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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

33rd meeting
Strasbourg, 3-6 December 2013

Complaint in Stand-by

***MARSUPELLA PROFUNDA* THREATENED BY A
WASTE BURN INCINERATOR
AT ROSTOWRACK FARM ST DENNIS
(UNITED KINGDOM)**

REPORT BY THE GOVERNMENT

*Document prepared by
The Department for Environment Food & Rural Affairs, United Kingdom*

**MARSUPELLA PROFUNDA THREATENED BY A WASTEBURN INCINERATOR AT ROSTOWRACK
FARM ST DENNIS,
UNITED KINGDOM**



Department
for Environment
Food & Rural Affairs

T : 0117 372 3595
www.defra.gov.uk

Ivana d'Alessandro
Secretary of the Bern Convention
Council of Europe
Biological Diversity Unit
F-67075 Strasbourg
Cedex
FRANCE

24 July 2013

Dear Ivana

Bern Convention Complaint No.2013/11 – *Marsupella profunda* threatened by waste burn incinerator at Rostowrack Farm, St Dennis, UK

1. I refer to the Complaint raised by Mr Kenneth Rickard, on behalf of the Cornwall Waste Forum (St. Dennis Branch), alleging that the Environment Agency (EA) failed to carry out the correct environmental screening (critical load versus critical level) in relation to the possible impact the building of a waste burn incinerator would have on a nearby population of *Marsupella profunda*.
2. The complainant also raised concerns about EA's alleged failure to consider the effects of total acid, its use of wind data, and its consideration of site specific topology. I am now in a position to provide the UK's response in this respect.
3. EA permitted the incinerator (energy from waste facility) at St Dennis in December 2010. The application and the draft decision were consulted on and involved extensive community engagement. During the permitting determination process EA provided technical information and explanations of the assessment process to the community, including Mr Rickard. When a permit is issued EA also publish a Decision Document which explains how it made its decisions and dealt with the questions raised during the consultation process.
4. EA's Air Quality Monitoring and Assessment Unit (AQMAU) assessed the air quality information. In the review of the applicant's assessment EA considered both critical loads and levels. Its account of the assessment against critical levels can be found in an addendum for Table 5 in the Decision Document section A3.7.7. on page 71 (found via the link below)

http://www.environment-agency.gov.uk/static/documents/Leisure/EPRGP3433GH_DD_06_12_2010.pdf

5. Critical levels for ammonia, nitrogen oxides and hydrogen fluoride were considered in the review of the applicant's modelling. EA concluded that the impacts were not likely to be significant. In fact, in all cases the predicted impacts were below the H1 "insignificance" criteria at the site. It also considered the generic loads for the grid square (for completeness) and also compared predicted impact with background acid deposition to put the predictions in context.

6. EA also considered the total acid effect (including hydrochloric acid (HCl)) compared with background, and also the individual effect compared with the generic critical load (for the grid square). The predicted impact for each component is less than 1%. There is no relevant critical load derived for *Marsupella profunda* so the load for the generic habitat of acid grassland was used. In addition EA compared the total acid contribution using the new method applied within the Air Pollution Information System (APIS) since May 2012. Assuming the feature is acid grassland to derive a generic critical load, the total acid contribution is less than 1% of the critical load. Therefore using the new method, the predicted impact is consistently low.

7. The applicant did not assess the impacts against the critical levels for hydrogen fluoride (Table B4 of H1) and so EA carried out its own assessment at St Austell Clay pits, Special Area of Conservation (SAC), as well as at Goss/Tregoss Moor SAC. The risk of exceedence of these critical levels was deemed to be low.

8. EA has previously provided to Mr Rickard, and others locally, a detailed report on its assessment of alternative meteorological data explaining why it used wind data from Camborne (please see the report attached to the covering e-mail). Further information about the EA's actions in this respect, together with additional documentation, can be found via the following link:

<http://www.environment-agency.gov.uk/homeandleisure/waste/102680.aspx>

9. EA is satisfied that screening was adequate and that it considered both critical loads and critical levels in assessment of impacts whilst determining this permit. The impact on both critical load and critical level was found to be insignificant and the EA concluded that there could therefore be no measurable loss or damage to *Marsupella profunda* or to reproductive systems. An appropriate assessment was therefore not required.

10 I hope the information contained in this letter will be useful to you and the Bureau but if you do have any further queries, or require any clarification, please let me know.

Dave Wootton
Department for Environment, Food and Rural Affairs
Biodiversity Programme
Zone 1/14, Kite Wing
Temple Quay House, 2 The Square, Temple Quay
Bristol, BS1 6EB
UNITED KINGDOM