

STATES OF JERSEY



ENERGY FROM WASTE FACILITY: RESCINDMENT (P.8/2009) – COMMENTS

**Presented to the States on 3rd February 2009
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

The Deputy of St. Mary's report and proposition contains some assertions deserving of a response. These are reproduced below in bold and comments appended.

For the benefit of members I have also included a short note describing the Environmental Impact Assessment Process (EIA) and how it is managed.

Ramsar

The plant will impact via airborne pollution and via discharges of hot cooling water directly on the Ramsar site.

This statement and the questions that follow it assume that the emissions from the proposed energy from Waste plant will change the ecological character of the adjacent RAMSAR site. This was not the conclusion of the Environmental Impact Assessment process. The overall impact on the environment of the new plant will be very significantly less than the existing plant at Bellozanne.

- **Why were no members of the local Ramsar Steering Group consulted at any stage?**

The Steering Group established in the 1990s to guide the designation process for the south-east coast Ramsar site has not met in the 8 years since the site was officially recognised on 10th November 2000. It was a group that served a very useful purpose but it is not considered to be a "live" group. It was not reconvened for instance when the Offshore reefs were designated.

- **Why was the Ramsar Secretariat in Geneva not informed?**

An answer to a similar oral question was given on 20th January. 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.

Since no issues have been identified in relation to the impact on the proposed Energy for Waste plant on the ecological character of the RAMSAR site, contact with the Secretariat was not required. Similarly, the Department for Environment Food and Rural Affairs (DEFRA) did not need to be officially informed about the Energy for Waste Plant because delivery of RAMSAR policy in the UK Crown Dependencies rests with the appropriate authorities in each of the Crown dependencies.

This is confirmed in a letter from DEFRA (International Protected Areas Team) dated 19th December 2008 to a local Jersey resident who raised this very issue. DEFRA state: "*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*".

- **Why was no adequate Environment Assessment of marine impacts carried out?**

A rigorous Environmental Impact Assessment – or EIA – which investigated the potential impact of airborne pollutants on the marine habitat was commissioned by Transport and Technical Services. The Environment team, in consultation with internal and external advisors, including the National Trust, the Société and Concern scoped the issues to be addressed in the EIA and ensured that the final environmental statement was publicly available.

The EIA judged the impact of airborne pollutants to be insignificant and no representations were received which challenged the methodology of the EIA or its conclusions. The impact of airborne pollutants on marine habitats

were judged to be insignificant because of the low levels of deposition, the dilution factor in the receiving water and the enormous flushing effect of the tidal exchange.

- **What are the wider implications of these failures?**

We do not accept that there have been any failures. The protection of Jersey's internationally important wetland sites is matter of great importance. Most Islanders are proud of the designation and respect the special nature of our protected wetlands. The further designation of our offshore reefs emphasizes our continuing commitment.

The States recently adopted the Integrated Coastal Zone Management Strategy and we have appointed a full time marine scientist to act as project officer. One of the priority tasks identified by the ICZM strategy is to prepare formal management plans for our Ramsar sites.

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

Note on Environmental Impact Assessment

An EIA has 3 stages– the 3 'S's – Screening, Scoping and Statement. It is undertaken to inform the planning process of all relevant environmental considerations.

Screening – the application screened to asses if it is of the appropriate magnitude to require an Environmental Assessment. This is done by the Regulatory Authority.

Scoping – all the potential environmental impacts are identified so that the Environmental Statement is comprehensive. This process is managed by the regulator but involves liaison with internal and external stakeholders.

Statement – the Environmental Statement is produced by the applicant and at the applicant's expense. It is normally done by an experienced consultant. All the issues identified at scoping have to be considered and researched where necessary. Also any mitigation measures that might be used to manage any impacts which cannot be avoided.

The Environmental Statement production can be an iterative process in that the regulatory authority will seek the views of stakeholders on the adequacy of the Statement and will if necessary go back to the applicant to require further information.

The completed Environmental Statement forms part of the evidence considered by the Minister for Planning and Environment when determining the application. Any environmental impacts requiring mitigation can be expressed as planning conditions.

The Minister for Planning and Environment has to weigh any potential unavoidable damage to the environment against the greater good of the development to society.

The Energy from Waste Plant EIA

Screening and scoping were carried out by the Environment Department, liaising across Government Departments such as Environmental Health and with external stakeholders such as the National Trust, the Société and Concern.

The Environmental Statement was produced by Babtie Fichtner and scrutinised by the Environment Department and internal and external stakeholders as before. It was then passed to Planning officers to form part of the case file which is open to public scrutiny.

No representations were received commenting or challenging the detailed, methodical and scientific information and conclusions of the EIA in the course of consideration of the planning application.

No impacts to the ecological character of the adjacent south-east coast Ramsar site were identified.

What were the potential impacts on the Ramsar site?

Run-off during construction phase

Discharges to controlled waters are controlled under the Water Pollution laws. Working methods will be specified and agreed to prevent any polluting material entering the sea.

Disposing of solid waste created by the plant

All waste disposal from the plant of its ash by-products will be regulated under the Waste Management Law with rigorous conditions set to prevent pollution entering the sea.

Emission to air falling out over the site

The plant will operate to EU emission limit standards, a massive improvement on the current position. These standards are judged to be adequate for the protection of human health in areas downwind of the stack and this was supported by a separate Health Impact Assessment study.

Some of these emissions will fall on the intertidal area that comprises the Ramsar site, however it is not considered probable that this will give rise to noticeable impacts on the ecology of the marine system, particularly when the massive dilutions involved and the flushing/exchange rates experienced in the receiving water are considered.

The warm water discharge

Warm water will be generated as part of the process of converting the heat from the plant to electricity; this will be discharged through the existing JEC culvert. It is of much less magnitude than that already produced by the operation of the power station. It will not cause any significant change to the ecology of the Ramsar site.

In summary:

1 – A full and proper EIA process has been undertaken through the planning process, with all relevant States of Jersey professional experts assessing the process and outputs. Such experts cover planning, ecology, fisheries, environmental protection, water and air.

2 – RAMSAR Secretariat via DEFRA did not need to be informed as no ecological change to the area is envisaged. DEFRA have again confirmed that the States of Jersey are the appropriate authority in dealing with RAMSAR issues in Jersey.