

**PRESS RELEASE FROM SAVE OUR SHORELINE**  
**SUBJECT: INCINERATOR**  
**EMBARGO DATE: Tuesday 17th February, 2009**

In anticipation of the Incinerator debate to be held in the States on 24th February, Save Our Shoreline have submitted a substantive dossier to the Environment Scrutiny Panel containing strong and expert evidence that the Planning Consent for the 'Energy from Waste' plant is seriously flawed in several aspects.

The Environmental Scrutiny Panel have agreed to conduct a full review on the basis of the evidence so far submitted, and SOS call for a halt of the construction until the evidence has been heard and judged by the Panel.

Recent evidence sent to SOS by Dr. Stephan Funk Phd MSc MsC, a respected expert on EIA methodology, will be presented, together with evidence regarding Planning Law infringements from Mrs Lara Luke who has a Bsc (Honours) degree in Environmental Studies and holds a diploma in Pollution Control. Mrs Luke has concluded that the EIS is not compliant with current Planning Laws and have asked us to include her evidence in our report. (Both documents are attached).

We attach 3 photos:

One taken before reclamation had reached as far out to sea as it is today. This clearly shows the chimney that was at the time used by the JEC power station. Also visible is the culvert beneath it that took the 'cooling waters' to sea. (Most of the foreground area in the first photo is now reclaimed).

The second is a library satellite shot from Google. It clearly shows the extent of the landfill at that point and the boundary rubble perimeter. Clearly seen is the Fuel Farm, alongside which will be built the incinerator. (see inset photo 3). This is a major safety issue and the reason for the building of an emergency access road.

The third photo shows the proximity of the plant to the Fuel Farm. The Chief Fire Officer required a separation of 190 metres between the Fuel Farm and the Incinerator. This condition will not be complied with. Policy is to relocate the Fuel Farm at some future date. Until that happens, the Incinerator will be built adjacent to, and within, the perimeter of the Fuel Farm. The emergency access road, which will encroach on the Ramsar site, is a recent "add-on" solution.

The problems that our consultants and advisers at SOS have, are these:

### **1. AIR POLLUTION**

The chimney will be re-used for the incinerator as will the culvert. The chimney and culvert are exempt from current emission laws, which may be convenient for TTS and Planning but is contrary to currently declared policy and will not conform to EU standards. The Planning department have said that there was no need for any EIA with regard to airborne emissions relating to the Ramsar area. Why not? Dr. Funk is clear that marine organisms react differently to human organisms and this has been ignored. In Dr. Funks' words: *"It is a well established fact that levels of toxicity of chemicals is not identical for all organisms and varies greatly. Bio-accumulations of pollutants through the food chain is well documented and can cause disease. What might pose no risk for humans might be highly toxic to other organisms and vice versa....the EIS did not provide evidence that there is NO rise to noticeable impacts on the ecology of an adjacent marine system."*

Yet the basic requirements have not been carried out - no baseline samples have been taken. No account has been taken of the fact that there are shellfish farms to the east within the Ramsar area.

Babtie Fichtner commissioned Ambios Environmental Consultants to carry out a baseline ecological assessment of land at the La Collette reclamation site. The report does not include any survey or scientific data on the Ramsar site and did not assess any potential risk to the Ramsar Site. The report states that *"There will be no impact on the adjacent RAMSAR Site."* Ambios were tasked only with looking at the inert waste upon which the incinerator will be built, yet for some reason made conclusions about the adjacent area. This conclusion is not substantiated by any data or evidence.

## 2. WATER POLLUTION

Heated 'cooling' which will be piped into the Ramsar area through a culvert previously used by the JEC Power station, again under old permits and therefore not subject to more stringent modern environment legislation. These effects have not been properly addressed in the Babbie Fichtner EIS or at all in the Ambios EIA. The same culvert will be used, emerging this time further into the Ramsar area as can be judged from the second photo. This marine intrusion is not recognised as being significant and other probable effects upon the Ramsar area, such as chemical leachates from the porous base of the incinerator or wind borne surface material (including toxic fly ash) are not considered by the Planning or TTS as worth addressing. They rely solely on the contractor's good will in this area. SOS does not.

With regard to cooling water, the EIS states *"It is therefore expected that any impact on coastal habitat would continue as currently i.e. extremely localised and of minor significance."* Dr. Funk responds: *"The EIS fails to present data substantiating the statement of minor significance. It mentions a previous assessment but without citing data or evidence the report contains the word 'cooling' 21 times yet no underpinning data.) Thus the Babbie Fichtner EIS did not conduct an independent impact assessment on this issue."*

## 3. PLANNING CONSENTS AND THE LAW

Old out of date consents are to be used on both the chimney and the culvert. SOS believes this contravenes not only our Planning Laws and EU legislation, but the 'Wise Use' policy of Ramsar which the Planning & Environment CEO recently stated he follows. At a recent Environmental Scrutiny Meeting ( 22nd January, 2009), when asked about the EIA process as used locally, The Planning and Environment Minister, Freddie Cohen, and his CEO, Andy Scate, said this: (full extract attached).

**Mr. A. Scate:**

*"Effectively, yes, but it is enshrined in Jersey law."*

**Senator F.E. Cohen:**

*"It is enshrined in Jersey Law, but it replicates European practice, I think it is fair to say."*

We attach a document (Planning and Building.doc) which gives the various requirements necessary before a project such as the incinerator can be approved. Mrs Luke has highlighted the areas of concern and her notes are included. Mrs Luke contends that in several areas, the Law has been breached. The full document is attached, but as an example, with regard to the EIS which is required by law as the incinerator comes under the section 11 (4) Schedule 1, and has to meet the criteria of Schedule 2, Mrs Luke says this: *"There has been a failure, by omission in Articles 3, 4 and 5 where no inter-relationship has been assessed between factors. Ramsar – Air pollutants, also leaching through ground soil to sea – from waste storage etc. As a result of the absence of this information, no mitigation has been put into place for environmental and human health in the EIS."*

We submit that in the light of these deficiencies and others laid out in the attached documents, that the Planning Minister follows procedure as laid out under Schedule 1, Part 3, clause 10 of Planning Control: (False informations, etc. in application for planning permission) *"The following remedial action can be taken by the Minister for a representation with material omission – revoking the planning permission if it has already been granted"*.

## 4. FURTHER EROSION OF RAMSAR AREA

A new Emergency Road is to be constructed to the east of the plant. It will necessitate the demolition of shoreline rocks along the perimeter and within the Marine Protection Zone and the Ramsar area, and we contend that this will contravenes the Planning Law relating to SSIs (copy & notes attached) unless consent is granted with specific conditions.

The Ramsar Organisation have received a copy of WEB's Optioneering Plans to Ramsar and they have urgently required clarification from DEFRA as to the possible further areas at risk. (see attached letter) We also ask why a senior Planning Officer sat on the WEB Steering Group and saw fit to approve the commissioning of these plans to the south and east of La Collette? Scott Wilson's Project Manager expressed concern to SOS that these plans infringed the Ramsar area.

## 5. EU INCINERATION PRACTICE

The 'EfW' plant will be burning Jersey's waste which is not currently separated, Therefore nickel and cadmium batteries and electronic parts etc will all be burned, releasing heavy metals into the atmosphere. The chimney emissions fallout radius will be is very close to the most densely populated and school intensive areas of the Island, St. Helier when the wind is in the south and east , and close to the General Hospital where the most at risk and elderly residents of the island will be. When the wind is in the west, the emissions will fall on the Ramsar area. This release of emissions containing heavy metals is not allowed in the EU, yet Senator Cohen has confirmed that local standards must replicate EU standards.

## 6. RAMSAR ORGANISATION & DEFRA IGNORED

Finally but no less important. Up until 6th December 2008 not one letter or communication from the States of Jersey, Planning or TTS informing the Ramsar Organisation in Switzerland, or DEFRA in the UK, of their intentions to build a massive incinerator on porous ground only yards from a wetland of International importance was sent. Nor was advice on how best to conduct an EIA on the possible effects of this incinerator sought. This is in contravention of our International Obligations, and at the least totally discourteous to the Ramsar Organisation, who have arranged for a web page to be displayed on a partner site (Wetlands.org) in support of our case. If the Ramsar Organisation support us, then we feel that our case is strong.

The Ramsar Organisation are this week pushing DEFRA for answers. Not only about the incinerator plans but about the WEB 'Optioneering' plans showing possible intrusions into the Ramsar Area, which they are very concerned about. (Letter to DEFRA from Alexeeva Nadezhda, Assistant Adviser for Europe attached). In this letter, Ms Nadezhda asks: *"We would be very much grateful if you could update us about the situation on this site two months after the letter from the Administration in Jersey. We also would be grateful for further more concrete information on this site (e.g. construction plan and concrete planned activities, results of environmental impact studies, especially concerning impact on the Ramsar site) – when this information becomes available. On the map that we received together with the letter from the Administration there are marked "possible areas of development", but unfortunately, it is not clear for us what kind of development is planned in these areas."* The Ramsar Organisation are still very much in the dark about the whole project. Not only does this contravene the terms of the Convention (see our previous report dated 6th December) Convention but is extremely embarrassing for the good name of Jersey Internationally. The reference to WEB's plans is particularly disturbing.

## CONCLUSION

There are a number of matters of serious concern regarding the activities of TTS and P&E. These include:

- Why was the scoping, screening and EIS so sloppily carried out?
- Why were Planning so 'cosy' with TTS (as illustrated by a letter attached from Sarah Le Claire, Planning's Policy Manager at the time?) Surely Planning have to maintain a clear distance as regulators? TTS were clearly 'running' Planning here. This is a case of the "Gamekeeper poaching alongside the poacher". Indeed, we strongly question P & E's motives in the whole process. They have for instance in recent months, been acting as spokesmen for the developers. This seriously compromises the independence and impartiality of P & E.

If Jersey's methods are to be as stringent as the EU, as confirmed by Senator Cohen and his CEO Andy Scate in their recent meeting with the Environment Scrutiny Panel, why then are we ignoring EU emission standards? It would seem to us that while Planning may be aware of the differences between an ES, an EIS and an EIA, and assured Scrutiny only recently that only the best policies are being adhered to (see quotes) TTS have been more 'elastic' with their interpretation of what is necessary to achieve their ends and put pressure on Planning to go with their processes which are faulty on many levels. Dr. Funk's evidence is very specific and details these faults and omissions.. We also believe that Senator Cohen is fully supportive of the Ramsar designation and the policy of Best Practice and will want to review the situation urgently.

We submit that is the Planning and Environment Minister's duty to revoke the planning permission, as allowing a breach of the Law will not be acceptable and is most definitely not in the public's interest. Chiefly because public health has not properly been taken sufficiently into consideration when approving the incinerator.

If the Minister for Planning and Environment does not do his duty, then the States must decide to revoke the permits at the debate on 24th February. A full and impartial enquiry be instigated into all relevant areas as

described, with evidence given by fully qualified and impartial experts in their fields, particularly with regard to the EIS problems as above described

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15th February 2009  
(Links attached)

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The Save Our Shoreline Committee would like in this instance to thank many others advisers and consultants. Also former and present Environment Officers, and local, UK, and International environmentalists and organisations for their input and support, including the author of the Ramsar Convention, Mr. Dave Pritchard of the RSPB, the Ramsar Organisation in Gland, Switzerland and the Wetlands Organisation Headquarters HQ in the Netherlands.

Links:

SOS Press Release 17th February, 2009 <http://www.axiomci.com/press/release.doc>

New Stephan Funk Report <http://www.axiomci.com/press/newfunkreport.pdf>

Planning and Building Laws and comments/highlights <http://www.axiomci.com/press/PlanningandBuilding.doc>

email from Nadezhda Alexeeva, Assistant Director of Europe <http://www.axiomci.com/press/Nadezhamail11:02-09.pdf>

Excerpt from Environmental Panel Briefing 22nd Jan, 2009 <http://www.axiomci.com/press/excerptpanel.pdf>

Letter from Sarah Le Claire (Policy Manager, Environment and Public Services) 4 May 2006 <http://www.axiomci.com/ramsar/letterfromsarah.pdf>

Links to photos at high resolution suitable for print.

1) La Collette from the air prior to Phase 2 Reclamation <http://www.axiomci.com/press/lacollette94hi.jpg>

2) Google satellite shot of La Collette during reclamation <http://www.axiomci.com/press/googlelehi.jpg>

3) Havre des Pas by Night with Incinerator to scale and inset showing fuel farm proximity <http://www.axiomci.com/press/madnesshi.jpg>

4) Incinerator /Ramsar map - fallout? [www.axiomci.com/press/maphi.jpg](http://www.axiomci.com/press/maphi.jpg)

5) Tourism ' Life Enriching?' Scale profile of Incinerator from Havre des Pas Bathing Pool <http://www.axiomci.com/press/hdphi.jpg>

6) The Violet Bank- Jewel in the Crown of the Ramsar Wetlands <http://www.axiomci.com/press/violetbankhi.jpg>

7) Profile of Incinerator set on Gorey Pier with Radissons profile to scale <http://www.axiomci.com/press/goreyhi.jpg>

(contd:

OTHER LINKS:

Link to Wetland International (Jersey- Isle in Peril ) <http://www.wetlands.org/Aboutwetlandareas/Threatenedwetlandsites/WasteIncineratoronIsleofJersey/tabid/1489/Default.aspx>

Link to UK without Incineration Network Jersey: Burn to run: <http://www.ukwin.org.uk/?p=749>