



## **Session 5, Issue 4 – Habitats Regulation Assessment.**

It will be unsurprising that our comments on the HRA are directed at the assessments for site 3. Javelin Park, and the Inspector has already picked up on potential uncertainties in CD13.1.

We will argue that the HRA is flawed in that

- it fails to take account of the dissociation of NO<sub>x</sub> gases into ozone, particularly in summer conditions;
- that account must be taken in assessments of adjacent waste sites particularly where atmospheric emissions are concerned
- that the HRA results must be translated into hard process-by-process permitting which must be included in the site specifics of appendix 5, the Strategic Site Schedules.

As the inspector says in CD13.1, it is only for a 100ktpa facility that a conclusion of “no likely significant effect” applies in relation to possible effects on “European Sites”. The reality now is that the chosen incinerator from Urbaser for Javelin Park has a capacity of 190ktpa; and the adjacent site 4, Land at Moreton Valence, has been given planning permission for a 32ktpa BOS gasifier, hence a total of 222ktpa from the two adjacent sites. Furthermore, the BOS gasifier is below the 50ktpa threshold where WID limits are applicable, hence its emissions are potentially uncontrolled.

We note that the ERM report CD5.1 only considers “Long-Term Nutrient Nitrogen Deposition Rates” [table 1.4 page 32 et sequ]. But another important property of NO<sub>x</sub> emissions **not** considered by ERM in CD5.1 is their photo-dissociation into ozone as reported widely by authorities such as the EPA in the USA and the Max Planck Institute in Germany. This is mainly a summer phenomenon, and could be exacerbated by catalysis with hydrocarbon emissions from the adjacent M5. The EPA says that ozone has a toxic effect on plants and trees, causing stunting and foliage damage. We may have a PhD ecologist available should oral discussion be required on this important point.

We therefore consider that the doubling of capacity, together with additional effects that have not been considered, will powerfully reinforce the “likely significant effect” yellow flag given to the effect of emissions from Javelin Park on the Cotswold Beechwoods SAC per page 51 of GCC’s HRA Screening Report “Planning for the Protection of European Sites” CD4.5. We consider that application of the precautionary principle [see note 1 below] requires the “likely significant effect” flag to be set to red, and reconsideration be given to the other European sites within a 10km radius. Under these circumstances, the conclusion of the HRA assessment, which should be recorded in appendix 5 of the WCS, will be that thermal processes in excess of 68ktpa [100ktpa modelled less 32ktpa for the adjacent BOS gasifier] will not be permitted at Javelin Park due to the potential effects on European designated sites.



Note 1. We do not use the term “precautionary principle” in a light-hearted way, but as a guiding principle for sustainable development as set out by the Coalition Government. We refer to the five guiding principles for sustainable development as set out in the DEFRA document “Sustainable Development in Government” which may be found at <http://sd.defra.gov.uk/what/principles/> . Under the principle headed “Using Sound Science Responsibly”, we are required to be “Ensuring policy is developed and implemented on the basis of strong scientific evidence, while taking into account scientific uncertainty (through the Precautionary Principle) as well as public attitudes and values.

We would also remark that damage is likely to the woods and flora of the Cotswolds scarp slope and AONB, the boundary of which is only a km from Javelin Park.

The Gloucestershire Waste Local Plan CD11.8, Policy 26, states

Proposals for waste development within areas of outstanding natural beauty, and/or *adversely affecting the natural beauty of their landscape setting*, will only be permitted where

- It can be demonstrated to be the best practicable environmental option; and
- There is a lack of alternative sites; and
- There is a proven national interest; and
- The impact on the special features of the AONB can be mitigated.

Para. 5.104 goes on to say “Proposals for waste development in AONB will need to demonstrate BPEO and will undergo rigorous examination *as will proposals for waste development outside AONB which could adversely affect the setting of these designated areas*”. [our italics emphasis].

As far as the HRA assessment is concerned, WLP policy 26 has not been considered. Its necessary inclusion extends the need for assessment of effects upon the whole Cotswolds AONB, and in our view the effect of emissions on the AONB at 1km distance will be the same as the effects for sites adjacent to the Severn Estuary – a clear “likely significant effect” red flag precluding the use of waste combustion technologies at Javelin Park.