

**3.7 Deputy D.J.A. Wimberley of St. Mary of the Minister for Planning and Environment regarding the impact of the Energy from Waste plant on the Ramsar designation of the Havre des Pas area:**

Would the Minister advise when the United Kingdom was officially informed of the Island's intention to construct an incinerator adjacent to a designated Ramsar site, in accordance with Article 3.2 of the Ramsar Convention, whether the Ramsar Secretariat was officially informed, and what studies, if any, there have been on the anticipated impacts of airborne pollutants from the incinerator on marine habitats and life forms within the Ramsar site?

**Senator F.E. Cohen (The Minister for Planning and Environment):**

Article 3.2 of the Ramsar Convention stipulates that the Ramsar Secretariat should be informed if the ecological character of any wetland has changed, is changing or is likely to change as a result of technological developments, pollution or other human interface. Importantly, however, the Defra (Department for Environment, Food and Rural Affairs) have confirmed in writing that the administration of Ramsar policy in the U.K. Crown dependencies rests with the appropriate authority in each Crown dependency, albeit, obviously, we clearly have to administer the policy appropriately. During the E.I.A. (Environment Impact Assessment) process, no issues were identified in relation to the impact of the proposed energy for waste plant on the ecological character of the Ramsar site. A rigorous environmental impact assessment investigating the potential impact of airborne pollutants on the marine habitat was commissioned by Transport and Technical services. The Environment Department team, in consultation with internal and external advisers, including the National Trust and the Société, scoped the issues to be addressed in the E.I.A. E.I.A. concluded that airborne emissions would not represent a threat to the Ramsar site. Furthermore, no representations were received challenging the methodology of the E.I.A. or its conclusions.

**3.7.1 The Deputy of St. Mary:**

My reading of Article 3.2 of the Convention stipulates that each contracting party shall arrange to be informed. It is not a matter of delegated power that Jersey is responsible for administering, but it has a duty under Article 3.2 to notify, and I wondered if the Minister was aware of that? In addition, the Minister's answer says that airborne pollutants would not affect the site. I would like the Minister to comment on the widespread suspicion that the reason that the Ramsar Secretariat was not made aware formally of the proposal to build an incinerator on the windward side of the Ramsar site was to avoid entering into discussion with the Ramsar Secretariat as to how any E.I.A. should be done on a sensitive wetland.

**Senator F.E. Cohen:**

I am afraid I am neither a lawyer nor a scientist. I am simply advised by my department that the method of E.I.A. assessment was appropriate. I can assure the Deputy that there was no cover-up or intention to deceive the Ramsar Secretariat, and it is my department's belief - and it is a genuine belief - that the appropriate way that this matter should be dealt with as one of the Crown dependencies is by dealing with the matter internally in a proper way, ensuring that obligations are appropriately served.

**The Bailiff:**

May I interject just to ask Members and Ministers respectfully to be as succinct as they can, in accordance with Standing Orders? Otherwise, numbers of Members are going to be disappointed that they cannot ask supplementary questions.

### **3.7.2 The Connétable of St. Helier:**

The Minister used the word “importantly” in his answer, and then went on to say that we do not have to comply. How does this square with his desire that the Island is seen as a place where best practice environmental matters are carried out? Does he not agree that with hindsight it would have been better if we consulted Ramsar before we gave approval?

### **Senator F.E. Cohen:**

No, I cannot say that. What I said is that the important caveat is that we are responsible for administering this ourselves.

### **3.7.3 Deputy T.M. Pitman:**

My question follows on from the previous, really. Would the Minister clarify whether he believes the Ramsar agreement has any teeth to be enforced, and if not, does the Minister think it likely that the agreement may come to be ignored?

### **Senator F.E. Cohen:**

I do think the Ramsar designation has teeth, and I think the Environment Department can show that we take it extremely seriously. You only have to look at the emphasis we placed upon it in the integrated coastal zone management policy to see that.

### **Deputy T. Pitman:**

I just asked the Minister what teeth he thought he had to enforce that.

### **Senator F.E. Cohen:**

The teeth we have is that as the Environment Department we control the necessary administration of the appropriate legislation and we will do so. But the fact is that the department does not believe that airborne pollutants are a problem in relation to the energy from waste plant, and that is a matter of the department’s opinion.

### **3.7.4 Senator S. Syvret:**

I was somewhat surprised by the Minister’s earlier answer in which he seemed to imply that the matters of enforcing or complying with Ramsar were a matter for the domestic authorities. Is it not the case that we are signatories to Ramsar via the United Kingdom, and that technically any breach of those Ramsar conventions would place the United Kingdom in breach? I know that that is certainly the case with the OSPAR Convention (Convention for the Protection of the Marine Environment of the North-East Atlantic) in respect of pollution to the marine environment from land-based sources which Jersey has plainly broken.

### **Senator F.E. Cohen:**

Broadly, the Senator is correct. The principle is that we are obligated to administer Ramsar as the Secretariat would expect us to, but we administer it ourselves, and we effectively report via Defra. As I said earlier, the position is that we do not believe as a department that airborne pollutants are a problem in relation to the energy from waste plant.

**3.7.5 The Deputy of St. Mary:**

Does the Minister know that no member or member organisation of the local Ramsar steering group was consulted at any time in this process?

**Senator F.E. Cohen:**

There are statutory processes and there are administrative processes, and I am perfectly satisfied that the correct processes were followed in relation to the E.I.A. and all aspects of potential pollution from the energy from waste plant.