was effective in eliminating the illegal dumping at this site. No further escalation was required in this instance.

Another identified black spot was at Frankfort Cottages / Killarney Street. CCTV notification signage was erected in advance of the CCTV operation taking place. The camera was then erected there on 14<sup>th</sup> March 2016. The CCTV and signage alone had no impact at this site. The images obtained identified a number of issues; bags being presented on the wrong day, bags being presented without tags, household junk and furniture being dumped and waste bags being presented from providers that do not collect in the area. Litter Wardens viewed the footage and where dumping involved images of motor vehicles, subsequent fines were issued.

In an effort to identify and make contact with individuals leaving items at the location, Dublin City Council erected a poster on 8<sup>th</sup> April 2016 using the images of the unknown persons along with the Area Office contact details to advise persons that:

*"If you dump illegally, we will look for you, we will find you...and we will prosecute you".*

The legal basis Dublin City Council relied upon in carrying out these actions and erecting the poster was **to prevent illegal dumping and littering** as per the Local Authorities obligations under the **Litter Pollution Act 1997, Part 3 Section 8(d)**.

In carrying out these actions we are endeavouring to ensure the rights of **all citizens to a clean healthy environment are met**.

Our aim was to inform those who were observed on the CCTV footage of their obligations under the **Litter Pollution Act 1997**. This initiative has had success.

The erection of this poster is the latest initiative in dealing with what is a blight in the North Inner City for the residents, businesses, workers and community alike.

The illegal dumping and littering at this location was on going and daily and having evaluated all the data collated to date, we considered it necessary to act in this way and believe this latest initiative is justified, non excessive and proportionate to the extent of the problem which we are endeavouring to resolve.



On the 11<sup>th</sup> April the Data Protection Commissioners office raised concerns in relation to Data Protection Implications relating to using the CCTV images and asked that we identify the legal basis being relied upon to publish the images, the justification for same and how the publication of the images was deemed to be a proportionate and non excessive response to the illegal dumping issue.

A response issued to the Data Protection Commissioner's Office on 15<sup>th</sup> April 2016 and correspondence received from the Data Protection Commissioners Office on 20<sup>th</sup> April 2016 discussed various aspects of the relevant legislation outlining many items that we need to revert to them on.

Discussions are ongoing with the Data Protection Office

**Eileen Gleeson**  
**Assistant Area Manager**  
**Central Area.**

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**Minutes of the Meeting Special Committee on Waste Regulations,  
held on 24<sup>th</sup> March 2016.**

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**AGENDA**

1. Introduction (Declan Wallace)

Declan Wallace, Director of Traffic gave a background to the formation of the committee and made the following points in relation to the new regulations.

- All domestic waste must be presented in bins unless derogation is granted.
- Only in exceptional circumstances will bagged waste be collected.
- It is anticipated that a substantial number of householders will remain on bagged collections.
- A street survey is currently underway to identify those areas currently in a receipt of a bagged service that are suitable for bins. This will be completed in the near future.

2. Election of Chairperson

Councillor Tina McVeigh was elected Chairperson

3. Overview of Regulations / Legislation

An information pack containing the below was circulated to members present

- List of streets in Dublin City Council's administrative area currently in receipt of a bag collection service.
- Report from the Director of Traffic to the City Council outlining the current position on the introduction of the new regulations.  
Copies of: Department of the Environment, Community and Local Government circulars on the introduction of new household waste legislation and copies of Regulations on Waste Management (Collection Permit) (Amendment) Regulations 2016 & European Union (Household Food Waste and Bio Waste) Regulations 2015
- Representations received in relation to the proposed changes

4. Current Situation

Members of the Committee raised the following points / concerns.

- Waste operators will not collect bags unless it is profitable to do so.
- Anecdotal evidence that operators are forcing householders on to bins even though the area is not suitable, Rialto Court was given as an example.
- Cannot see the industry weighing bags.
- What happens if householders deemed suitable to remain on bags cannot get a service?

- Can Councillors influence the derogations?
- Can operators be compelled to collect bagged waste
- Householders who cannot manage bins (elderly)
- There must be a plan in place if streets are left without a waste collection service.

Mr. Wallace & Ms. McNamara responded.

- It is not envisaged that bags will not be collected
- The current regulations do not provide for the weighing of bags and therefore pay by weight will not apply to bag collections – this should be rectified in the regulations so that there is a level playing pitch for all household waste being collected, whether in bins or bags.
- A schedule of streets outlining where bags can be collected will be attached to an operators waste collection permit.
- Any derogation will be building and not person specific.
- DCC will not be re-entering the waste collection service

5. AOB  
None

### **Actions**

- (i) Helen McNamara's / Martina Campbell's contact details to be forwarded to the group.
- (ii) Draft Statement to raise public awareness to be developed for the next meeting.
- (iii) Invite greyhound to meet group.
- (iv) Results of street survey to be forwarded to group when finalised
- (v) Sample Waste Collection Permit to be available at the next meeting.

## **Next meeting Wednesday 13<sup>th</sup> April 2.00 pm**

### **In attendance**

#### **Councillors**

Councillor Tina McVeigh (Chairperson)  
Councillor Claire Byrne  
Councillor Gaye Fagan  
Councillor Mannix Flynn  
Councillor Mary Freehill  
Councillor Éilis Ryan  
Lord Mayor Criona Ni Dhalaigh

#### **Officials**

Declan Wallace, Director of Traffic  
Helen McNamara, Senior Executive officer  
Ciarán McGoldrick, Staff Officer

#### **Absent**

Councillor Ray McAdam  
Fianna Fáil nomination

### **Councillor Tina McVeigh**

**Chairperson**

**Environment and Transportation Department,  
Block 2, Floor 6,  
Civic Offices,  
Dublin 8.**

**20<sup>th</sup> April 2016.**

**To Each Member of the  
Environment Strategic Policy Committee**

**Dublin Waste to Energy (DWtE) Project**

**1 Construction Status**

Construction remains on schedule for completion in Q3 2017.

**1.1 Progress to Date**

Progress in the key areas are summarised below:

**Construction**

- There are currently approximately 460 contractors on site at any point in time.
- Construction is currently programmed on a 24/7 basis.
- PM Group Limited, the civil designer and construction manager continue to manage and monitor all construction activity on site.
  - The main focus of PM Group and their subcontractors remains:
    - the installation and fit out of the floors of the administration building,
    - works associated with the installation of the buildings' exterior cladding.
- Hitachi Zosen Inova (HZI), the process systems designer continue to manage all process equipment installation and facility commissioning through to the commencement of operations
  - The main focus of HZI and their subcontractors activities are:
    - installation of both boiler lines of the facility,
    - installation of the process equipment,
    - inspection and review of process equipment manufacturing.



IMG\_0518 Photo: Barrow Coakley Photography Tel: 087-2856527, 28th March 2016

Site Aerial View Looking Southwest March 2016 (Copyright PML)



IMG\_0535 Photo: Barrow Coakley Photography Tel: 087-2856527, 28th March 2016

Site Aerial View Looking Southeast March 2016 (Copyright PML)

## **2 Environmental Impact**

Environmental monitoring and mitigation measures continued to be implemented during the construction phase of the DWtE facility, the construction phase environmental report for quarter 1 (January – March) 2016 will be available in the coming weeks and will be available for download at the Dublin Waste to Energy Website.

## **3 Community Liaison**

The closing date for applications for the Projects Grant Scheme 2016 for the Irishtown, Ringsend & Sandymount catchment area was the 31<sup>st</sup> March. The Administrator to the Community Gain Liaison Committee is currently validating applications received. The Community Gain Liaison Committee will meet in May and will assess the valid applications which may be approved for funding.

## **4 Compliance with statutory consents**

There are no non-compliance issues to report.

**Declan Wallace**  
**Director of Traffic**

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## **Report on the Dublin Waste to Energy Project**

In line with Capita W2E Review Recommendations the Environment SPC has requested that I write to the City Council to provide an update on the W2E project from the SPC's perspective.

I intend to do so on an "exceptions" basis i.e. by highlighting specific issues for the attention of the wider Council; this is likely to be done on a periodic basis as required.

### **Issue 1 – SPC Membership representation on the Project Board and the Project Executive Board**

Members expressed their desire early on to have SPC Membership representation on the PB and the PEB.

DCC officials outlined that oversight of the project was an Executive function and that SPC Member representation was not appropriate.

### **Issue 2 – The value of the Community Gain Fund and the Liaison Committee**

SPC Members and DCC officials have not been able to agree on the methodology by which the value of the Community Gain Fund should be calculated; one SPC Member provided a detailed analysis and supporting papers in this regard which has been endorsed by the SPC and is attached in Appendix 1.

As a result I wrote to An Bord Pleanála seeking a determination on Condition 3 of the Planning Permission and that letter and An Bord's response is also enclosed in Appendix 1.

In summary An Bord Pleanála deem the matter to be one for the relevant planning authority i.e. Dublin City Council. The matter has also been referred to the Finance SPC for consideration.

Some Members are of the view that the SPC should have oversight of the Community Gain Liaison Committee or greater interaction with it.

### **Issue 3 – location of the Local Office**

Members were of the view that the proposed office location was too far away from the communities that would take an interest in the project.

DCC officials agreed to examine the feasibility of having the local office moved to Ringsend Library and this was subsequently completed.

#### **Issue 4 – Dust & Air Quality Monitoring**

SPC Members are of the view that there should be a permanent dust/air quality monitoring campaign in the Poolbeg Peninsula with additional permanent monitoring machines installed in the Eastern end of the City; suggested 3 additional – Clontarf, Poolbeg, Merrion.

Agreement is also needed on which methodology/set of standards should be applied in this regard e.g. World Health Organisation appears to have more stringent standards than the EPA.

**Councillor Naoise Ó'Muirí**  
**Chairperson**  
**Environment Strategic Policy Committee**



## Appendix 1

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

01 October 2015

**RE: Planning Permission reference PL.29S.EF2022, Waste to Energy facility at Pigeon House Road, Poolbeg Peninsula, Dublin 4**

A chara,

At a meeting of Dublin City Council's Environment Strategic Policy Committee (SPC), held on the 23 September, it was agreed that I, as Chair of this committee, would write to An Bord Pleanála requesting clarity on the following matter.

Planning Permission was granted for a Waste to Energy Facility by An Bord Pleanála, reference no. PL29S.EF2022, in November 2007, with the following condition which relates to the establishment of a Community Gain Fund:

"Condition 3:

*A community gain fund shall be established to support facilities and services which would be of benefit to the community in the general catchment area. This fund shall include a once-off capital contribution equivalent to 3% of the capital cost of the facility and an annual contribution per tonne of waste accepted for thermal treatment at the plant. The annual contribution shall be €1 per tonne in the first year following commissioning of the plant and thereafter shall be updated in accordance with the consumer price index. Details of the management and operation of the community gain fund, which shall be lodged in a special community fund account, shall be agreed between Dublin City Council and the community liaison committee referred to in condition number 2 above.*

**Reason:** *It is considered reasonable that the operators of the facility should contribute towards the cost of environmental, recreational or community facilities which will be of benefit to the community in the area."*

Dublin City Council officials had included the concept of a community gain fund in the EIS accompanying the application and Appendix 13.2( page 2 ) which stated the following:

**"Proposed Scale of the Community Gain Fund:**

*Dublin City Council is proposing that the fund should comprise a once-off capital contribution of 3% of the capital cost of the facility and an annual revenue contribution of 0.5% of the amount of revenue generated by gate fees at the facility during its lifetime, subject to maximum annual contribution of €500,000. Based on the estimated construction cost of €266m, the capital contribution will be of the order of €8m. Based on a throughput of 600,000 tonnes per annum, the annual revenue contribution will be of the order of €265,000."*

A difference of opinion has emerged between some Members of the SPC and Dublin City Council Management in relation to the determination of the exact total of the once-off capital contribution to the Community Gain Fund.

Dublin City Council Management has advised the SPC that the amount of the once-off capital contribution shall be €10.38 million based on construction costs of €346 million. DCC Management has also advised that the overall project cost is now estimated to be €500 million and that the overall project cost at the time of the planning application was estimated at €350 million.

Some Members of the SPC are of the view that the once off-capital contribution should be calculated by reference to the estimated €500 million overall project cost, which includes construction costs, funding costs, consultancy etc. Those Members are also of the view that at the time of the application the capital cost of the facility was the estimated construction cost as there was no cost of capital, given the development was being funded by balance sheet finance.

Some Members are of the view that there is a lack of specific guidance on a calculation methodology for the above in both the Inspector's report and in the Grant of planning permission; DCC Management assert that the methodology is contained in the EIS as submitted.

The SPC and DCC Management have been unable to reach agreement on this matter.

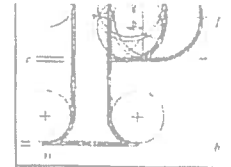
I am therefore seeking the Bord's advice as to the correct interpretation for determining compliance with the terms of this condition of the planning permission.

Yours sincerely,

Naoise Ó Muirí

Cathaoirleach

Environment Strategic Policy Committee – Dublin City Council



Naoise O'Muiri  
City Hall  
Dame Street  
Dublin 2

23<sup>rd</sup> October 2015

**Re:** Waste to Energy Facility at Pigeon House Road, Poolbeg Peninsula, Dublin 4.

Dear Councillor,

I have been asked by An Bord Pleanála to refer to your letter dated the 1st October, 2015.

Once the Board has made its decision on a case, its jurisdiction in the matter is spent and the Board does not comment on the implementation of the terms of a permission or attached conditions. Condition number 3 of the said permission does not provide for the Board to adjudicate on a point of detail or difference of opinion between parties; therefore, I regret to inform you that the Board cannot provide guidance on this matter.

I trust this is of assistance to you.

Yours faithfully,

  
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Kieran Somers  
Executive Officer



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## Community Gain Fund – Background Paper

This document collects all the references in the planning documents to the 3% contribution to the community gain fund:

- 1 From the EIS – 2 references – A and B
- 2 From Mr Coll’s brief of evidence to the oral hearing - C
- 3 From Mr Coll’s presentation slides to the oral hearing - D
- 4 From the inspectors report – 2 references – E and F
- 5 From the inspectors summary of the oral hearing – 2 references – G and H
- 6 From Condition 3 imposed by An Bord Pleanála - I

In all nine cases the amount is stated to be 3% of the capital cost of the facility.

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### EIS – Appendix 13.2

**WASTE TO ENERGY ENVIRONMENTAL IMPACT STATEMENT  
COMMUNITY GAIN PROPOSALS**

Page 2

#### Proposed Scale of the Community Gain Fund

Dublin City Council is proposing that the fund should comprise a once-off capital contribution of 3% of the capital cost of the facility

A

Page 6

#### Summary of Proposal

The following is a summary of the proposal regarding a Community Gain Fund:

1. A Community Gain Fund would be established comprising:
  - (a) a once off capital contribution of 3% of the capital cost of the facility, which is estimated at €8m

B

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### Mr Coll - Brief of Evidence

Dublin City Council

#### Dublin Waste to Energy Project – Community Gain

- A once off capital contribution equivalent to 3% of the capital cost of the facility. This contribution is estimated at €8m

C

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### Mr Coll - Presentation Slides

#### Community Gain Fund Proposal

- A once off capital contribution equivalent to 3% of the capital cost of the facility. This contribution is estimated at €8m

D

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## **An Bord Pleanála – Inspectors Report**

In the current case, I consider that in general the extent of the fund being proposed by the Local Authority is reasonable, i.e. a capital contribution equivalent to 3% of the capital cost of the facility and an annual revenue contribution equivalent to 0.5% of the revenue generated by gate fees, subject to an annual ceiling of €500,000.

E

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PL29S.CH2061/  
PL29S.EF2022

An Bord Pleanála

Page 142 of 165

- 4 A Community Gain Fund shall be established to support facilities and services which would be of benefit to the community in the general catchment area. This fund shall include a once-off capital contribution equivalent to 3% of the capital cost of the facility and an annual contribution per tonne of waste accepted for thermal treatment at the plant.

F

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PL29S.CH2061/  
PL29S.EF2022

An Bord Pleanála

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## **An Bord Pleanála – Inspectors Report – Oral Hearing**

### **APPENDIX NO. 1 REPORT ON ORAL HEARING**

Mr. Coll stated that the community gain fund would include a once off capital contribution equivalent to 3% of the capital cost of the facility. This contribution is estimated at €8 million

G

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PL29S.CH2061/  
PL29S.EF2022

An Bord Pleanála

Page 2 of 7

Prior to their closing submission, in response to a question from the Inspector as to whether the lump sum for the community fund would be based on the actual capital cost and a percentage of this, or if it would be €8 million as stated, Mr. Twomey, on behalf of Dublin City Council stated that it was approximately 3% of the capital cost of the project as outlined in Mr. Coll's brief of evidence. It was not €8 million, irrespective of the capital cost of the project. It was approximately 3% of the capital cost, whatever the capital cost of the project would be. Mr. Twomey stated that there was no decision made in regard to when the initial payment would be made.

H

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PL29S.CH2061/  
PL29S.EF2022

An Bord Pleanála

Page 2 of 7

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## **An Bord Pleanála – Decision – Condition 3**

### **An Bord Pleanála PLANNING AND DEVELOPMENT ACTS 2000 TO 2006 Dublin City Council DECISION**

3. A community gain fund shall be established to support facilities and services which would be of benefit to the community in the general catchment area. This fund shall include a once-off capital contribution equivalent to 3% of the capital cost of the facility and an annual contribution per tonne of waste accepted for thermal treatment at the plant. The annual contribution shall be €1 per tonne in the first year following commissioning of the plant and thereafter shall be updated in accordance with the consumer price index. Details of the management and operation of the community gain fund, which shall be lodged in a special community fund account, shall be agreed between Dublin City Council and the community liaison committee referred to in condition number 2 above.



**29S.EF2022**

**An Bord Pleanála**

**Page 3 of 7**

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## **Capital Cost**

Construction cost is stated to be € 346 million  
Total investment cost is stated to be approx € 500 million.

Financing and interest costs arise from three tranches of borrowing:

The amounts and interest rates applicable to these loans are:

1. Dublin Convertible Preferred €75 million anticipated funding in 2015  
a fixed rate of 13.50% per annum
2. Dublin Junior Term Loan €50 million anticipated funding in 2015 / 2016  
a fixed rate of 5.23% during the first six months of the loan, and thereafter at fixed  
rates from 9.23% to 9.73%
3. Dublin Senior Term Loan €250 million anticipated in 2016 / 2017  
Euro Interbank Offered Rate ("EURIBOR") plus an applicable margin, which will  
range from 4.00% to 4.50%

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## **Capital Cost – Covanta Treatment – SEC 10-Q**

### **Financing Costs and Capitalized Interest**

Financing costs related to the Dublin project financing totaled \$3 million for the three months ended March 31, 2015. Interest expense paid on the Dublin project financing and costs amortized to interest expense will be capitalized during the construction phase of the project.

### **Dublin Waste-to-Energy Facility**

The total investment in the Dublin Waste-to-Energy Facility is expected to be approximately €500 million, funded by a combination of third party non-recourse project financing (€375 million) and the contribution of project equity by Covanta Energy (approximately €125 million net investment through commencement of operations, including previously invested amounts towards project development and pre-construction works, which total approximately €30 million). We expect to fund the majority of our additional project equity in 2015. Following the utilization of Covanta's initial equity investment for project costs (approximately €125 million), the Dublin project company will utilize committed funding from the Dublin Convertible Preferred (€75 million, anticipated funding in 2015), the Dublin Junior Term Loan (€50 million, anticipated funding in 2015 / 2016), and finally the Dublin Senior Term Loan (€250 million, anticipated in 2016 / 2017).

We plan to fund the majority of our equity investment with existing offshore cash balances, with any additional or interim project funding requirements to be funded with ongoing cash flow and/or capacity under the Revolving Credit Facility.

In preparing our condensed consolidated financial statements in accordance with United States Generally Accepted Accounting Principles ("GAAP"),



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## **Capital Cost – Dept of Finance Circular for PPPs**

The accounting treatment guidance for capital cost is to include the capitalised interest. See note from Dept of Finance below.

TO: All Departments

F 7/1/00

2 April 2007

### **Circular 4/2007: Accounting for Public Private Partnership (PPP) Projects in the 2007 and subsequent years' Appropriation Accounts**

A Dhuine Uasail

7. The **total capital cost** (i.e. **excluding Operation and Maintenance costs**) of the project, to be shown in Column 4 in the table, should represent all the costs (**including VAT**) associated with the construction of the physical asset to the point of becoming available for use and included in the winning bidder's financial model:
  - i. **Actual capital construction costs** (including "fit out" services and equipment costs)
  - ii. Administration arrangement overheads for consortium that would be factored into commercial pricing of the built asset (e.g. bank fees, SPC operating costs insurance, etc.)
  - iii. Short term funding costs (excluding finance charges) to point of delivery of the built asset (i.e. arrangement and commitment fees, **capitalised interest**, etc.)

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## **FAS 34 - Capitalization of Interest Cost**

This Statement establishes standards for capitalizing interest cost as part of the historical cost of acquiring certain assets. To qualify for interest capitalization, assets must require a period of time to get them ready for their intended use. Examples are assets that an enterprise constructs for its own use (such as facilities) and assets intended for sale or lease that are constructed as discrete projects (such as ships or real estate projects). **Interest capitalization is required for those assets if its effect, compared with the effect of expensing interest, is material.** If the net effect is not material, interest capitalization is not required. However, interest cannot be capitalized for inventories that are routinely manufactured or otherwise produced in large quantities on a repetitive basis.

The interest cost eligible for capitalization shall be the interest cost recognized on borrowings and other obligations. The amount capitalized is to be an allocation of the interest cost incurred during the period required to complete the asset. The interest rate for capitalization purposes is to be based on the rates on the enterprise's outstanding borrowings. **If the enterprise associates a specific new borrowing with the asset, it may apply the rate on that borrowing to the appropriate portion of the expenditures for the asset.** A weighted average of the rates on other borrowings is to be applied to expenditures not covered by specific new borrowings. Judgment is required in identifying the borrowings on which the average rate is based.

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## **Capital Cost – IFRS and IAS 20 Treatment**

### **Full EU IFRS requirements**

- **Borrowing costs** that are directly attributable to the acquisition, construction or production of a qualifying asset **must be capitalised as part of the cost of that asset.**

**IAS 23 Borrowing Costs** requires that **borrowing costs** directly attributable to the acquisition, construction or production of a 'qualifying asset' (one that necessarily takes a substantial period of time to get ready for its intended use or sale) **are included in the cost of the asset.** Other borrowing costs are recognised as an expense.

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## **Capita Report – Oversight and Scrutiny**

Page 24

From a governance standpoint, it would be reasonable to expect the EESPC, as the Council's designated sub-committee most closely linked to the Engineering function, to ask for and receive sufficiently detailed and regular information to allow Councillors to have effective scrutiny and oversight of the WTE project. Based on the work we have undertaken, this has not occurred in the period covered by the review.

**RECOMMENDATION 6:** The WTE project should be included as a standing agenda item for meetings of the EESPC, at least until the proposed development is completed and operational. The Assistant City Manager should provide Committee members with a concise but sufficiently detailed update on the progress of the project for consideration at EESPC meetings.

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## **Reference in the Contract**

See page 30:

A lump sum capital contribution amount equivalent to three percent (3%) of the capital cost of the Facility ...

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## **Reference in the Managers Briefing of 19<sup>th</sup> Sept 2014**

See 2 references:

On page 6

Full cost of constructing the DWtE facility (estimated at circa €500m)

Page 13

Foreign direct investment into Ireland as a result of its €500m investment cost.



## Discussion Paper - Community Gain Fund Contribution

The calculation of the capital contribution to the community gain fund for the Poolbeg Incinerator is quite straightforward.

### Proposal and Planning Permission

Dublin City Council proposed that the community gain fund would receive a capital contribution of 3% of the capital cost of the facility. This proposal was made in four places in the application to An Bord Pleanála. The phrase used in each reference was *"3% of the capital cost of the facility"*.

The Inspector's report from the oral hearing also made four references. Again in each case it was a reference to a capital contribution of 3% of the capital cost of the facility.

Mr Twomey on behalf of Dublin City Council clarified that *"It was approximately 3% of the capital cost, whatever the capital cost of the project would be"*.

Finally, Condition 3 of An Bord Pleanála's decision in case EF2022 states:

*"This fund shall include a once-off capital contribution equivalent to 3% of the capital cost of the facility"*

### Calculation in 2007

In 2007 an estimate of € 8 million for the capital contribution was made based on 3% of the € 266 million capital cost of the facility at that time which was the estimated construction cost of € 266 million.

In 2007 there was no cost of capital because the contract required the private partner to provide balance sheet financing.

In 2010 the contract lapsed and Covanta negotiated a restated contract with Dublin City Council on behalf of the four Dublin Local Authorities. For unknown reasons, DCC released Covanta from the obligation to provide equity finance and allowed Covanta to raise project finance in the market.

The capital cost of raising the finance has turned out to be € 154 million. This extraordinarily high cost should be the subject of a separate investigation. (See note.)

### Calculation in 2014

By 2014 the construction cost had risen to € 346 million and together with the finance cost of € 154 million this brought the capital cost for this facility to € 500 million.

The 3% capital contribution to the community gain fund is therefore € 15 million.

### Additional Consideration

Since this project cost a further € 100 million spent by DCC on land acquisition, planning and other matters, consideration should be given to the provision of a further contribution of € 3 million to the community gain fund.

This would bring the proper capital contribution to the community gain fund to € 18 million.

## Errors and Omissions in the DCC Briefing Paper

The briefing paper submitted on 5<sup>th</sup> August 2015 by Dublin City Council Environment and Transportation Department contains several errors.

Regarding the clarification sought by the Inspector from Mr Twomey on the basis for the 3%: the quotation from the Inspector's report is cut short by omitting the phrase:

*"... whatever the capital cost of the project would be".*

A further distortion of this clarification is introduced on the last page of the paper where it states:

*"It should be further noted that DCC as applicant clarified that the proposal associated with the onceoff capital contribution was not fixed at €8m but would be calculated by reference to 3% of the capital/construction cost."*

The clarification by Mr Twomey as recorded by the Inspector did not use the phrase "capital/construction cost". The clarification in the Inspector's report was:

*"It [the lump sum] was not €8 million, irrespective of the capital cost of the project. It was approximately 3% of the capital cost, whatever the capital cost of the project would be."*

This use of the words "capital/construction cost" is not used in the application, nor is it used by the Inspector in his reports, nor is it used in the planning permission.

This is an attempt by the authors to substitute the capital cost of the facility with the construction cost of the facility. The briefing paper also attempts to confuse the capital cost with a "project cost".

## Spurious Methodology

The paper attempts to introduce a methodology of calculating 3% of the capital cost by limiting the capital cost to the construction element alone.

No methodology is mentioned in the planning application documents nor is a methodology referred to in the Inspector's report and, in particular, no methodology is mentioned in the grant of planning permission.

No special methodology is required to calculate 3% - just multiply by 3 and divide by 100.

## Capital Cost

The briefing paper does not address the actual capital cost of the facility as it stands today. The capital cost consists of two elements:

- the construction cost estimated at € 346 million
- the cost of capital estimated at € 154 million

The overall capital cost is the sum of these two capital costs and is therefore € 500 million.

Covanta in their SEC 10-Q filing state:

*“The total investment in the Dublin Waste-to-Energy Facility is expected to be approximately €500 million, funded by a combination of third party non-recourse project financing (€375 million) and the contribution of project equity by Covanta Energy (approximately €125 million net investment ...)”*

#### **Financing Costs and Capitalized Interest**

Covanta also state in the 10-Q filing that interest expense paid on the Dublin project financing and costs amortized to interest expense will be capitalized during the construction phase of the project.

In accordance with the United States Generally Accepted Accounting Principles (GAAP) used by Covanta the interest cost of loans for a project must be capitalised.

The Department of Finance guidance for Public Private Partnership projects also requires capitalised loan interest to be included in the total capital cost.

#### **Conclusion**

The capital cost of this facility is € 500 million.

The capital contribution to the community gain fund should be € 15 million not the € 10.38 million proposed by DCC.

Joe McCarthy

Member (An Taisce)  
Environment Strategic Policy Committee  
Dublin City Council

September 2<sup>nd</sup> 2015

**Note**

The clarification sought by the Inspector from Mr Twomey was prescient because the capital cost has risen to almost twice the cost expected in 2007 – from € 266 million to € 500 million in 2014.

The principle reason for this enormous rise is the change to the contract conditions originally required by DCC whereby the private partner would use its own equity on balance sheet to build the incinerator. After the project contract lapsed in 2010 Covanta obtained agreement from the DLAs to have the project financed from the market. The consequence is that substantial interest costs now arise.

An eye watering interest rate of 13.5% is being paid to a Covanta company in Luxemburg which lent € 75 million\*.

A rate of some 9.5% applies to the € 50 million Dublin Junior Term Loan lent by Macquarie Capital.

The Dublin Senior Term Loan of € 250 million is at 6%. This loan is from AIB, Bank of Ireland, Barclays, the Ireland Strategic Investment Fund, Macquarie Bank and Ulster Bank.

It is not clear how such high interest rates can be justified for a public private partnership project when state borrowing rates are currently around 4% or less.

The excess interest paid of some € 70 million over the term of the loans is a reduction in profit of the same amount. This reduction in profit will seriously diminish the revenue share of the DLAs.

JMcC

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\* **Irish Times** - Colm Keena - Tuesday, June 23, 2015

Funding for the building of the waste to energy incinerator in Poolbeg, Dublin, is coming from a company in Luxembourg with a structure similar to the ones that featured in last year's Luxleaks controversy over aggressive tax planning.

...

Filings in Luxembourg show that a company there, Dublin First WTE, was incorporated in September 2014 and immediately entered into a stakeholder loan agreement with an Irish company, Dublin Waste to Energy (Holdings), for €75 million.

The Luxembourg company is charging 13.5 per cent per annum interest on the loan, which is to be repaid in 2029. The arrangement means that the taxable profits booked in Ireland by Dublin Waste to Energy (Holdings) will be reduced by the cost of servicing the debt to the Luxembourg company. One of the features of the Luxleaks controversy was the creation of entities in Luxembourg that created profit-reducing costs in other jurisdictions, while not producing comparable taxable profits in Luxembourg.

...

Dublin First WTE has no employees, according to its 2014 accounts, and it was established so as to invest in and take interests in other companies, and grant loans to affiliated companies. It is in turn owned by a company in the Cayman Islands.