

**Energy from Waste Plant (EfW)
Potential Impact on the Designated Ramsar Site of the South East Coast of
Jersey**

Submission to Environment Scrutiny Panel January 2009

Response to Correspondence in the JEP

The Environment Scrutiny Panel has raised concerns over recent articles and correspondence in the J.E.P. regarding the potential impact of the Energy from Waste Plants (EfW) on Jersey's Ramsar site. In order to assist the Scrutiny Panel's consideration of the issues, the Planning and Environment Department has undertaken to analyse the correspondence, in particular the letters in the J.E.P. on 19 December 2008 and pull out the relevant points being made in each of the letters and respond in turn.

On an additional point one of the letter writers, David Cabeldu, has raised some concerns in a report (6 December 2008) on behalf of Save Our Shoreline. These issues are addressed in the section that responds to his letter.

To help understand the comments below the following glossary may be of use;

1. Outline Planning application/approval (PP/2007/0050) – Planning application/approval that established the principle of allowing the Energy from Waste plant to be built
2. Reserved Matters submission (RM/2008/2086) – Submission of final details of the EfW scheme for approval under the conditions of the outline approval
3. Environmental Impact Assessment (EIA) – a process required by EU Directive 85/337/EEC as amended by EU Directive 97/11/EC that fully explores, assesses and seeks to mitigate against any environmental impacts that might arise from a major development project
4. Environmental Statement (ES) – the document that captures all the information considered in the course of the EIA
5. Ramsar Convention - The Convention on Wetlands, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources
6. Ramsar Secretariat – The administrative body that coordinates the Ramsar Convention

Taking each of the letters in turn;

Pete Double

- **Mr Double raises questions as to exactly what the Ramsar Secretariat's involvement would be in the Planning process.**

Article 3.2 of the Ramsar Convention stipulates that the Ramsar Secretariat should be informed if the ecological character of any wetland included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. The Department for Environment Food and Rural Affairs (DEFRA) have communicated to the

Minister for Planning and Environment that delivery of Ramsar policy in the UK Crown Dependencies rests with the appropriate authorities in each of the Crown dependencies.

Transport and Technical Services as the proposer of the Energy from Waste (EfW) plant were required to carry out an Environmental Impact Assessment (EIA) of the scheme. This is wholly in line with the Ramsar Secretariat's requirement that any potential issues are addressed through a rigorous impact assessment procedure. Regulatory bodies and Statutory Stakeholders working with independent consultants appointed by T&TS established the scope of the issues that the EIA should address.

In terms of airborne pollutants the EIA identified that their impact from the EfW on marine habitats were judged to be insignificant because of the low levels of deposition, the dilution factor in the receiving water and the enormous flushing effect of the tidal exchange. As regards the marine environment the impacts would remain as the same as or potentially less than the current As such the EfW will not change nor will it be likely to change the ecological character of the Ramsar site and consequently there is no need to consult or inform the Ramsar Secretariat of the proposals for the EfW.

- **Mr Double queries what pollution impacts there will be into the Ramsar site**

There are two potential pollution sources into not only the Ramsar site but the Island as a whole from the EfW. These are to the water environment and to the atmosphere.

In terms of the water environment, and in particular in relation to the Ramsar site's tidal waters, there will be no discharge from the EfW. There will be discharge of warm water as a by-product of electricity generation from the existing power plant – which the EfW will provide with power - but this will be within the existing consents to discharge. The site as a whole will be drained so that no leachate from any of the areas surrounding the plant building can enter the water environment. Consequently, the EfW will not make any difference to the water environment.

The EIA identifies that even at the maximum potential outputs from the EfW from the technology proposed– and these will not be reached for the vast majority of the time that the plant is in operation – emissions to the air from the EfW will be within U.K. and European Air Quality Objectives or Guidelines. Notwithstanding this adherence to Air Quality Objectives and Guidelines comparison with the current situation is essential to methodically establish potential environmental impacts. The EfW will constitute a significant improvement from the current situation with massive improvements in pollutants entering the air from the currently operating Bellozanne site. Comparison with the Bellozanne site is wholly appropriate in the context of an EIA – indeed it is a fundamental requirement of any such process - and assessing the potential change to the ecology of the Ramsar site as those current discharges contribute to the existing ecology of the Ramsar site.

- **Mr Double questions what are Jersey's Ramsar's obligations**

Jersey's Ramsar's obligations are to inform the Secretariat when there is or is likely to be a change in the ecological character of the site. The EIA clearly demonstrates methodically and scientifically that the EfW will not cause nor will it be likely to cause any change in the ecological character of the Ramsar site. However the Department recognises that something as special as a Ramsar Site deserves management, investment and celebration as well as simple recognition. Consequently the States recently adopted the Integrated Coastal Zone Management (ICMZ) Strategy and the Department has appointed a full time marine scientist to act as project officer. One of the priority tasks identified by the ICZM strategy is to prepare formal management plans for our Ramsar sites.

Three years ago educational facilities and a visitor centre were established at the seaward end of Gorey Pier. This has allowed the explanation of the significance of the Ramsar site to thousands of visitors and school parties each year. There is also an active programme of guided walks which go out into the Ramsar area to explore the intertidal eco-systems.

- **Mr Double considers that the environmental concerns have been addressed by the company commissioned to supply the EfW**
The EIA was commissioned by the applicants |(T&TS) and compiled by consultants qualified to carry out the work. The suppliers of the EfW were only selected – from a shortlist - after the planning permission had been granted.

LARA LUKE

- **Ms Luke made representations to Planning which were “turned down”;**
The representations made by Ms Luke were taken into consideration in determining the Reserved Matters approval of the EfW. The issues she raised in her representation were addressed by the EIA.
- **Ms Luke states that Chapter 10 of the ES highlights the “possibility of water pollution entering the Ramsar site”.**
Any potential pollution risk to the water environment around the EfW is addressed in Chapter 16 of the ES “Water Resources and Drainage”.
- **Ms Luke states that Chapter 16 of the ES “only deals with water resources and drainage” and also states that “the main receptor of possible pollutants would be the Ramsar site and the site is potentially vulnerable to the adverse effects of these various pollutants”.**

Chapter 16 specifically relates to water resources and drainage. Chapter 8 of the ES fully addresses the implications for air quality as a result of the EfW and she raises no comments or issues in relation to that Chapter in her letter to the JEP. Ms Luke did raise issues regarding air quality in her representation to the Planning Department in connection with the Reserved Matters submission for the EfW but these concerns were fully addressed within the EIA.

In terms of Chapter 16 identifying the main receptor of possible pollutants being the Ramsar site the ES goes on to state that “the design and facility would then break the links between sources of pollution during construction on operation and the receptor which is the Ramsar site”. The ES then goes on to specify

steps that will be taken to mitigate against the potential for any pollution of water resources including the Ramsar site. Returning to Chapter 8 which deals with air quality the conclusion of that Chapter is that the situation with the EfW will be significantly better than at present for the whole Island, including the Ramsar site, and the air quality and emissions from the plant will be within U.K. and European Air Quality Objectives or Guidelines.

DAVID CABELDU

- **Mr Cabeldu raises the principle of “wise use” of Ramsar areas;**

The ‘Wise Use’ approach as described by Mr Cabeldu seeks to achieve “the maintenance of their (wetlands) ecological character achieved through the implementation of ecosystem approaches, within the context of sustainable development”

The EIA – which constitutes a “rigorous impact assessment” as suggested by the Ramsar Secretariat - demonstrates that the impacts of potential pollutants from the EfW on marine habitats were judged to be insignificant. As such the EfW will not change nor will it be likely to change the ecological character of the Ramsar site. This is in line with the principle of Wise Use.

- **Mr Cabeldu questions what consultation took place with the Ramsar Secretariat.**

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- **Mr Cabeldu questions why there was no formal consultation with the Ramsar Steering Group.**

The Planning and Environment Department are not aware Ramsar Steering Group is an active entity and it appears to have last met under the States' invitation in connection with the Jersey Ramsar site in 1999. A group has met more recently in connection with the offshore Ramsar sites. The group may still meet but the States are not aware if that is the case.

The ES was freely available from early 2007 for public consultation in connection with the outline planning application and was updated in connection with the Reserved Matters submission. The document as a whole is still available for perusal. To date no one has questioned any of the findings of the EIA or raised issue with any of the methodology findings or conclusions of the EIA.

- **Mr Cabeldu questioned the independence of the EIA.**

The European directive which requires EIA is clear that the responsibility for their preparation lies with a developer. It would be neither practical nor proper for any body determining a planning application accompanied by an EIA to be responsible for the EIA. However all the regulatory bodies that would have an interest in the issues covered by an EIA are quite rightly involved in working with the developer to ensure that appropriate steps are taken to mitigate against any effects that may arise as a result of a development. Once the ES was submitted accompanying the planning application in early 2007, the appropriate regulatory bodies were consulted and raised no concerns over the methodology findings or conclusions of the EIA. The ES was available for public perusal and nobody raised any issues concerning the methodology conclusions or recommendations of the EIA at any point during the whole planning process including the determination of the Reserved Matters approval in October 2008. The overriding imperative of an EIA is not whether it is drawn up by an independent body but whether it actually addresses and achieves what an EIA aims to do namely that the likely effects of a new development on the environment are fully understood and taken into account before the development is allowed to go ahead. In this case it is clear the EIA was fit for purpose regardless of who carried out the exercise.

- **Mr Cabeldu states that TTS were guilty of “obstruction” in relation to a report concerning Scrutiny’s consideration of the EfW project.**

The report Mr Cabeldu refers to was one highlighted by Juniper, who were advisers to the Environment Scrutiny Panel, and related to technology involved in the EfW plant itself. It had no relationship whatsoever with the EIA parameters or the Ramsar site and the potential implications of the EfW for the Ramsar site.

- **On a further note, Mr Cabeldu has compiled a report (6 December 2008) identifies some concerns in relation to the EfW project.**

The report makes generalised comments over the pollution potential of the EfW and does not appear to rely on any substantive evidence. Further the report fails to refer to any of the data within the EIA seemingly dismissing it as it is not ‘independent’. This is neither thorough nor scientific in its approach and it would not be appropriate for the comments to outweigh the EIA – where the approach and methodology have been agreed with regulatory bodies and clearly demonstrates issues in relation to national and internationally accepted standards - regardless of its provenance.

In fact the EIA addresses the concerns raised within the report particularly in relation to potential leachate hazards, 'air fallout' and levels of dioxin contamination. Not only does the EIA examine these issues but very importantly places them in the context of the current situation which already affects the ecosystem of the Ramsar site.

Chris Perkins

- **Mr Perkins highlights that the Ramsar Convention calls for “rigorous Impact Assessment procedures”.**

Rigorous Impact Assessment has taken place by the undertaking of the EIA in relation to the EfW. The EIA reaches the conclusion that the development will not change or will not be likely to change the ecological character of the Ramsar site.

- **“Wetlands Under Threat” website by Wetlands International has identified the Jersey Ramsar site as one which is under threat.**

The article on the Wetlands International website does not raise any issues that have not been previously considered either by the Environment Scrutiny Panel, by the States or by the Minister for Planning & Environment in consideration of the EfW project. The criteria for identifying that the Jersey Ramsar site is 'under threat' are not identified. No reference is made to any specific peer reviewed scientific studies in the article or the claims within it that relate directly or indirectly to the EfW or the Ramsar site. No substantive reference is made in the article to the EIA or its methodology and findings.

- **Mr Perkins letter raises issues over the technology to be employed in the EfW and levels of recycling on the Island.**

These issues were considered previously by the Environment Scrutiny Panel and the States in their consideration of the EfW scheme.