

Helm's Deep, 8, Le Clos de Maitland, La Rue du Presbytere, St. Clement, Jersey, JE2 6RA
Tel 851981 mobile 07797 733613 email admin@axiomci.com

4th January, 2009

Your Ref: 514/7 (3)

Mike Haden
Scrutiny Officer
Scrutiny Office
States Greffe
Morier House
St. Helier
Jersey
JE1 1DD

Dear Mr. Hayden,

Mike

Thank you for your letter dated 22nd December, 2008.

I am pleased to be able to supply the new Environment Scrutiny Panel with our introduction, initial and subsequent reports and relevant documentation relating to Jersey's Internationally protected Ramsar Area, Jersey's International Obligations relating to this and the impact of the planned EfW plant on the area if sited at La Collette.

Since publishing the initial report, further relevant facts have come to light and we have also been offered support both locally and internationally.

The initial report in full with images is also available as a.pdf download from www.axiomci.com/ramsar/sosreportfull.pdf

The Wetlands International web page about this is available here: <http://www.wetlands.org/> - click on the link to the right 'This month's threatened Wetland: Incinerator on Jersey Isle'

I have also been contacted by Dr. Stephan M Funk, PhD MSc MSc Director of Nature Heritage (environmental consultancy in Jersey & Senior Conservation Biologist at Durrel) who has asked us to include his concerns in our submission. He is at present unwell, but has promised to send them to me as soon as he can manage it, and I will forward them to you by email for inclusion as item 14 in our dossier.

I trust that you will circulate this letter and enclosures to the Panel as a matter of some urgency.

Yours Sincerely

David Cabeldu
David Cabeldu

for The Save Our Shoreline Committee

encl:

Helm's Deep, 8, Le Clos de Maitland, La Rue du Presbytere, St. Clement, Jersey, JE2 6RA
Tel 851981 mobile 07797 733613 email admin@axiomci.com

4th January, 2009

Dear Scrutiny Panel Members,

Please find enclosed our original report of 6th December 2008 plus new documents and supporting evidence relating to the subjects covered. This is in the form of a 12 part dossier.

We hope that you will consider undertaking a review of the siting of the EfW plant at La Collette in the light of the documentation and concerns that we and other organisations and individuals have. We feel very uneasy that this issue has been badly handled, rail-roaded through, vital information withheld from States Members, and now things could go terribly wrong.

We have tried to be as concise as the subject allows. We have consulted with relevant departments of the Ramsar Directorate in Gland in Switzerland, and qualified experts both locally and in the UK and Europe.

Planning will no doubt tell you that they will soon notify the Ramsar Secretariat in Gland, as per Convention article 3.2. TTS will no doubt tell you that they have undertaken rigorous EIAs regarding the construction and running of the plant and are supported by Planning and Environment.

A note regarding the Convention: It is not just a matter of informing Ramsar when something has been built that may impact on a Designated area. The Ramsar Designation is meant to be a joyful thing. Good news for Jersey. It is in many respects Europe's 'Great Barrier Reef' in its importance and diversity,

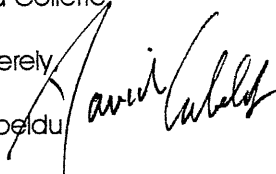
If the Australian Government decided to build a huge incinerator on the edge of the Great Barrier Reef and then afterwards, think 'Hang on, we suppose we better let those Ramsar people know', world opinion would be on them like a ton of bricks. As the world will focus on Jersey if the EfW goes ahead. The way it is supposed to be done is with the spirit of mutual co-operation **way before** any permissions are granted. The concept of 'Wise Use' is central to the Convention. Working together to produce the best way forward is what ideally should happen between two civilised Partner Nations. TTS and Planning should actually be taking advice from world experts as to how to go about a full and independent EIA.

Regarding TTS's EIAs we will demonstrate that in the case of the ecological Ambios study this has been given scant regard and this report is totally flawed and absurdly brief. With regard to the Babbie Fichtner ES there are many assumptions and untruths and of course it is not independent, and even carries a disclaimer.

We hope that you will be able to find our work useful in coming to your decision and grant a review of the Planning Consent and, we submit, overturn it with regard to siting the EfW plant at La Collette.

Yours Sincerely

David Cabellou



on behalf of The Save Our Shoreline Committee and many others concerned parties.

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- (this item to be forwarded by email a.s.a.p.)

"I'm sure it's all a misunderstanding. There must be correspondence from the Planning department or Transport and Technical Services asking Ramsar's advice regarding an independent Environmental Impact Assessment before the project began. After all, it's what Jersey agreed to do when the south-east coast was designated a Ramsar site by signing the Convention on Wetlands of International Importance."

(Extract from a letter to the JEP dated 19 December 2008, from Pete Double, well known environmentalist and author of 'Jersey's Last Wilderness', produced by the Environmental Services Unit and supported by the Gerard Le Claire Environmental Trust).

JERSEY'S LAST WILDERNESS - PROTECTED BY THE RAMSAR CONVENTION, OR NOT?

The Convention on Wetlands, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for national action and international co-operation for the conservation and wise use of wetlands and their resources. By 2006 there were 146 Contracting Parties to the Convention, with 1,458 wetland sites, totaling 125.4 million hectares.

The year 2000 marked a milestone in the Island's environmental history. The States of Jersey gave approval for 32.1 square kilometres of intertidal habitat to be designated a United Nations Ramsar Wetland of International Importance. The area stretches from the seaward edge of the tanker berth at St. Helier Harbour to the tip of Gorey Pier and equals 25% of Jersey's landmass (See map). Three offshore sites have also been designated: Les Écréhous & Les Dirouilles, Les Minquiers, Les Pierres de Lecq (the Paternosters).

So What Do We Protect?

Jersey's south east coast was once part of the island's prehistoric land-bridge to the Continent, submerged at the end of the last Ice Age. It now comprises some of the most ruggedly beautiful and ecologically important intertidal habitats in Europe. It is a marine wilderness often beyond the familiar sounds of dry land where a constellation of weather-worn reefs are submerged and exposed twice each day by one of the largest tidal ranges in the world. The number of marine species found in such a comparatively small area is remarkable, **well beyond** Ramsar criteria. The criteria for Ramsar designation are based on an area's value as a unique or representative habitat with an important range or number of plants, animals, wildfowl or fish. To date, 107 species of fish, 57 of crustacea, 113 of mollusc and 230 of seaweed have been recorded within the confines of the site.

Commercial and leisure fishing, fish farming and other activities within the site are recognised as of great cultural, social and traditional importance to the community. Aware of this, the Ramsar Convention also encourages traditional use that does not damage the habitat. In essence, once an area has Ramsar designation it can be given greater international recognition and become a focus for research, education and tourism, as well as a source of local pride.

SO WHAT ARE THE THREATS?

The immediate threat: New 'Energy From Waste' Incinerator.

In July 2008 the States of Jersey approved the building of a large Babbie Fichtner incinerator on the eastern fringe of the Ramsar site (see map). At a cost of £106 million, for the plant alone, the siting of the incinerator just yards from the Ramsar site and its probable pollution both airborne and waterborne gives great concern to many environmentalists and other organisations not just locally but Internationally.

It is mandatory under Ramsar Convention Article 3.2 that whenever there may be an adverse impact on a Ramsar designated area, for the Contracting Parties to:

"arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference, and that information on such changes shall be passed without delay to the Ramsar Secretariat."

We received confirmation on 3rd December 2008 from Monica Zavagli, Assistant Advisor for Europe at The Ramsar Secretariat in Gland, Switzerland, that as of that date this process has not happened. Planning Consent had already been given by Planning and Environment Minister Freddie Cohen, and the contract was signed on Friday 21st November, 2008 by TTS without the courtesy of written notification to the Ramsar Secretariat.

Ms Zavagli added this: ***"Resolution VII.16 : 'The Ramsar Convention and impact assessment: strategic, environmental and social calls Contracting Parties to reinforce and strengthen their efforts to ensure that any projects, plans, programmes and policies with the potential to alter the ecological character of wetlands in the Ramsar List, or impact negatively on other wetlands within their territories, are subjected to rigorous impact assessment procedures... and to ensure that impact assessment procedures seek to identify the true values of wetland ecosystems in terms of the many functions, values and benefits they provide, to allow these environmental, economic and broader social values to be included in decision-making and management processes. The solution to these controversial cases would be therefore a proper Environmental Impact Assessment."***

We know that there has been no Independent Environmental Impact Assessment undertaken with regard to the marine environment and a possible adverse impact upon marine life and shellfish farmers in the area.

Airborne Pollution Threat:

The incinerator stands on the extreme south eastern corner of the reclamation area. The prevailing winds will blow the nano-particles from the stack across the area marked in red. It has been estimated that this will affect up to 55,000 people as well as the wetlands population of flora and fauna and the fish farming industry. To what extent? Well we don't know, as there is no Independent Environmental Impact Assessment data available. But 33,000 EU doctors (ISDE International Society of Doctors for the Environment) on 11th June, 2008 signed an appeal to the plenary of the European Parliament to condemn this type of plant on which has been outlawed in other jurisdictions. An excerpt reads: ***"Several recent studies of wide samples of population continue to reveal the threat that incinerators pose to human health in Europe and around the world. Ultrafine particles emissions are still not monitored anywhere in Europe, even though the danger these particles pose is well documented."***

International law is also starting to bear upon incineration. Three principles of international law – precaution, prevention and limiting transboundary effects – conflict with incineration. Precaution is cited in the OSPAR, LRTAP, Bamako and Stockholm Conventions and the Rio Declaration, among other documents. Because incineration is effectively an uncontrolled process, with unknown byproducts, and because many of those byproducts are already affecting human health, precaution argues that incineration should be avoided. Prevention and minimization are widely referenced in international law, most specifically in the Bamako Convention, which explicitly defines incineration as incompatible with prevention and Clean Production practices. The London, OSPAR and Bamako Conventions also place bans upon incineration at sea and in domestic waters."

The possible effects of fallout from dioxins in micro particles onto the oyster farming industry have not been addressed; the effects on lobster fishing and shellfish in general are also an imponderable since no efforts have been made by our Environment Department or Fisheries Department to look into them. TTS and Planning are relying solely on the contractors own report and assurances which can hardly be said to be independent.

We understand that this type of incinerator has been outlawed in Japan and California amongst other places. Though it complies with EU regulations, it is not modern technology and we are doubtful that such mass burn processes are in harmony with the Island's commitment to the Ramsar Wise Use Principle, i.e. "the maintenance of their [wetlands] ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development". <http://www.ramsar.org/about/info2007-07-e.pdf>

Furthermore, surely the Precautionary Principle should be considered?

Advice from The Joint Nature Conservation Committee (JNCC), statutory adviser to the UK Government on national and international nature conservation:

"The Precautionary Principle is one of the key elements for policy decisions concerning environmental protection and management. It is applied in the circumstances where there are reasonable grounds for concern that an activity is, or could, cause harm but where there is uncertainty about the probability of the risk and the degree of harm." <http://www.jncc.gov.uk/page-1575>

"Uncertainty about the probability of the risk and the degree of harm" - to a site which qualifies under no less than six of the Ramsar Convention's nine Criteria. It should be remembered that our Island's activities as relate to the Ramsar Convention on Wetlands of International Importance are ultimately the responsibility of the UK Government.

TTS Obstruction

Here it must be noted that from the Hansard record of the States Debate on 9th July, 2008, Deputy Mezbourian had grave concerns that information on this issue was being withheld from Scrutiny. The Deputy said this:

"We know, of course, that had the Environment Scrutiny Panel decided to not conduct a review of this issue they would have been severely criticised for not doing their job properly. Yet, we know too that their advisers were refused documents that were deemed to be confidential and in one instance

were refused a particularly important piece of analysis that they had had listed by T.T.S. as being available to them. Consequently, the Environment Scrutiny Panel's advisers, Juniper, delayed their report for a month in order to give an opportunity to receive that document, which we understand from their report was not forthcoming. "

The incinerator was railroaded through without conducting proper Environmental Impact Assessments and information requested by the Environment Scrutiny panel being made freely available.

Marine Pollution Threat

We know from long years of involvement with the Reclamation Sites and historical practices thereon, that La Collette Phase 2 currently holds pits full of toxic bottom and Fly ash from our current incinerator. The linings are old and often the ash can be seen to blow into the sea. The siting of a new incinerator on what is a porous rubble compacted surface, not sealed from the elements, causes grave concern. Any water that falls onto the site will make its way into the sea and carry leachates with it.

Apart from already present leachates, marine pollution will increase, from refuse stored alongside the new incinerator (with all its toxins and heavy metals), and from toxic chemicals used in the plant, which will inevitably find their way into the sea. The beach to the east is already severely affected, scoured out in some places and increasingly muddy in others.

The prevailing current is from the west and carries the water along the shoreline to the Violet Bank, (see aerial photo) where the currents swirl and mix. Toxins carried in the seawater and from air fallout at low tide will affect much of the flora and fauna of these wetlands in ways which are not yet fully understood, and the need for an urgent independent EIA is obvious.

Probable further threats: Further reclamation schemes:

Jersey's Waterfront Enterprise Board (a development agency set up by the States of Jersey) produced a series of 'Optioneering Plans' which were made available to our organisation in October 2008. They show a serious consideration to extend reclamation into several areas within Ramsar. We understand from the Project Manager at Scott Wilson (the consultant engineers who were commissioned to draw up the plans) that a Senior Planner sat on the WEB steering group that authorised these plans.

It is of great concern to us that the Incinerator is the next step of an ongoing erosion of Ramsar areas and an attempt to drive through extra incursions into the designated areas in the same arrogant and underhand manner as we have unfortunately come to expect.

CONCLUSION

It is our belief that the Planning Consent for the incinerator is flawed and Planning Permission should be rescinded pending an Independent Impact Assessment of the likely effects on human and marine health as a result of the incinerator being sited at La Collette. Indeed we believe that Planning Consent in this instance should be deemed **null and void**.

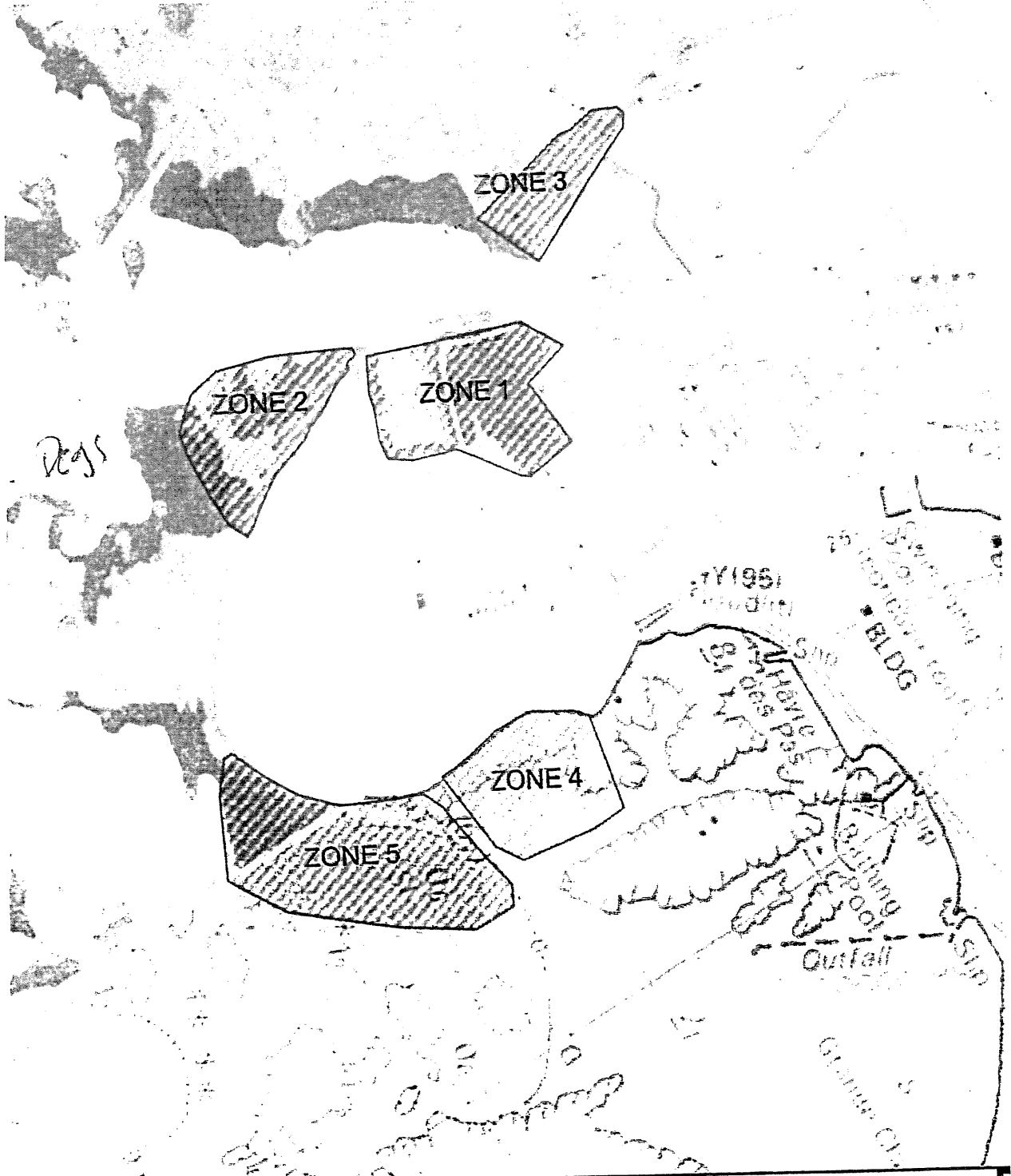
We call for an independent enquiry into why TTS obstructed Scrutiny, withheld vital information, and signed the contract to build the Babbie Fichtner incinerator at La Collette without first fulfilling Jersey's International obligations regarding The Ramsar Convention, in particular its 'Wise Use' policy, and maintaining the policies of 'Best Practice' and 'The Precautionary Principle'.

David Cabeldu

Save Our Shoreline Committee
6th December 2008

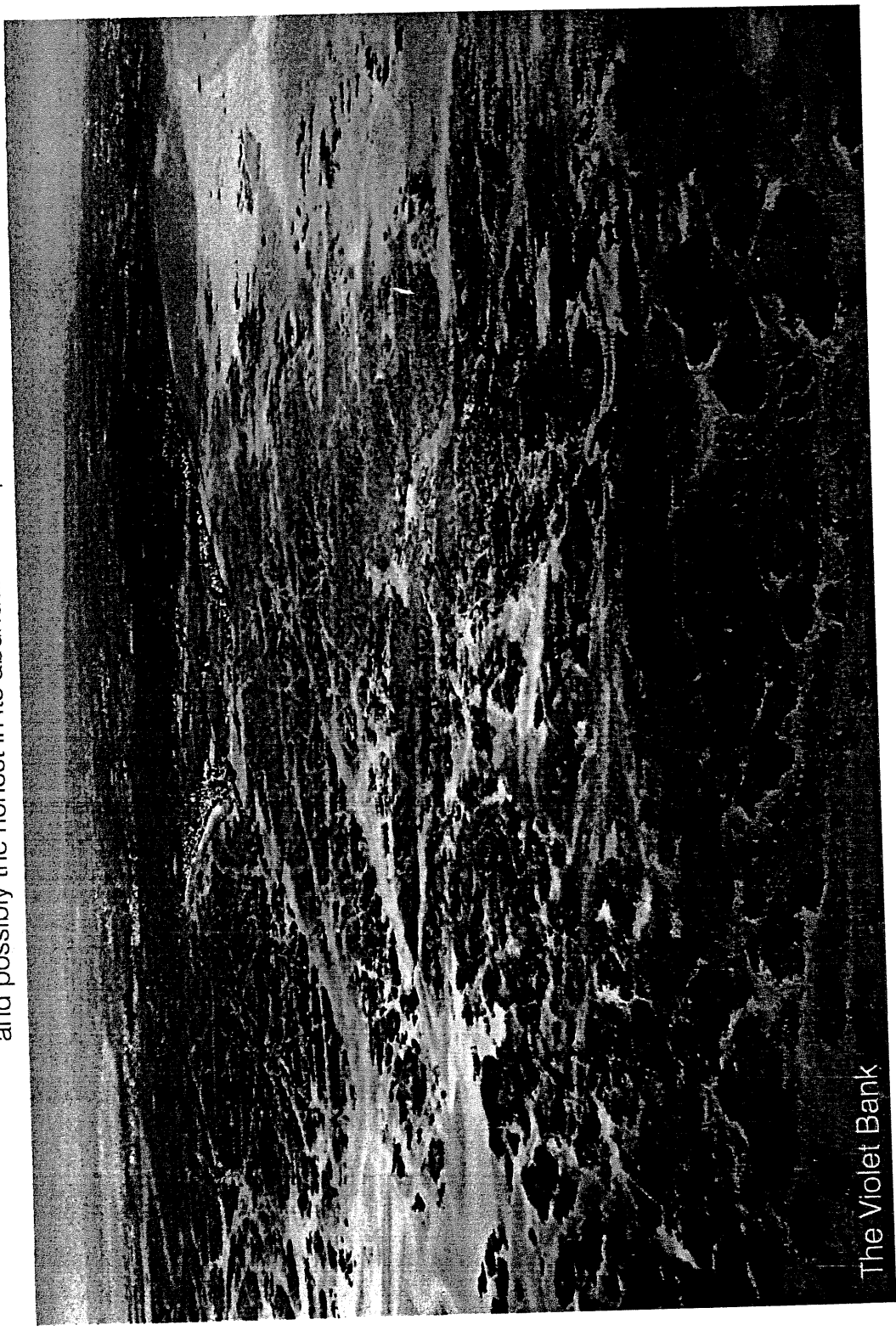
Plans drawn up by Scott Wilson for WEB
For 'Discussion'

Drawing D113188/SKETCH 5 15/5/08



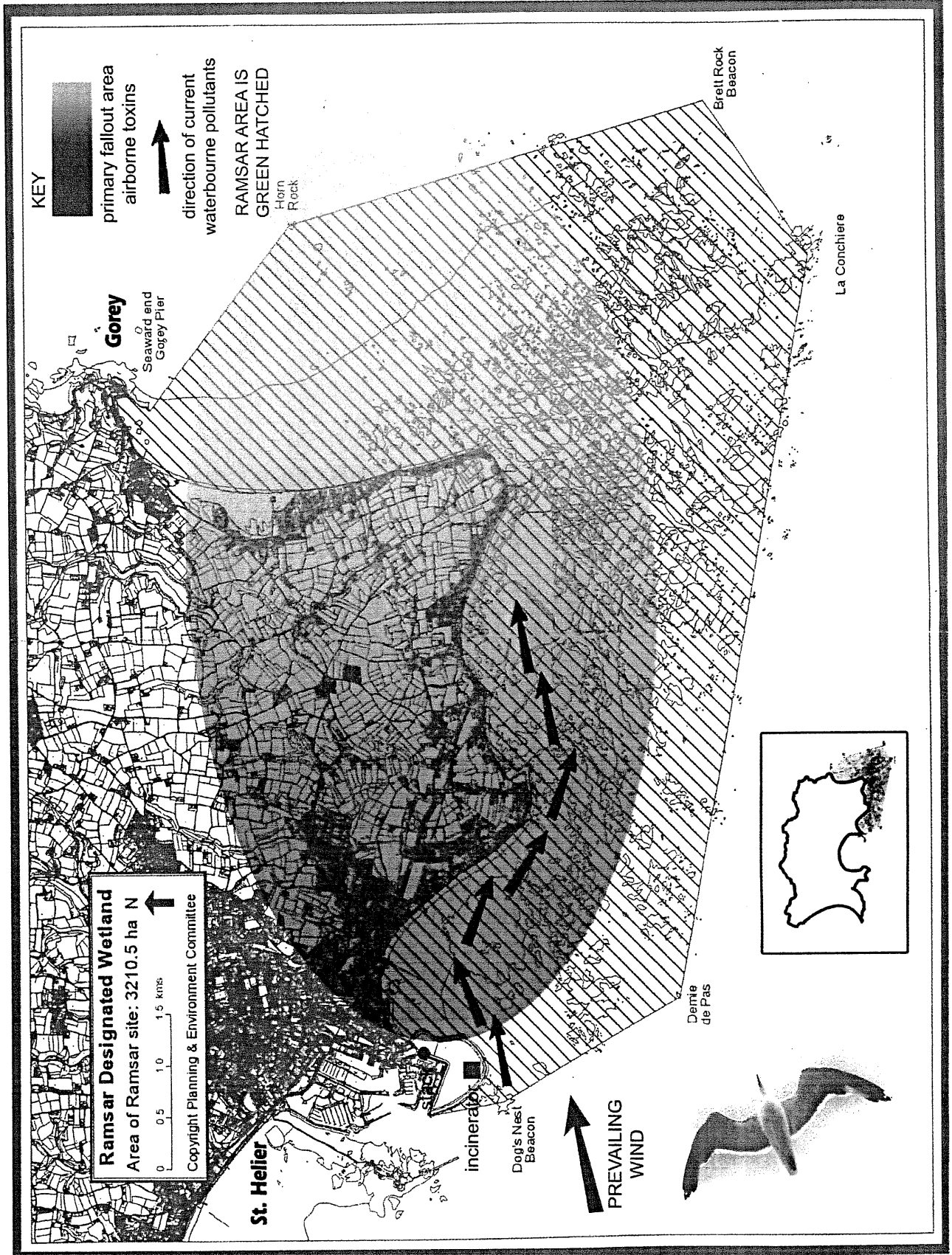
<p>Project Title</p> <p>EAST OF ALBERT DEVELOPMENT PLAN</p>	<p>Drawing Title</p> <p>OPTIONEERING - POTENTIAL DEVELOPMENT ZONES</p>
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The Violet Bank - probably the most dramatic inter-tidal area in Europe
and possibly the richest in its abundance of species



The Violet Bank

IMPACT OF INCINERATOR POLLUTION ON RAMSAR AREA AND SOUTH EAST OF JERSEY



Andy Scate's reply to Mike Stentiford, Chairman of the National Trust for Jersey on our concerns.

1.12.08

Dear Mike

Senator Cohen has asked me to reply to you on his behalf.

The RAMSAR site is referred to throughout the Environmental Statement for the EfW plant. Chapter 10 specifically details the potential impacts on marine habitats. Chapter 16 refers to ensuring that pollutants do not enter the RAMSAR site during construction and operation.

Through the ES process, and subject to the necessary controls during construction, it was not considered that the proposal would adversely affect the RAMSAR designation.

Relevant Jersey consultations were carried out with ecology interests to support this view. The RSPB do not specifically cover Jersey for planning consultations, but again, ecology interests were consulted in the application process and this would have covered birds as well as marine species.

The RAMSAR secretariat themselves are not consulted on individual planning applications as it is up to the signatory States to uphold the principles of the convention.

I hope this clarifies the points you have raised.

Kind regards

Andy

Andrew Scate | Chief Executive Officer
Planning & Environment Department
direct dial: +44 (0) 1534 448450
fax: +44 (0) 1534 445528

It is the view of all sources consulted, that pollutants WILL enter the Ramsar site. How can they not? All ground water runs to sea. All air pollution will drop to land/sea for 5,000metres.
It is even admitted in the Babbie Fichtner Report!

The Ramsar designation is mentioned but our International Obligations are ignored.

Who 'considered' that the proposal would adversely affect the RAMSAR designation?

The ES is not independent, The Ramsar Secretariat were not consulted at any point before Planning permission was approved.

'Ecological Interests' are listed on the attached appendix. They certainly do not include, Fisheries, National Trust, Societe Jersiaise, Concern, RSPB, etc etc, and perhaps most damning, ANY members of the Ramsar Steering Group.

3

From: europe@ramsar.org
Subject: RE: Ramsar area threat (f.a.o. Monica Zavagli)
Date: 3 December 2008 17:11:27 GMT
To: admin@axiomci.com
Cc: Andy.Tully@defra.gsi.gov.uk, salathe@ramsar.org

Dear Dave,

We would like to thank you very much for informing us on possible threats due to the plans for the construction of a new incinerator in proximity of the western border of the Ramsar Site "South East Coast of Jersey, Channel Islands" n. 1043.

Article 3.2 of the Convention stipulates that each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference and that information on such changes shall be passed without delay to the Ramsar Secretariat.

Resolution VII.16 "The Ramsar Convention and impact assessment: strategic, environmental and social" calls "Contracting Parties to reinforce and strengthen their efforts to ensure that any projects, plans, programmes and policies with the potential to alter the ecological character of wetlands in the Ramsar List, or impact negatively on other wetlands within their territories, are subjected to rigorous impact assessment procedures ... and to ensure that impact assessment procedures seek to identify the true values of wetland ecosystems in terms of the many functions, values and benefits they provide, to allow these environmental, economic and broader social values to be included in decision-making and management processes."

The solution to these controversial cases would be therefore a proper Environmental Impact Assessment. It is not clear to us if this was done in the correct way or not and we are not fully aware of which EIA regulations apply for Jersey as it is not part of the EU. You say that this area is also designated as a Marine Protected Zone. Is there any restriction for constructions and development in relation to that?

I would strongly suggest you to get directly in contact with our UK Administrative Authority in DEFRA which also administers the Crown dependences' Ramsar Site designations. (also copied in this email)

Mr Andrew Tully, Policy Advisor
International Protected Areas Team
Wildlife Habitats and Biodiversity Division, Defra
Rm 1/06 Temple Quay House, 2 The Square
Temple Quay, Bristol BS1 6PN
Phone +44 117 372 8570
Fax +44 117 372 8508
Andy.Tully@defra.gsi.gov.uk

I'm positive that he will provide you with more clarifications also concerning obligations for EIA procedures and he will ensure that all the possible measures will be undertaken in respect to the Convention's principles.

Please continue to keep us informed on any further development.

All the best,

Monica

Monica ZAVAGLI (Ms.)
Assistant Advisor for Europe
Ramsar Secretariat (Convention on Wetlands, Ramsar, Iran, 1971)
Rue Mauverney 28, CH-1196 Gland, Switzerland
Tel: +41(0)22 999 0178; Fax: +41(0)22 999 0169
E-mail: europe@ramsar.org
Web site: <http://www.ramsar.org>

(Addendum to Monica Zavagli's letter and the Ramsar 'Wise Use' Notes)

Handbook 13: Impact assessment Section I

Introduction

Impact assessment and the Ramsar Convention (P 5)

In recent years, the concepts of environmental impact assessment (EIA) and strategic environmental assessment (SEA) have increasingly come to be seen as necessary components of international environmental policy and law. Two important milestones in this process were Agenda 21 and the Rio Summit Declaration from the UN Conference on Environment and Development in 1992, both of which contained provisions calling for EIAs to be undertaken for activities likely to impact adversely on the environment. The successor World Summit on Sustainable Development in Johannesburg in 2002 produced a Plan of Implementation which calls for using EIA procedures "at all levels".

Article 14 of the Convention on Biological Diversity (CBD) requires its Contracting Parties to introduce appropriate procedures for EIA of proposals that might have effects on biological diversity, and to provide mechanisms for taking the biodiversity impacts of programmes and policies into account.

Article 3.2 of the Ramsar Convention requires its Contracting Parties to "arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference". This implies a need to have the ability to anticipate and predict the effects of actions on wetland ecosystems, and, arguably, a need to go through a process of the kind typically embodied by EIA.

We attach a copy of the iema Environmental Impact Assessment guideline document, used internationally as a model for correct EIA's.



The Ramsar concept of “wise use”

CONVENTION ON WETLANDS

(Ramsar, Iran, 1971)

Under Article 3.1 of the Convention, Contracting Parties agree to “**formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory**”. Through this concept of “wise use”, which was pioneering when the Convention was drafted, the Convention continues to emphasize that human use on a sustainable basis is entirely compatible with Ramsar principles and wetland conservation in general. The Ramsar wise use concept applies to all wetlands and water resources in a Contracting Party’s territory, not only to those sites designated as Wetlands of International Importance. Its application is crucial to ensuring that wetlands can continue fully to deliver their vital role in supporting maintenance of biological diversity and human well-being.

As this term “wise use” gained currency within the Ramsar community and was used elsewhere for different purposes, the Conference of the Parties recognized the need for greater precision and adopted a definition at its 3rd meeting in Regina, Canada, in 1987. This definition was revised in Resolution IX.1 Annex A (2005) as follows:

“Wise use of wetlands is the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.”

To assist the Parties in implementing the wise use concept, the Wise Use Working Group, established at Regina, developed *Guidelines for the implementation of the wise use concept*, which were adopted by the 4th COP in Montreux, Switzerland, in 1990. Also at the 4th meeting, the Wise Use Project was instituted, funded by the Government of the Netherlands, and an international panel of experts began work which culminated in the *Additional guidance for the implementation of the wise use concept*, adopted by the 5th Meeting of the Parties in 1993, as well as in the book of principles and case studies entitled *Towards the Wise Use of Wetlands*, edited by T.J. Davis (Ramsar, 1993).

The pioneering ‘Wise Use Guidelines’ emphasized the importance for Contracting Parties to:

- **adopt national wetland policies**, involving a review of their existing legislation and institutional arrangements to deal with wetland matters (either as separate policy instruments or as part of national environmental action plans, national biodiversity strategies, or other national strategic planning);
- **develop programmes** of wetland inventory, monitoring, research, training, education and public awareness; and
- **take action at wetland sites**, involving the development of integrated management plans covering every aspect of the wetlands and their relationships with their catchments.

The Wise Use Guidelines also emphasized the benefits and values of wetlands for sediment and erosion control; flood control; maintenance of water quality and abatement of pollution; maintenance of surface and underground water supply; support for fisheries, grazing and agriculture; outdoor recreation and education for human society; and climatic stability.

The Ramsar Secretariat assists the Contracting Parties in implementing the original Guidelines and Additional Guidance and their subsequent commitments on the wise use of wetlands by:

- providing expertise, either through Ramsar technical personnel and its network or through external consultants;
- making available the further guidelines adopted by the Conference of the Parties on many aspects of wetland conservation and wise use;
- funding projects through the Ramsar Small Grants Fund, Wetlands for the Future, and Swiss Grant for Africa; and
- seeking third-party funding for wise use projects.

The original Wise Use Guidelines and Additional Guidance documents were ground-breaking in their time, but they have since been partially superseded by the wide array of related guidance that has subsequently been adopted by the Conference of the Parties, and Resolution IX.1 Annex A, *A Conceptual Framework for the wise use of wetlands and the maintenance of their ecological character* (2005), represents an attempt to provide a coherent context for all of these various aspects.

The continuing work of the Convention's Scientific and Technical Review Panel (STRP) in elaborating and refining the concept of wise use can be found in many of these additional guidance documents that have been adopted by the COP, now published as the *Handbooks for the Wise Use of Wetlands*. The Conceptual Framework can be found on the Ramsar Web site at www.ramsar.org/key_guide_framework_wiseuse_e.htm and in Handbook 1 of the Ramsar Toolkit, www.ramsar.org/lib/lib_handbooks2006_e01.pdf.

Note: The "wise use" principle inscribed in Article 3.1 of the Convention in 1971, and its definition and application by the Conference of the Contracting Parties, have been established and have evolved completely independently from the so-called "wise use movement" that has emerged in recent years in North America. The use of the same term does not necessarily indicate that there is any commonality of understanding and/or purpose.

The original 1987 definition of the wise use of wetlands first established the important Ramsar principle that its purpose was "for the benefit of mankind": "The wise use of wetlands is their sustainable utilization for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem" (Recommendation 3.3, 1987, now superseded).

**For further information, please contact:
The Ramsar Convention Secretariat, Rue Mauverney 28, CH-1196 Gland, Switzerland
(tel. +41 22 999 0170, fax +41 22 999 0169, e-mail ramsar@ramsar.org, Web www.ramsar.org)**

Wildlife Habitats & Biodiversity Division
Department for Environment, Food and Rural Affairs
Zone 1/06
Temple Quay House
2 The Square
BRISTOL BS1 6PN

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Telephone 0117 372 8570
Email Andy.Tully@defra.gsi.gov.uk
Website www.defra.gov.uk

Our Reference RAMS 8

Date 19 December 2008

Dear David

Thank you for your e-mail of the 4 December in which you requested confirmation of Jersey's position in respect of its obligations under article 3.2 and Resolution VII.16 of the Ramsar Convention on Wetlands.

Jersey is a Crown Dependency of the UK and is included in the UK's ratification of the Ramsar Convention. Delivery of Ramsar policy in the UK Crown Dependencies rests with the appropriate authorities in each of the Crown dependencies. I have therefore copied your email to the Planning and Environment Department in Jersey and would suggest that you pursue your query direct with them.

The contact is:

Chris Newton
Director of Environment
Planning and Environment Department
States of Jersey
C.Newton@gov.je

Kind regards

Andy Tully
International Protected Areas Team



Author: Claire Pettit
Position: Senior Technical Advisor – CEAM
Organisation: The Institute of Environmental Management and Assessment
Keywords: EIA, Environmental Impact Assessment, Process, Screening, Scoping, impact Assessment, Mitigation, Review, Quality, Decision Making, Follow Up

Environmental Impact Assessment (EIA)

Environmental Impact Assessment (EIA) is a tool that is used to consider the likely significant environmental effects of a proposed development. EIA as an environmental management tool is used around the world in developed and developing nations. Whilst this e-brief focuses on EIA in the UK, the principles of EIA that it identifies are relevant to any EIA in any country. EIA is an iterative process. The key stages in the process include proposal identification, screening, scoping, impact assessment, mitigation, review, decision making and follow up. Good EIA is integrated into the project development process and is not seen as a barrier to development.

What is EIA?

EIA can be defined as “a systematic process to identify, predict and evaluate the environmental effects of proposed actions and projects.”¹ The EIA process is applied prior to major decisions and commitments being made and ideally is integrated into the project design process.

The role of EIA is to inform the decision maker of the significant environmental impacts that are likely to occur if the development proposal is granted consent. The IEMA’s Guidelines for Environmental Impact Assessment identify a number of immediate and long term objectives of EIA.

“Immediate objectives of EIA are to:

- improve the environmental design of the proposal;
- check the environmental acceptability of the proposals compared to the capacity of the site and the receiving environment;
- ensure that resources are used appropriately and efficiently;
- identify appropriate measures for mitigating the potential impacts of the proposal; and
- facilitate informed decision making, including setting the environmental terms and conditions for implementing the proposal.

Long term objectives of EIA are to:

- avoid irreversible changes and serious damage to the environment;
- safeguard valuable resources, natural areas and ecosystem components;
- enhance the social aspects of proposals; and
- protect human health and safety.”²

Background to EIA

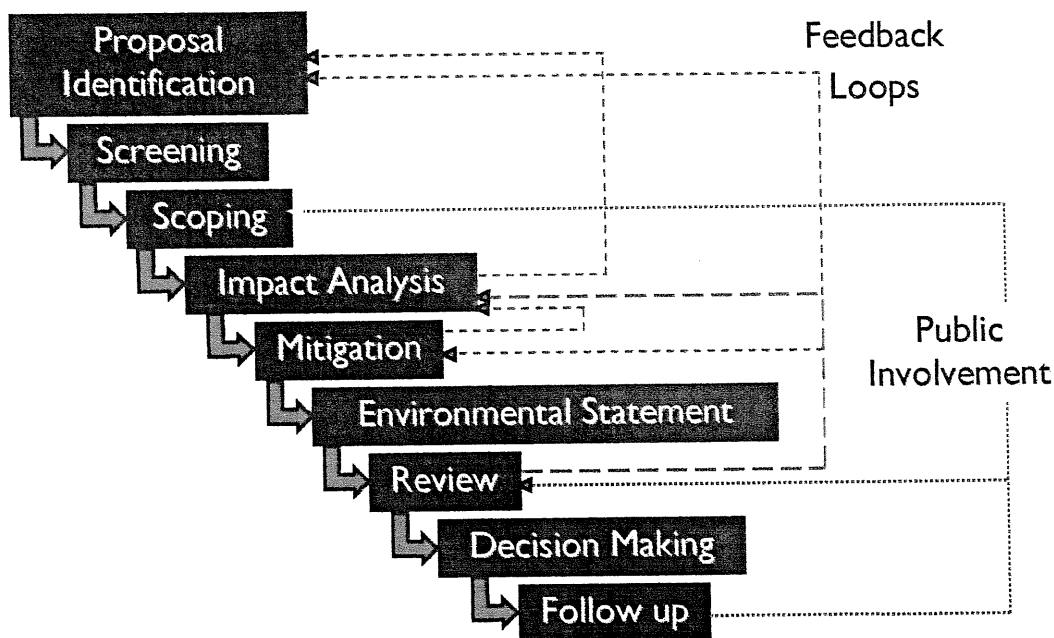
¹ Sadler, B., Fuller, K., et al (2002), *UNEP Environmental Impact Assessment Training Resource Manual*, 2nd Edition, UNEP, Geneva.

² Based upon Sadler & Fuller et al (2002) contained in Fuller, K. et al (2004), *Guidelines for Environmental Impact Assessment*, IEMA, Lincoln

EIA was introduced to address concerns regarding the effects that major development projects were having on the environment. Prior to the introduction of EIA although major development proposals underwent an appraisal process, the appraisal did not consider environmental factors and therefore one of the initial aims of EIA was to redress this balance. EIA was first introduced in the USA in 1969. The benefits associated with the process were quickly recognised and within 20 years EIA had become established world wide as an important environmental decision making tool. EIA was first introduced into the European Union as a directive in 1985. This directive was subsequently amended in 1997.

The EIA Process

The EIA process is an iterative one containing many feedback loops to allow the development proposal to be continually refined. So whilst the process of EIA follows a number of commonly accepted steps, it does not observe a linear pattern. The EIA process is summarised in the figure below.



Proposal Identification

A large number of decisions are made at the project identification and proposal development stage. Decisions are made regarding:

- the location of the development
- the land uses the development will cater for
- the scale, layout and design of the development.

If environmental issues are considered at this point in the development process, impacts can be significantly reduced and in some cases removed altogether. This can benefit the developer by reducing the need for costly mitigation measures at a later stage.

Whilst not a legal requirement in the UK, good practice dictates that at this stage an assessment of reasonable alternatives to the development is undertaken. The advantages and disadvantages of the alternatives should be investigated, not only in environmental terms but also in terms of cost effectiveness, reasonableness and feasibility. The assessment of alternatives will result in the development of a preferred project proposal, which should then be the subject of a screening assessment.

Screening

Screening is undertaken to determine if a development proposal requires an EIA or not. The purpose of screening is to ensure that all development proposals likely to result in significant environmental effects are subject to an EIA. Annex III of 'Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment'³ lists a number of selection criteria that should be considered when screening a development proposal for EIA. These criteria include:

- development characteristics
- characteristics of the location
- characteristics of potential effects

Scoping

During the scoping stage the key issues that the EIA will address are identified. Effective scoping will ensure that the EIA focuses on those areas where significant effects are likely, therefore preventing resources being used to address issues where no significant effects are likely. A good scoping process will consist of three key components:

- *consultation* with relevant stakeholders and interested parties to provide them with information on the development proposal and what technically appear to be the key issues and to find out what their key concerns are regarding the location and the development proposal;
- *analysis* of the issues identified during *consultation* to determine which are likely to be significant and therefore must be included within the scope of the EIA; and
- *negotiation* with the decision makers and other interested parties to refine the scope of the EIA.

There are a number of issues that are considered (to varying depths) within the scope of the majority of EIAs. These include:

- landscape and visual
- ecology
- land use
- traffic and transport
- air quality
- noise
- water
- ground conditions
- archaeology
- cultural heritage

Impact Analysis

To enable the likely impacts of a development proposal to be identified and analysed the baseline environmental conditions must first be established. This can be done by utilising existing information or by collecting new information. The most common approach includes both of these techniques.

Impact analysis involves characterising the impact in terms of its likely nature, spatial and temporal distribution, duration, frequency, reversibility and magnitude. Finally a judgement must be made as to whether the impact is likely to be significant or not.

A large number of impact analysis techniques exist, each have their advantages and disadvantages. Impact analysis techniques can be quantitative or qualitative. Quantitative

³ http://europa.eu.int/comm/environment/eia/full-legal-text/9711_consolidated.pdf

techniques tend to involve a prescriptive method being set out and followed whereas qualitative techniques rely less upon a prescribed method instead relying heavily upon professional judgement. The nature of the environmental media being assessed will determine the most appropriate impact analysis technique.

Mitigation

Where impact analysis identifies that a development is likely to give rise to significant environmental impacts, mitigation measures are proposed to avoid, reduce and if possible, remedy them. As mentioned briefly in the section on proposal identification above, mitigation measures can be incorporated into the design of the development. 'End of pipe' mitigation measures can also be incorporated into the development at a later stage.

Environmental Statement

The environmental statement is the vehicle used to communicate the results of the EIA to the decision maker and other stakeholders in the development process. The environmental statement is a legal document and by UK law must include, at least, the following information⁴

- a description of the project comprising information on the site, design and size of the project
- a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse impacts
- the data required to identify and assess the main effects which the project is likely to have on the environment
- an outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental effects
- a non technical summary of the information mentioned in previous bullet points

The environmental statement should objectively document the EIA process and findings giving equal prominence to positive and negative impacts relative to their importance. The ES should be clear and concise. Because non specialists are likely to read the document technical language should be avoided. Any necessary technical information should be provided in appendices.

Review

Quality control is an important stage in any EIA. A review of the quality of the environmental statement is a way of demonstrating that:

- the ES has met all the appropriate legal requirements
- the ES contains sufficient information to allow a decision to be made
- the ES is consistent with current good practice

A review of the ES can be undertaken at the draft stage or after finalisation. The earlier the review takes place the greater the influence it can have over the quality of the ES.

Decision Making

This is the point in the process where the development is either granted planning permission or not. It is necessary at this stage for the environmental statement to be made available to a number of statutory consultees, the public and other stakeholders. When making a decision on the application decision makers are required to consider all relevant environmental information, including the environmental statement and the opinions of statutory consultees, the public and other stakeholders. Environmental information is only one of many material considerations that the decision maker must take into account. The decision maker will also

⁴ As identified in article 5 (3) of the EIA Directive

consider social and economic information, current planning policies and the relevant local development framework/local plan. The final decision will be based upon all of these things.

Follow Up

Follow up is very important in EIA. It is the stage where the mitigation measures proposed within the environmental statement are actually implemented. It is also the stage where any necessary monitoring of impacts is undertaken. A common tool for ensuring that the measures proposed are implemented is a management plan. Management plans demonstrate a clear commitment to monitoring and mitigation measures and illustrate that the developer values the environment and the EIA process.

Conclusion

The above provides a brief outline of what EIA is, its purpose and the EIA process. A more detailed account is given in *The Guidelines for Environmental Impact Assessment* published by the IEMA and available through our [publications shop](#).

EIA is continually developing through:

- amendments to the Directive (see e-briefing on public participation)
- increasing levels of practitioner knowledge and experience
- the production of new guidance
- technological developments
- the integration of further disciplines such as health and socio-economic
- the increasing importance of sustainable development principles
- greater environmental awareness of politicians, planners and the public.

TABLE OF CONSULTEE MEETINGS - (BABTIE FICHTNER APPENDIX)

We attach a table of Consultee meetings from Feb 06 -Nov 22 06.

There is only ONE meeting specifically with reference to the Ramsar Designated Site, 06 Feb 2006. (First entry)

We ask the following questions:

Can we ask the Panel to request minutes of that meeting? And can we ask what input the Principle Ecologist (presumable Mike Freeman) required and was allowed, what resources he was given, given the fact that the Ramsar area is yards away?

There is no mention in any of these topics of Jersey's International Obligations with regards to Ramsar.

Should not at this early stage, the Ramsar Secretariat be informed as per Article of 3.2 of the Ramsar Convention (supplied earlier) Should not the two Contracting Parties have met to discuss a mutually agreed **Independent** EIA process to assess whether the siting of the EfW at La Collette was in fact viable?

We submit that this process was simply ignored by TTS, either deliberately or in ignorance of Jersey's obligations. Can we honestly believe that this plant will have no effect at all on the Ramsar Area?

And finally, why were NO members of the States of Jersey Ramsar Steering Group consulted, or even notified of this process?

What is the point of having a Steering Group if it is ignored? It was not disbanded. The Chairman Maurice du Bras, made it crystal clear that the Group was not being disbanded when the States designated the area. Our understanding was that should anything happen to threaten the area, we would be recalled before any decisions were made.

Here is a partial list of organisations and individuals directly connected or potentially affected by the Ramsar Designation who do not appear on the list of consultees:

- The Ramsar Secretariat in Gland, Switzerland (in particular Director of Europe Tobias Salathé)
- DEFRA Wildlife Habitats & Biodiversity Division
- The RSPB (South West)
- The National Trust of Jersey
- Société Jersiaise (owners of Green Island)
- The Marine Conservation Society
- Chris Perkins of Concern (member of the Ramsar Steering Group)
- Mike Taylor, representing the local fishermen (member of Ramsar Steering Group)
- Doug Le Masurier, representing the shellfish farmers of St. Clement and Grouville (member of Ramsar Steering Group)
- David Cabeldu, representing Save Our Shoreline, instigators of the Marine Protection Zone (member of Ramsar Steering Group)
- Andrew Syvret, then Coastal Officer of Environment at the time and marine biologist (member of the Ramsar Steering Group)
- Maurice du Bras (then Deputy and also Chairman of the Ramsar Steering Group)
- Mike Stentiford, environmentalist and bird expert, now Chairman of the National Trust of Jersey.
- Pete Double, environmentalist and wildlife expert and author of 'Jersey's Last Wilderness'.
- The Constables of St. Clement and Grouville at the time, including Stan Le Cornu (also a member of the Ramsar Steering Group)
- The Deputies of St. Clement and Grouville at time.
- Dr. Stephan M Funk, PhD MSc MSc director of Nature Heritage (environmental consultancy in Jersey & Senior Conservation Biologist at Durrel)
- Constable Dan Murphy of Grouville (originally connected with the Ramsar designation and who wishes to voice his concern)
- Sue Daly, marine wildlife expert and film maker.

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Table of Consultee Meetings

Date	Consultee	Topics
06 Feb 2006	Environment Department – Ecology (Principal Ecologist, Research Ecologist)	Energy from Waste and RAMSAR designated site
27 March 2006	Planning Department (Principal Planner)	Island Plan, La Collette reclamation landscaping plan, consultation zones character zones
03 April 2006	Transport Policy Unit – (Asst. Traffic Engineer)	La Collette and traffic generation, waste strategy implications
03 April 2006	Environment Department Environmental Impact Assessment (EIA) Policy (Asst. Director of Policy & Projects)	Scoping Energy from Waste Environmental Impact Assessment
17 April 2006	Waste Management (Head of Waste Regulation)	Working Plan and Operational activities
17 April 2006	Health Protection (Environmental Health Officer)	Noise and Air Quality baseline
04 May 2006	Environment Department EIA Policy (Asst. Director of Policy & Projects)	Scoping EIA including landscape, traffic and construction issues
04 May 2006	Transport Policy Unit – (Asst. Traffic Engineer)	Existing data, Parsons Brinkerhoff Traffic Impact Assessment, trip generators
08 May 2006	Energy from Waste Risk Workshop (various attendees)	Risk Workshop
16 May 2006	Planning Department & Transport Policy Unit (Principal Planner,, Asst. Traffic Engineer)	Traffic and development of La Collette 2 Phase 2 Reclamation
17 May 2006	Health Protection & Transport Policy Unit (Asst. Director Health Protection, Asst. Traffic Engineer)	Traffic in relation to noise and Air quality, Noise rating curves
18 May 2006	Planning Department (Principal Planner)	Traffic, sustainability, Major Hazards Risk Assessment
24 May 2006	Health Protection (Environmental Health Officer)	Noise Rating Curves, Receptors Air quality and Noise
07 June 2006	Health Protection (Asst. Director Health Protection)	Health Impact Assessment (HIA) for EFW, Programme and relationship of HIA with EIA

Date	Consultee	Topics
08 June 2006	Transport Policy Unit – (Asst Traffic Engineer)	Traffic and peak hour, daily flows, at Havre des Pas, Commercial Buildings / The Quay, Bellozanne
08 June 2006	Health Protection (Environmental Health Officer,), Transport Policy Unit (Asst, Traffic Engineer)	Local traffic noise, air quality related issues
09 June 2006	Planning (Principal Planner), Transport Policy Unit (Asst, Traffic Engineer), Emergency Planning Officer, Health & Safety Inspectorate (Director of Health & Safety)	Major Hazards at La Collette
29 June 2006	Bellozanne Operations Team (Manager – Energy from Waste)	Operational requirements, Bulky Waste Facility, Energy from Waste
07 July 2006	Health Protection (Asst. Director Health Protection)	HIA for EfW, Programme and relationship of HIA with EIA
20 July 2006	Bellozanne Operations Team (Manager – Energy from Waste, Principle Engineer - Solid Waste, Manager - Solid Waste,)	Outline Hazops
07 July 2006	Planning Department & Transport Policy Unit (Principal Planner, Asst, Traffic Engineer),	Traffic and Industrial zones, adoptable road and access requirements
12 July 2006	Health Protection (Environmental Health Officer),	Noise and air quality environment, baseline traffic and growth NR30 +5dBa triggers, noise monitoring locations
20/21 July 2006	Health Protection, Drainage and Beach Cleansing	Odour in relation to existing practices at La Collette and Havre des Pas
26 July 2006	Planning Department & (Principal Planner), Environment Department EIA Policy (Asst. Director of Policy & Projects)	Planning Application, Environmental Impact Statement, Drawing, Plans, Elevations, Development Control, Hazards Risk Assessment, Supplementary Statement
27 July 2006	Health Protection (Asst. Director Health Protection)	HIA, use of specialist HIA consultant, Public Meetings and Steering Group
27 July 2006	Transport Policy Unit – (Asst, Traffic Engineer)	Existing data, Parsons Brinckerhoff Traffic Impact Assessment, trip generators, growth and baseline

Date	Consultee	Topics
10 August 2006	Bellozanne Operations Team	Layout - Energy from Waste and Bulky Waste Handling Facility
24 August 2006	Fire and Rescue Service	Layout and fire fighting constraints, Fire Prevention Strategy
24 August 2006	Waste Management (Head of Waste Regulation)	Working Plan and Environmental controls
24 August 2006	Recycling Team (Recycling Officer)	Recycling Targets
25 August 2006	Planning Department & (Principal Planner), Environment Department EIA Policy (Asst. Director of Policy & Projects)	Planning Application, Environmental Impact Hazards Risk Assessment, Traffic, Fire Service, Sustainability, Harbours as statutory consultee
26 August 2006	Health Protection (Asst. Director Health Protection)	HIA, use of specialist HIA consultant, Public Meetings and Steering Group
30 August 2006	Bellozanne Operations Team	Layout - Energy from Waste and Bulky Waste Handling Facility
26 August 2006	Health Protection (Asst. Director Health Protection)	HIA, use of specialist HIA consultant, Public Meetings and Steering Group
05 September 2006	Hazards Risk Workshop (various)	Major Hazards Assessment Risk Workshop
13 September 2006	Transport Policy Unit – (Asst, Traffic Engineer), Bellozanne Operations Team (Manager – Energy from Waste , Principle Engineer - Solid Waste, Manager - Solid Waste), Environment Department – Ecology (Principal Ecologist)	Layout roads, access and landscaping
21 September 2006	Bellozanne Operations Team (Manager – Energy from Waste , Principle Engineer - Solid Waste, Manager - Solid Waste)	Ecology and Biodiversity of the ash mound, landscape planting
20 September 2006	Environment Department EIA Policy (Asst. Director of Policy & Projects)	Layout - Energy from Waste and Bulky Waste Handling Facility and infrastructure
28 September 2006	Coastal Protection (Director Municipal Services)	EIA generally – bringing officer up to date having taken over temporarily
28 September 2006		HR Wallingford surge model, design of reclamation La Collette 2 and rock armour

STATES OF JERSEY

BABTIE FICHTNER

Date	Consultee	Topics
29 September 2006	Health Protection (Asst. Director Health Protection)	HIA, use of specialist HIA consultant, accelerated 2 stage approach
11 October 2006	Fire and Rescue Service	Layout and fire-fighting around proposed EFW, the proposed breakthrough at Jersey Gas, potential access to east of fuel farm
17 October 2006	Harbours (Commercial Director / Registrar of Shipping, Engineering Services Manager, Chief Executive / Harbour Master / Receiver of Wrecks)	Leases and land ownership, the proposed breakthrough
17 October 2006	Planning Department & (Principal Planner), Environment Department EIA Policy (Cover for Policy Manager)	Planning process, Submission requirements, Risk Assessment, Planning and the relationship with HIA, planning decision process, landscaping in relation to Biodiversity Action Plan
17 October 2006	Bellozanne Operations Team	Hazardous waste
19 October 2006	Drainage Team and Trade Effluent Consents Transport Policy Unit – (Asst, Traffic Engineer), Transport Logistics Manager, Director of Transport), Property Holdings (Senior Valuer / Estates Surveyor)	Drainage capacity and trade effluent consenting Car Parking, Bus Parking (Connex), Leases,
26 October 2006	Fuel Consortium members and Jersey Gas	Proposed access alterations from La Route Du Veulle
31 October 2006	Transportation Department and Property Holdings	Bus and Lorry parking issues at La Collette in relation to leases
15 November 2006	Waste Management (Head of Waste Regulation), Bellozanne Operations Team (Manager – Energy from Waste , Principle Engineer - Solid Waste, Manager - Solid Waste),	Hazardous waste, sewage sludge
15 November 2006	Transport Policy Unit – (Asst, Traffic Engineer)	Traffic and sewage sludge movements
16 November 2006	Environment – water (Asst Director Environmental Protection)	Surface water drainage and implications of sewage sludge

Date	Consultee	Topics
20 November 2006	Consultation with fuel consortium members and Jersey Gas	Access proposals of La Route du Veulle and the planning application
21 November 2006	Health Protection (Team Leader - Community Health, , Environmental Health Officer)	Air quality emissions section of Environmental Impact Statement (EIS), future baseline real time monitoring
21 November 2006	Fire & Rescue Service, Health and Safety Inspectorate Director of Health & Safety, Engineering Chief Executive / Harbour Master / Receiver of Wrecks	Review of Major Hazards Risk Workshop report of proceedings
22 November 2006	Transport Policy Unit – (Asst, Traffic Engineer)	Traffic and Transportation section of EIS
22 November 2006	Environment Department EIA Policy (Cover for Policy Manager)	EIS document and content and submission requirements (plans, documents hard copy electronic copy)

8.

The Ecological report by Ambios Environmental Consultants.

(See our commentss on Section 11)



Ambios Environmental Consultants

18 Lucas Avenue

Exeter, Devon, EX4 6LZ

Telephone 01392 679760

Mobile 07814 004741

E-mail

davidjfee@blueyonder.co.uk

www.ambios.net

BASELINE ECOLOGICAL ASSESSMENT:

LAND AT

LA COLLETTE RECLAMATION SITE

HAVRE DES PAS

JERSEY

FEBRUARY 2006

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APPENDIX – SITE PHOTOGRAPHS

1. INTRODUCTION

Ambios Environmental Consultants (AEC) was commissioned by Babtie Fichtner, to conduct a baseline ecological assessment of land at the La Collette reclamation site, Havre Des Pas, Jersey. This site comprises reclaimed land defined by the outer La Collette Phase 2 breakwater, completed in 1995.

The site is owned by the States of Jersey, and is currently provides a facility for the recycling and/or disposal of a range of waste materials, including ash from the Bellozanne Energy from Waste plant.

The survey area comprised all land within the breakwater (La Collette Reclamation, Phases I and II), as far north as the wall defining the Fuel Farm and Gas Company sites, and the J.E.C. Power Station. A field survey of this area was undertaken during February 2006, in order to assess the potential for ecological impacts that might arise from site development, and in particular direct effects on sensitive features, such as important wildlife sites and specially protected animal species. This survey addresses these potential impacts by describing features of ecological importance, and the relevant measures to mitigate for any impacts that might arise as a result of development.

This report has been drawn up with due regard to specific wildlife law on the island of Jersey (Conservation of Wildlife Law 2000), as well as the requirements of species either not commonly found (e.g. red squirrel) or absent (e.g. wall lizard) within the U.K.

The site lies to the immediate west of the South East Coast of Jersey RAMSAR site, which has been designated due to the national and international importance of its cultural, scientific and visual characteristics.

2. SURVEY METHODS

The assessment rationale adopted for this survey follows that given in '*Guidelines for Baseline Ecological Assessment*' (Institute of Environmental Assessment, 1995). A field survey is used to define important ecological issues, and to determine whether or not there is a need for more detailed surveys of particular animal or plant groups.

The method of assessment involved a walkover survey of the survey area, as well as a visual assessment of land immediately adjacent. Dr David Fee undertook the survey on The 17th of February 2006.

The survey specifically aimed to identify the following:

- General habitat value.
- The presence of plant species of significant nature conservation value.
- Presence of nesting birds (or outside the breeding season habitat or features likely to be of value to nesting birds).
- The presence of animal species receiving special protection under Article 2 of the Conservation of Wildlife (Jersey) Law 2000, or habitat features likely to be of value to such species.
- The biological value of hedgerows and subsequent identification of those sections likely to provide important wildlife corridors.
- Ecological value of water features.
- The presence of invasive species, particularly Japanese knotweed, for which specific guidelines may apply prior to site development.

Reference was made to a number of existing reports containing ecological information on the ecology of Jersey, namely the Jersey Bat Report (2003), Species Action Plan for the Red Squirrel (2002), and the document 'Biodiversity – a Strategy for Jersey'. The information obtained from the present survey was evaluated with reference to the information provided in these reports.

A verbal enquiry was made with Dr Louise Magris of the States of Jersey Environment Department, who was able to confirm that there were no existing records of important habitats or specially protected animal species within the survey area.

3. SURVEY FINDINGS

3.1 Habitats

The La Collette site is almost wholly comprised of man-made and highly disturbed habitats, including both open and capped ash pits, bare soil substrates, and tipped materials such as timber, rubble and plastics. Land along the wall defining the Fuel Farm and Gas Company is currently used for composting green waste.

Given the high levels of disturbance, much of the site is devoid of vegetation – the exceptions being a limited number of ruderal plant species on stored soils, and a sparse cover of rough grassland on a capped ash pit on the northern edge of the site.

Though outside any proposed development area, La Collette Gardens are found to the immediate north of the site, and a short section of scrub-covered cliff is found outside the northern site boundary (see Appendix for photograph).

Land to the east, south and west of the site comprises marine habitats that were not included within the survey area.

3.2 Significant plant and animal species

Field evidence indicates that, with the exception of a few common bird species, no significant plant or animal species are likely to be found on site.

Though unlikely, the short section of scrub covered cliff below La Collette Gardens may provide suitable habitat for wall lizard.

3.3 Hedgerows

No hedgerows present on site.

3.4 Invasive species

No invasive species were recorded on site at the time of survey.

3.5 Water features

No water features present within survey area. (N.B. Marine habitats, including tidal areas within the breakwater, would not be directly affected by any development on site, and as such were not included within the survey area).

3.6 Trees

No trees found within the survey area.

4. POTENTIAL IMPACTS

4.1 Habitats

None of the habitat types on site support plant or animal species of significant conservation value. There will be no impact on the adjacent RAMSAR site.

4.2 Significant plant and animal species

The site is likely to receive occasional use by common bird species – meadow pipit, pied wagtail and gull species were observed roosting or feeding on site at the time of survey. Though unlikely, these birds may nest in areas where disturbance is relatively low, e.g. marginal areas of the site including the breakwater.

Development off site along the cliff below La Collette Gardens may lead to loss of habitat for wall lizard. (N.B. Presence of this species could not be confirmed at the time of survey, and the habitat may well be unsuitable. This information is provided as a precautionary measure only).

5. MITIGATION RECOMMENDATIONS

5.1 Habitats

No mitigation is required for loss of the existing habitats. Any new development could however incorporate some planting of suitable tree and shrub species, particularly around the boundaries of the site, as this would provide some cover for bird species.

5.2 Significant plant and animal species

Nesting birds

Any clearance of vegetation or buildings and other infrastructure should not be undertaken between early April and late August, to avoid disturbance to nesting birds.

Additional tree planting would provide enhanced opportunities for bird species within any new development. Suitable species could include hawthorn, blackthorn, ash and holly.

Wall lizard

Though any development would be unlikely to affect the cliff area below La Collette Gardens, should this area be disturbed the potential presence of this species should be assessed through appropriate survey work.

6. REQUIREMENTS FOR FURTHER SURVEY WORK

There are no current requirements for further survey work prior to site development, though please note general guidance on wall lizard (Section 5.2).

Should the nature of any development lead to the possibility of impacts on adjacent marine habitats, further consultation should be made with Dr Louise Magris of the States of Jersey Environment Department.

APPENDIX – SITE PHOTOGRAPHS



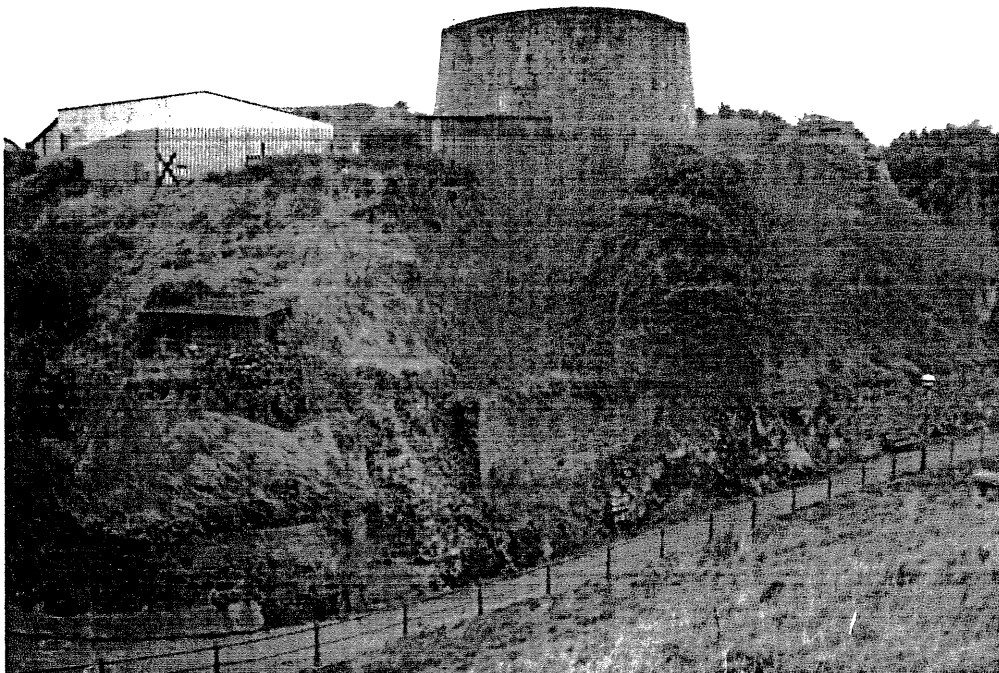
View of southern end of site bordering breakwater



Typical example of limited vegetation growth on disturbed areas



Area of rough grassland on a capped ash pit - northern edge of site



Scrub covered cliff below La Collette Gardens

LETTER FROM SARAH LE CLAIRE

This letter from Sarah Le Claire, Policy Manager Environment Department to Quintin Murfin, Principal Engineer at TTS, dated 4 May 2006 is somewhat disturbing.

Surely Environment should be the regulator and should not find themselves compromised by trying to be a development partner, as Mrs Le Claire seems to suggest here?

We believe, in the matter of the letter attached, that pressure was put on Sarah from on high.

We would also ask the Panel to request confirmation from the Department if Sarah Le Claire was the 'Senior Planner' referred to by Scott Wilson, who sat with WEB to produce the 'Optioneering Plans' supplied with our report of December 06. These plans show incursion into the Ramsar Area in 3 locations.

As we understand it from the Planning Department (we asked two senior planners) that they had no knowledge of any Planner being involved we are puzzled. For the Project Manager of Scott Wilson clearly stated that a 'Senior Planner' sat on the WEB Steering Group that commissioned these plans.

Sarah was married to the late Gerard Le Claire, former director of the Environmental Services Unit. Gerard played a key role in securing Ramsar recognition for this important site. It was in fact the Gerard Claire Environmental Trust who produced 'Jersey's Last Wilderness' written by Pete Double.

We would have thought that Mrs Le Claire would have been very protective of the Designation and not been happy to have been a party to the WEB 'Optioneering Plans', and in respect of this report regarding the EfW plant, shown more concern about the probable impact on the Ramsar Designation.

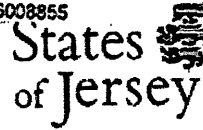
We would not have thought therefore that Mrs Le Claire could have been the person who Scott Wilson alluded to.

We believe that the reason for the pressure regarding the creation WEB's 'Optioneering Plans' was that Senator Ozouf wished to break the Ramsar boundary as he confirmed in a letter to Lara Luke (see section 12).

We would ask that the Panel can request clarification on these two matters?

Environment and Public Services
Environment Department
 Howard Davis Farm, La Route de la Trinite
 Trinity, Jersey, JE3 5JP
 Tel: +44 (0)1534 866200
 Fax: +44 (0)1534 866201

om. Ref: 
 XE_2006008855



4 May 2006

Quintin Murfin
 Principal Engineer
 Transport and Technical Services
 South Hill
 St Helier
 JE2 4US

Our ref: ESU/11/01/01
 Your ref:

Dear Quintin,

EFW and Composting Waste Management Facilities: EIA confirmation of scope

Further to this morning's meeting, I would like to confirm that I am happy with the scope of the Environmental Impact Assessments identified for both the Energy from Waste facility and the composting facilities as developed to date. Clearly, final site selection for both facilities is dependent not just on environmental issues and will be an important determinant in the final emphasis of each of the elements that need to be presented in the final Environmental Statements.

Whilst it is important to recognise that the Planning and Environment Department operates in a regulatory role for the EIA process, the flexible and co-operative approach that we have engaged in so far has been very productive in enabling the scope to evolve as the process develops and other factors are considered. I look forward to continuing in this manner as the project develops further.

Yours sincerely,

Sarah Le Claire
 Policy Manager

direct dial: +44 (0)1534 866214
 email: s.leclaire@gov.je
 www.env.gov.je

	INFO	ACTION
President		
Chief Officer		
10 MAY 2006		

DATE	BY	REMARKS
31/01/06		
02/04/11		
	SED	

AN 2 07 H F

AIR POLLUTION

In the Babbie Fichtner ES, section 10.3.2 Potential Impact on Marine Habitats, the report states: The only potential impact on the RAMSAR site would be water pollution risk from the construction and operation of the new facility (see Section 16: Water Resources and Drainage).

We have dealt with the Water Pollution risk in a different section, but here we find that the report does not even understand that fallout from emissions the plant WILL occur over the Ramsar Area particularly at low tide, for a distance of up to 5,000 metres. and pollutants will enter the marine food chain and could impact on (in particular) wild and farmed shellfish in ways that are not yet totally understood.

There seems to have been no attention given to this, and we believe that the contractor cannot possibly guarantee that airborne dioxins, heavy metal particles and micro particles of every type will not land on the Ramsar Area when the wind is in the west, north west or south west. We would put it to the Environment Scrutiny Panel that the report has not only glossed over this critical point, it has ignored it completely. The EIS looks almost exclusively at the potential direct effects on human health from the incinerator and because most discharge will be over the sea and intertidal area, quite wrongly concludes that there will be no harmful effects on human health. No mention is made of for instance the effects of long term build up of dioxins in the food chain and the effect that this may have on human health.

We attach a document regarding medical concerns regarding this type of incinerator. In contrast with the assurance given by our own M.O.H Dr. Rosemary J. Geller, that the EfW plant will have a net benefit to health, this plea to the Plenary of the European Parliament comes from 33,000 EU doctors, many highly qualified in their fields. Who do we believe? Dr. Geller's advisors or research and data from some of the most prominent specialists in Europe?

The worry is that ultrafine particles emitted from the stack of this type of incinerator have well documented dangers and the signatories believe that this type of plant will in due course be outlawed in Europe as it is already in other countries. It could even be that by the time the plant is built it will be classified by the Plenary as dangerous and outlawed in the EU.

It is worth noting, that if the wind is in the south east, (as it is at time of writing) then the fallout will affect the whole of St. Helier. To put this plant where 'Ground Zero' can be either large centres of population or an Internationally Designated Wetland site is certainly not using either the Ramsar Policy of Wise Use, nor TTS's oft declared policy of Best Practice.

Appeal from the health and healthcare sector against the reclassification of incineration in the WFD

11 June 2008

In view of the upcoming vote on the Waste Framework Directive (WFD) we, the undersigned physicians and Associations, would like to ask the plenary of the European Parliament to take into account health considerations when voting in the WFD and therefore oppose the reclassification of "efficient incineration" as recovery.

We are concerned the efficiency formula which reclassifies incineration only takes into account energy efficiency considerations and not health or environmental repercussions. The current proposal upgrades incineration, which we believe is the wrong signal to send to the European citizens. More waste burnt means more man-made toxics in the ecosystems, more fine particles in the air and more bottom ash and fly ash in the ground. We regret that we are going to see the amount of waste being incinerated increasing in the next years which would put even more fellow Europeans under risk.

Moreover, we are sadly surprised that the rapporteur of the Waste Framework Directive, Ms Caroline Jackson, claims that the health effects from incinerators are negligible. Several recent studies of wide samples of population continue to reveal the threat that incinerators pose to human health in Europe and around the world. Ultrafine particles emissions are still not monitored anywhere in Europe, even though the danger these particles pose is well documented.

We are also concerned about the image that the EU is giving to the rest of the world by being a resource-burning economy. We believe the current Waste Framework Directive falls short in ensuring that the waste will be properly separated and making sure the best waste management option will be applied. Progressive recycling targets are needed to redirect waste away from incinerators into cleaner processes.

We therefore ask the European Parliament to reconsider its decision regarding the reclassification of incineration and stick to its first reading position, which we believe will do far more to preserve children's health and the health of future European generations. We, the undersigned organisations, represent over 33,000 doctors.

Signed,

ISDE International Society of Doctors for the Environment, representing 30,000 doctors worldwide

President Professor C. Vyvyan Howard. MB. ChB. PhD. FRCPATH.
Bioimaging Research Group - Centre for Molecular Bioscience University of
Ulster - Cromore Road - Coleraine BT52 1SA

Italian physicians and healthcare associations

Dr. J. Andreas von Lutterotti - Ordine dei Medici della Provincia di Bolzano, Italy

Dott. Giuseppe Miserotti - Presidente Ordine dei Medici Piacenza

Dott. Giovanni Ghirgha Pediatra - Portavoce per il Lazio del Coordinamento
Nazionale dei Medici per l'Ambiente e la Salute

Dott. Patrizia Gentilini Oncologo Portavoce per l' Emilia Romagna del
Coordinamento Nazionale dei Medici per l' Ambiente e la Salute

Dott.ssa Gabriella Filippazzo Igenista Direttivo Nazionale Arcidonna Italia

Dott.ssa Laura Ridolfi Oncologo Forlì

Dott Valerio Gennaro Epidemiologo Genova

Dott. Giovanni Vantaggi GP Gubbio

Dott. Giuseppina Abbate Psichiatra Palermo

Dott. Celestino Panizza Medico del Lavoro Brescia

Dott. Michelangiolo Bolognini Igenista Pistoia

Dott Ruggero Ridolfi MD Oncologist, Endocrinologist - Medicina Democratica FB-
Franco BORGHI Intn'l Trading & Consulting

Paolo Paolucci - Direttore Dipartimento Integrato Materno Infantile, Scuola di
Specializzazione in Pediatria, U.O. di Ematologia, Oncologia e Trapianto di CSE.
Azienda

Ospedaliero-Universitaria, Policlinico di Modena, Italy Prof Federico Valerio,
Environmental Chemistry Lab. National Institute for Cancer Research, Genoa

Dott.sa Francesca Cigala Psichiatra Ferrara Medicina Democratica o.n.i.u.s

Dott Michelangiolo Bolognini - Medico Igenista - Pistoia

Mr Jerzy Ziąja – Chairman National Recycling Business Council (OIGR)

ARTAC - Association for Research and Treatments Against Cancer, France

Professor D. Belpomme MD. Oncologist, PhD. Paris.

Collectif des médecins de Clermont Ferrand - Coordination Nationale

Médicale Santé Environnement (CNMSE), France - representing 3,000 doctors

Docteur Jean-Michel Calut

Association Santé Environnement Provence (ASEP), France – representing

400 doctors

Docteur Pierre Souvet

**Jersey Island Plan 2002 – Assessment of Proposed Energy from Waste Facility against all Planning Policies
Excerpts from Babbie Fichtner Appendix 03 Planning Policy, with comments in red by SOS.**

Full Babbie Fichtner Appendix 03 is available for download at <http://www.axiomci.com/ramсар/babbieappendix03.pdf>

Countryside

Policy C3 Biodiversity Applicable? Yes

The facility would have minimal impact on biodiversity or the coastal Ramsar site. Site investigations revealed no biodiversity interest on the site and the drainage at the facility is designed to prevent pollution to the Ramsar site. Pollution control measures are specified within the Environmental Impact Statement and would be incorporated within the Working Plan. Discharge of cooling water to the sea would be within the existing discharge consent conditions.

We disagree: The Ecological report by Ambios Environmental Consultants in February 2006 is extremely brief and confined to a survey of the actual infill site, It presumably means that building an incinerator on inert waste laid down a few years ago on infill which has hardly had time to settle, will have very little impact on the ecology because the ecology has yet to establish. Ambios' report is only on the potential environmental impact of constructing the incinerator, not the actual operation of it.

There is no mention of air pollution; no concern shown for the marine environment a few yards away. The report is totally and utterly misleading.

(As an aside, but a telling one as to Ambios' credibility, they seem to have conveniently missed the fact that the eastern rim of the site, for about 400 yards, is a superb place for butterflies, including swallowtails, since buddleia became established there).

We are also concerned about the drainage of 'cooling water' to the sea which will impact upon the marine environment (even if not polluted) which, given the use of the site is doubtful and cannot be guaranteed. How long is it since the JEC discharged cooling water to sea? The EfW plant is in effect a new operation, not the continuation of an existing one as TTS imply.

Discharge of any water to sea in a Ramsar Area (cooling or otherwise) would of course impact on the biodiversity and health of the Ramsar area. We question whether the Ramsar Secretariat would agree that an existing 'Trade Effluent Consent' to allow such incursion to the area in fact demonstrates 'Wise Use' - a core principle of the Convention.

Marine Environment

Policy M1 Marine Protection Zone Applicable? Yes

The proposed Energy from Waste facility is not within the inter-tidal or Marine Protection Zone. See comments in C3. It will however discharge to the Marine Protection Zone under an existing Trade Effluent consent.

See above comment regarding marine pollution. In addition as the Marine Protection Zone proposed by SOS and successfully taken to the States in 1995, one would have hoped that any proposed incursion into the MPZ would have been discussed with them?

Policy M2 Coastal Zone Management Strategy Applicable? No

This policy refers to the development of a strategy.

We would have hoped that the Coastal Zone Strategy would have highlighted the need for Ramsar protection, and the siting of a huge incinerator yards away from a Ramsar designated area would in our eyes make this applicable.

Policy M3 Marine Biodiversity Applicable? Yes

A coastal Ramsar site lies to the south and east of La Collette reclamation area. The designed drainage systems and pollution control measures are specified within the Environmental Impact Statement. See comments in C3

We disagree: The contractors have produced their own ES here, they are bound to be biased and we do not believe they can guarantee that no pollutants will escape into the Ramsar area. It is after all a porous surface, exposed to strong tidal flows, and gales and is very exposed. It would actually be impossible to guarantee that no pollutants would enter this environment.

Policy M4 Shoreline Management Applicable? No

Policy refers to the development of a Shoreline Management Plan.

Policy M5 Fishing and Fish Farming Applicable? No

Facility not relevant to fishing or its support industry.

We disagree: The tidal current flows around the coast (see map) and will carry any discharge, effluent, chemical residues and other waste over the shellfish farming industry areas, and also may impact upon shellfish in general. An independent EIA would have required further research in this area, and taken scientific baseline tests along the coast. See our comments above regarding to 'Wise Use'.

CONCLUSION

Had the Ramsar Secretariat been consulted prior to any Departmental EIA's being commissioned, it is doubtful whether the methodology used would have been employed. Full and frank discussions by both Convention Partners would have been necessary to agree a framework for impartial and full and Independent EIA's to be undertaken. It is doubtful whether in fact this EfW plant would have even been considered in this location and we feel that the overlooking of our TTS and Planning has not been accidental, but a studied and cyclical ploy.

We have had confirmation from Gland in Switzerland that no correspondence from either TTS or Planning prior to the date of our initial report 6.12.08 exists.

This clearly contravenes our International obligations. (See letter from Monica Zavagli 3.12.08)

Letters to the Editor

Please tell me SOS were wrong

December 19, 2008 – 3:00 pm

From Pete Double.

PLEASE tell me that Save Our Shoreline (JEP, 16 December) is wrong! Surely our government would not choose to ignore Jersey's international obligations by failing to inform Ramsar that it planned to build a multi-storey incinerator at La Collette, yards away from a wetland site of international importance!

I'm sure it's all a misunderstanding. There must be correspondence from the Planning department or Transport and Technical Services asking Ramsar's advice regarding an independent Environmental Impact Assessment before the project began. After all, it's what Jersey agreed to do when the south-east coast was designated a Ramsar site by signing the Convention on Wetlands of International Importance.

I think, in part, my misgivings stem from the response made by Planning and Environment chief officer, Andrew Scate. In his response to Save Our Shoreline's report, he failed to address the points made by SOS. He stated, for example, that 'It is not considered that the proposal will adversely affect the Ramsar designation. Relevant Jersey consultations were carried out with ecology interests to support this view.'

When did these consultations take place and where does this advice come from? Who considered that the project was safe and on what scientific footing is the statement based? It is vital to know this because politicians, including ministers, make their own judgments based on such advice and information.

If our government ministers have been taking advice from a local source rather than an international organisation responsible for such areas as the Great Barrier Reef and the Okavango wetlands, there must have been strong evidence supporting a locally compiled EIA suggesting that the proposed incinerator site is unquestionably safe. That scientific study should be made public in order to put all our minds at rest.

Chief officer Scate also states that in the Environmental Statement on the Plant there is reference to 'ensuring that pollutants do not enter the Ramsar site'. As this is fundamental to the siting of the incinerator, can we assume that this is an absolute guarantee by our government, based on advice from the company that builds the incinerator, the Planning department and Transport and Technical Services that no fallout pollution whatsoever will enter the Ramsar site?

I am sure that SOS spokesman Dave Cabeldu is under no illusion here. The incinerator will go ahead. There are probably great lumps of it already sitting on some French dockside awaiting shipment as I write. It seems that both government and community have been somewhat misled during this incinerator debate.

Certainly, if SOS is right, our international treaty obligations have been ignored and it looks likely that all the assurances concerning the environmental safety of the incinerator come from the company who is selling it to us.

**The Old Coach House,
Oxenford Close,
St Lawrence.**

Article posted on 19th December, 2008 - 3.00pm

Letters to the Editor

The incinerator will be of no benefit to the environment or the taxpayer

December 19, 2008 – 2:56 pm

From Chris Perkins.

IN making his comments concerning the possible threat to our marine environment from the incinerator, the chief officer of Planning and Environment, Andrew Scate (JEP, 16 December), has demonstrated an ignorance of local matters and insulted David Cabeldu and his colleagues from Save Our Shoreline.

Unlike Mr Scate, who has only been in Jersey for four months, I was a member of the committee that oversaw the creation of the Ramsar site on the south-east coast, along with David Cabeldu and others from Save Our Shoreline. I know therefore that, contrary to what Mr Scate says, Mr Cabeldu does know 'what the Ramsar Convention actually is'.

The convention calls for 'rigorous impact assessment procedures' to be carried out into projects such as the incinerator that may have a detrimental effect on Ramsar sites and states that the contracting parties should 'arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the list has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference, and that information on such changes shall be passed without delay to the Ramsar Secretariat'.

I don't believe that any environmental impact assessments that have been carried out were either rigorous or independent. The Ramsar Secretariat has not been informed of the development. If there is no anticipated environmental threat from the incinerator, then I wonder why our south-east coast Ramsar site is featured as this month's 'Wetland Under Threat' by Wetlands International.

In addition to serious environmental concerns, the figures that we have been given concerning the incinerator do not make sense. Our current incinerator at Bellozanne burns approximately 70,000 tonnes of rubbish per annum. The figure is this high because of our poor recycling rate of only 32%. If we were to improve recycling to a level similar to countries such as Germany, which recycles about 70% of its waste, then my calculations indicate that we would only have about 31,000 tonnes of non-recyclable waste per year to dispose of. I do not understand why therefore we, the taxpayers of Jersey, are being asked to spend about £200 million (don't believe the £106 million figure – there are lots of extras and it is being bought in euros) on out-of-date and polluting technology that will burn 105,000 tonnes of rubbish per annum? Where is all this rubbish going to come from?

In conclusion, the planned incinerator will be of no benefit to the environment, or to the taxpayer. I wonder who it is that will benefit?

**53 Garden Lane,
St Helier.**

Letters to the Editor

So they say they can move the Ramsar line

December 19, 2008 – 2:59 pm

From Lara Luke.

I AM writing in response to the article about the Ramsar site in the JEP, dated 16 December. I e-mailed on 15 October both Senator Ozouf and Senator Cohen to express my concerns about the location of the proposed new incinerator due to the close proximity of the Ramsar site and the potential adverse effects that it will have on the surrounding environment. I raised my concerns on Planet Jersey and through the JEP some months ago.

I also made them aware of the duties with reference to the Ramsar Convention. One fantastic example of a Ramsar site is the Great Barrier Reef in Australia (imagine if they wanted to build an incinerator there). My reply from Senator Ozouf basically said maybe he would adjust the line of the Ramsar site. He wrote on 25 October:

'I have said that I believe that as far as future land reclamation is concerned I think that there could be a case for reconsidering the precise line of the Ramsar line out from St Helier Harbour.'
Senator Cohen said for me to get in touch with Planning as soon as possible, so I did. A representation went in to Planning for the protection of the Ramsar site on my behalf but it was unfortunately turned down.

Since I have tried all available routes in Jersey, and have had no satisfactory answers, I was left with no option other than to contact the Ramsar organisation in Switzerland to ask for their views on the matter, firstly on 15 October and more recently on 15 December. I am waiting for a reply from the senior adviser for Europe.

I would like to challenge the article in respect to what has been written about the environmental impact assessment of the proposed incinerator.

The EIA starts with a legal disclaimer that the company has only used the information that has been given to them and has not investigated any of this information themselves. Section 10 of the EIA only states that there is a possibility of water pollution affecting the Ramsar site; no air pollutants are taken into account.

Section 16 of the EIA again only deals with water resources and drainage. It does state that the main receptor of possible pollutants will be the Ramsar site and therefore the site is potentially vulnerable to the adverse effects of these various pollutants.

The only reason I can see for the absence of the effects of air pollutants on the Ramsar site is the fact that they will be piping the waste gases through the existing JEC chimney, which in actual fact comes under the exempt works under the law. This means that it does not have to comply with any regulations in place on, for example, air quality, even though Jersey has not yet adopted air quality standards.

Is this the get-out clause for when all surrounding areas have been adversely affected by these pollutants? Air pollutants have a potential of travelling up to around 5,000m from the source, so the area potentially affected is quite large.

Lastly I would like to say that after reading all 236 pages of the EIA, I now feel like I know a lot more about Bellozanne than the proposed new incinerator. Is this a case of highlighting how bad our current incinerator is and therefore anything is good in comparison?

**48 Le Grand Clos,
St John's Road,
St Helier.**

13: THE FUTURE OF LA COLLETTE - OUR CONCERNS

We enclose an extract from the minutes of a meeting dated 30th January, 2008 - Energy From Waste Community Liason Group, held at TTS.

Our concerns are two fold - ecological cost and financial cost.

It is clear that the financial cost of the EfW plant will be in excess of the £106million quoted. In Item no 38 John Richardson was asked by Bob Le Brocq what the cost of moving 'everything' out of Bellozanne would be. The answer was £158 million .

This was at the time when the EfW plant cost was £80million, so one has to add on £26million. Then we have the euro exchange rate (currently add an extra £10million) then the £37 million needed for the new road behind Commercial buildings to take the extra traffic. Plus the emergency access road below Green Street. (Neither yet have Planning Consent).

Also referred to is the relining the JEC chimney and a host of other items including pollution monitoring. Land value is also to be taken into account so a conservative figure of £250 million would be closer to the total cost.

The main worry we have for the future is that the intent of TTS is to move the sewage works, the engineering works as well as the waste management plant to La Collette. TTS intend to make the Dicq a pumping station and it is our concern that should the sewage treatment plant also end up at La Collette as TTS wish it to, then treated sewage would also be piped directly into the Ramsar Area, possibly out of the Dicq outflow, further damaging the ecology.

So we wish to highlight both the financial cost and the extra probable ecological damage that these processes would cause.

It is noticeable in these minutes, as in other documentation and reports that we have seen, that John Richardson avoids mentioning any aspect of the Ramsar Area, almost if it does not exist. It does seem to be a factor for consideration, and we find this lack of importance of the Ramsar designation or indeed respect for Jersey's International Obligations and States Policy worrying.

These items may well be at the 'discussion stage' but we firmly believe that this is firmly on TTS agenda, and particularly on the East of Albert Development Group of which John Richardson is a member, and we would request the Panel to look further into these concerns.

**SOLID WASTE STRATEGY - ENERGY FROM WASTE
COMMUNITY LIAISON GROUP
1st MEETING - WEDNESDAY 30th JANUARY 2008
COMMITTEE ROOM, SOUTH HILL, TTS OFFICES**

ATTENDEES

Deputy Guy de Faye, Minister – TTS	GdeF
John Richardson, Chief Officer – TTS	JDR
Will Gardiner, Director Solid Waste Strategy Projects – TTS	WG
John Rogers, Director Waste Management – TTS	JNR
Lizzie Richardson, Project Support Officer – TTS	LR
Mr S Braithwaite – Resident	SB
Ms L Cantrell – Resident	LC
Mr B Hall – Resident	BH
Mr A Le Breton – Resident	AleB
Mr R Le Brocq – Resident	BleB
Mr K Shaw – Resident	KS
Mr & Mrs R Youngs – Residents	RY

he Minister welcomed everyone to the Group and explained about the importance of the proposed Energy from Waste plant for the island and the need for input from residents to ensure that the plant was as good as it could be.

VG presented on:

- . Background to the Project and Current Programme
- . Planning Requirements and the Redesign undertaken by Hopkins Architects
- . Environmental and Health Requirements

he group were then asked to raise any questions they had about the proposal. The following is a record of the questions and answers given.

ISSUE REF	ORIGINATOR / ISSUE	RESPONDENT / RESPONSE
1.	BleB – What height will the building be?	JDR/WG – 35 meters
2.	BH – How much of the building will be visible from Havre des Pas?	WG – Approximately 20 meters of the building will be visible
3.	BleB – Is the Fuel Farm going to be moved? Is the Sewage treatment works also moving to La Collette? Why can't you leave the treatment works in Bellozanne?	JDR – Options are being considered within the Liquid Waste Strategy under development. Under one option, the sewage treatment works at Bellozanne could be refurbished, but at a high cost and the capacity may not cope with the predicted increase in population subject to the ? Imagine Jersey consultation exercise underway.. Another option available would be to open a second smaller treatment works whilst retaining the Bellozanne works. The final option is to build a new treatment works at the far end of the La Collette Reclamation. However, these are only options at present and there are no commitments to any of the options which may also change during the strategy development process. The review of the fuel farm following the Buncefield explosion in 2005 has indicated that there may be advantages in relocating the fuel farm to optimise the use of land at La Collette. Again, these are provisional thoughts within the East of Albert Development Group only.
4.	BH – Why not put the new sewage treatment works on the old EFW site at Bellozanne?	JDR – unfortunately it isn't a suitable site, it has been looked at, but there are a number of technical details that wouldn't enable it, including the fact that the elevation of the valley may not provide sufficient depth to enable the capacity of treatment required in future.
5.	BleB – What is the exclusion zone at the fuel farm?	WG – There are three Land Use Planning development control zones around fuel farms. Following the Buncefield explosion the Health and Safety Executive in the UK have recommended a Development Proximity Zone within 150 metres of such facilities where normally occupied buildings will not be appropriate. A specific risk assessment by Atkins Consultants who advise the UK HSE has shown that the proposed Energy from Waste facility would not present an intolerable

		risk from being sited there.
6.	BleB – What is the distance in yards?	JDR, WG – The Land Use Planning Zones start at 150 metres. The Development Control Zone is 150 meters
7.	BleB – Will the Connex works have to be moved?	JDR – No, as the Hazards issue is based on the premises occupancy. The Connex drivers' canteen was not allowed to be put at the Connex site, at La Collette because of the Hazards risk. All future development must meet the Hazards requirements.
8.	BleB – Is the existing through road at La Collette in the hazard zone?	JDR – Yes GdeF – The Hazards Review Group appointed Atkins Consultants to carry out the review. They have carried out an enormous amount of work. To put the Hazards issue into context there will be one fatality every 2,500 years. This equals a high level of safety and a low level of risk. JDR – The Hazards issue is very complex. The review has been carried out by one of the leaders, in this field, in the UK. As Chair of the Hazard Review Group, I am very comfortable in terms of risks/ hazards at La Collette.
9.	LC – what about stories of an emergency access road along the Havre des Pas promenade?	JDR – There is an existing evacuation plan. There is currently a footpath going around the mound towards Havre des Pas. This would be employed by the EFW & Connex staff to use in the event of an emergency. The Fire Service has also requested an alternative emergency access route for the emergency services to use. WG – As part of the Hazards Review, evacuation procedures have been

		looked at and procedures for emergencies at La Collette will be reinforced. ? The emergency services are currently working on a new emergency services plan. <i>before it goes to planning?</i>
10.	BH – This road will connect residents of Havre des Pas to the new EFW plant. What happens if members of the public are out on the beach / promenade and an emergency occurs?	JDR – The proposal is for emergency vehicle access only at present not for all traffic. Let me assure you that the Emergency Services already have an action plan. One of the first requirements would be for the Police to provide a clear route to the area.
11.	BH – Havre des Pas should be regenerated. It's not shielded and the beach is ruined.	JDR – The proposal is to shield the facility with landscaping to minimise the impact on Havre des Pas residents..
12.	BleB – When the reclamation is complete, what will happen next? The sighting of this plant should not be decided until the fuel farm is moved. We are getting two different messages. Last week the Chief Minister told us one thing and now you are saying the opposite.	JDR – (explains the La Collette area on map) advised that a space had been reserved for aggregate storage. Now not needed as the quarries licences on the licence have been extended. One possible place to move the fuel farm is next to the fuel berth. <i>overall. please. Gov. action</i>
13.	LC – Are you saying that the fuel farm is being moved to the reserved space for aggregate? KS – Is the fuel farm to small?	JDR – No, it is fine for the current population.
14.	KS – Where is the Harbour going? Next to the fuel farm?	WG - May I request that we keep to Energy from Waste Project related matters please. The fuel farm as it stands does not affect the proposed EFW and this Community Liaison Group is to discuss the proposed EFW Project not the wider issues at La Collette.

15.	<p>BleB – Until Ben Fox brought his proposition to the States the EFW was going to stay at Bellozanne. Is La Collette the correct site; surely Bellozanne is a better location?</p> <p>What amount of fuel will it take to run the new EFW?</p> <p>Should recycling not be increased?</p>	<p>JDR – The States gave approval for siting the proposed EFW at La Collette in June 2006 and this has not changed since</p> <p>The Bellozanne and First Tower area have become far more residentially populated. Also, building works would be difficult at Bellozanne.</p> <p>For the Island to reach UK recycling figures we would have to compost food waste. 18,000 tonnes of product to dispose of. Composting food waste would significantly reduce the quality of the product currently produced at La Collette. ?</p> <p>In addition, we have a letter from Jersey Royals advising that they will not take compost to land that contains food waste. This would increase our problem of disposing the Island's compost. ?</p>
16.	<p>BH – How much energy will the plant produce?</p>	<p>WG/ JNR – 8 to 11 Megawatts equivalent to 5-6% of the Islands power</p>
17.	<p>KS – Why don't you just burn green waste and food waste? Composting is dead money.</p>	<p>JDR – We could but it's not what we do, it isn't the most environmentally friendly option to burn organic waste that could be composted.</p>
18.	<p>BleB – What is the tonnage of waste currently going in to the incinerator?</p>	<p>JNR – Just over 80,000 tonnes per year at the moment.</p>
19.	<p>BleB – Why are Austria able to recycle 60% of their waste?</p>	<p>JDR – Austria include ash in their recycling figures – TTS doesn't.</p>
20.	<p>AleB – Will we still have ash left?</p>	<p>JDR – The new EFW's ash can be recycled into aggregate</p>
21.	<p>AleB – The Environment Scrutiny Panel have advised that disused quarries could be used for ash.</p>	<p>GdeF – It has been suggested that the disused quarries would be perfect for water storage for the Island.</p>
22.	<p>AleB – Is their any justification in Scrutiny's point that the Island could have a smaller plant at a lower cost and cope with the</p>	<p>GdeF – Scrutiny tend to gloss over information that they don't like.</p>

	waste?	If there is a miraculous wave of recycling in the Island and the bunker at the EfW became empty the plant could be turned off. This in turn would allow for maintenance to be carried out on the plant & thus increases its life expectancy.
23.	AleB – Could the plant be lowered?	JDR -- It has already been lowered by 2 meters through the redesign work undertaken by Hopkins architects.
24.	BH – the visual impact from Havre des Pas is of paramount importance.	JDR – Unfortunately, I cannot completely hide the building. I can however, decrease its visual impact on Havre des Pas by using the mounds, landscaping and trees proposed.
25.	RY – I am amazed and horrified by the new design of the building – it was obviously devised by a bunch of morons. I do not believe it has to be at the height stipulated. It could be sunk lower. The visual impact could be reduced by a third.	JDR – The air cleaning equipment could be outside the building but the height of the building is set by the boiler height and the need to avoid digging down too far because of cost.
26.	BH – La Collette is an open area; gale force winds will be blowing refuse across the bay to Havre des Pas and Green Island.	JDR – The refuse handling plant will be inside the building, not outside as it is at Bellozanne. Also, we have just ordered a new bailer, which has the capability of wrapping bailed waste in the event of a catastrophic failure such as significant fire. ?
27.	RY – Why can't Connex be moved?	JDR – There is a high cost to removal and land further down La Collette will still be of high value land although it is affected by the hazards risks
28.	RY – The mounds should be built before the EfW is constructed.	JDR – I am pressing for the mounds and landscaping to be carried out first.
	RY – A selection of trees, some evergreen would be sensible. Not Leylandii.	Suggestions from the Group would be welcome in terms of the ? landscaping and planting.

29.	BH – Will you build the mound as high as you can?	WG – Yes, as high as the Planning and Environment Minister allows in keeping with our landscaping proposals and taking into account the stability of the mound.
30.	KS – Is it the grab that dictates the height of the building?	JDR – Yes, as well as the boiler design.
31.	KS – What about using a screw conveyor instead of a grab?	JDR – A grab is standard practice as the waste has to be mixed and unsuitable items separated. WG – The type of waste that goes into the incinerator dictates the grab a screw conveyor would not enable pre-sorting of the waste. ? JDR – At night the waste is turned by the grab in the bunker to ensure a good mix.
32.	KS – Why can't the building be made wider and lower?	JDR – Due to incinerator boiler designs. The height enables the waste to be burned to the temperatures required to minimise air pollution.
33.	BleB – Why don't you start infilling the land for the Fuel Farm now?	GdeF/ JDR – Funnily enough, we are
34.	BleB – Other States departments are talking about putting housing on the existing harbour site. Is TTS being kept in the dark about the la Collette future development?	WG – John Richardson is on the East of Albert Development Board but we are here to discuss the EfW project.
35.	SB – I am worried about emissions from the EfW flue.	JNR – Havre des Pas residents suffer more pollution from the existing incinerator than they will from the new plant. The largest source of emissions is during start up shut down. JDR – Fuel oil is used for the start up and shut down process
	SB – You say there would be more Pollution at Harve des Pas from the old Incinerator in comparison to the new EfW. This would be dependant on the wind direction?	JNR - No. The level of dioxins for example would be at least 20 times less. (Figures 7 and 8 from the Outline Planning Application were circulated showing the reduction in dioxin levels that would result from the new

		plant.)
36.	SB – Is air quality monitoring undertaken at Havre des Pas now?	WG/ JDR – There are background air monitoring stations around the island largely for traffic pollution. We are in discussions with Public Health at the moment regarding the specific air quality monitoring that will take place before, during and after construction.
37.	BH – Is the existing chimney at Havre des Pas up to standards?	JDR – Yes, a fully independent structural survey has been carried out. TTS will be using separate flues to the JEC; we will probably refine the flues used by the proposed EfW. WG - 24 hour monitoring of emissions will be carried out. We are hoping that these reports will be posted on the States website. TTS will be in a position where we can prove pollution is not coming from the new EfW. There will also be CCTV cameras to establish the cause of any pollution that occurred.
38.	LC – Is the JEC going to clean up there game?	JDR/ WG – This would be up to the environmental regulator.
39.	RY – TTS & the JEC are doing the EfW as a joint venture; surely improvements should be discussed?	JDR – I would be happy to arrange for a member of the JEC to attend CLG meeting if the Group would be interested.
40.	BleB – What would the total cost be to move everything out of Bellozanne?	JDR – Roughly £158 million – that would just be for the kit, it doesn't include land value. + 26 million
41.	BleB – Why not move the sewage treatment works to the scrap metal yard?	JDR – Not an ideal site. It could be done, but would be very expensive. Sewage would have to be pumped up hill – not very efficient.
42.	BleB – What about the Coop site?	JDR – The Coop site would not be suitable either.
43.	SB – How similar is the Waste Management Licence proposed to the UK Integrated Pollution and Prevention Control system?	WG – Very close in most key matters. The Waste Management Licence for the proposed plant will be based on compliance with the European Waste Incineration Directive as is the Pollution and Prevention Control regime in the UK which is just being combined with Waste Management Licencing.

44.	SB – Are there the same provisions in relation to the Environmental Management System?	<p>WG – Yes these are more or less identical. We will be requiring that the contractor who builds the proposed EFW Plant works in accordance with an approved Environmental Management System.</p> <p>JNR – Our Waste Management operations are managed to protect the environment. We work closely with the regulators to do this.</p>
45.	SB – Will there be continuous improvement required.	<p>WG – Yes in so far as the Contractor will be required to work in accordance with a Quality Management System too. This will require evidence of third party verification to either: EU, International or UK standards.</p> <p>JDR - The bidders are all the leaders in their field in Europe and all of their plants are required to conform with regulations all over the world.</p>
46.	AleB – What is the meeting tomorrow evening?	<p>WG – We understand this is an Environment and Scrutiny Panel meeting asking the public for their views on Jersey's Waste Strategy.</p> <p>We are proposing to hold these Community Liaison Group meetings on a quarterly basis, in the evenings.</p>
47.	RY – How much of our concerns are TTS recognising?	<p>WG – We are recording the points raised by you and will endeavour to follow through on all that is said today.</p>
48.	RY – Would it be possible to have a copy of the new plant design.	<p>WG – Yes, everyone can have a copy sent in the post or via email as desired.</p>
50.	KS – What happened to the HIA	<p>WG – The first stage of the Health Impact Assessment - of which you were a valued member of the Steering Group - completed its review in June 2007 and its report became part of the Public Health Department response to the Outline Planning Application for the Plant. The second phase of the HIA which will review the detailed design has just been commissioned and will be underway shortly. Members of this Group will be notified by the HIA consultant of future events related to the HIA.</p>

		JDR – Please feel free to voice your objections about the design at detailed planning stage.
51.	KS – I attended a meeting last year, which was too little, too late. Is this meeting a sweetener?	<p>JDR – No, but the project is very far down the line now. States Approval will be sought in July 2008.</p> <p>WG - We would like to work with the residents to minimise the impact as much as possible.</p>
52.	KS – The new design was not well advertised.	JDR – The designs were submitted in accordance with the requirements of the Planning and Environment Minister. The designs passed were also promoted to the press but did not receive much publicity.
53	BleB – Thank you very much for giving us to opportunity to express our views.	<p>WG – Thank you for attending. We will circulate minutes and copies of the design to the group. The next meeting will be arranged in April 2008 and will be in the evening and probably at South Hill.</p> <p>GdeF - The Minister then closed the meeting and thanked everyone for their attendance and positive input.</p>

