

**St.Dennis Parish Council  
and  
St.Dennis Anti Incineration Group**

**Rule 6 Party  
Representing Local People**

**Appeal by SITA Cornwall Ltd. No APP/D0840/A/09/2113075**

**Post Closing response to the Planning Inspector**

**on**

**The draft Environment Agency permit  
and**

**Decision document recording the decision making process**

November 2010

1. This document is submitted in response to the Planning Inspector's invitation to comment on the draft Environment Agency permit and Decision document recording the decision making process.
2. Firstly we would ask the Planning Inspector to note that the Environment Agency considers only those emissions emanating from within the "site boundary". The Environment Agency is "unable" to consider emissions emanating from HGV traffic accessing the site via the haul road, which is required to serve the incinerator. In terms of planning, the haul road and access road fall within the red line for the purposes of this application and the related pollution should therefore also be addressed.
3. We submit that, as one is entirely dependent upon the other, these emissions should have been considered. The incinerator could not function without this road. The road would not be required without the incinerator. They are inextricably linked and we believe, should be treated as such by the Environment Agency.
4. We believe all pollution sources related to this project should be addressed by the Environment Agency as well as the planning system as they may well adversely impact upon the Special Areas of Conservation.
5. Because the Environment Agency does not include these emissions we believe this gives added weight to our request that the precautionary principle be applied.
6. It was considered necessary to increase the stack height from the original 75m to an extraordinary 120m to disperse emissions away from the immediate locality, specifically because of its close proximity to Special Areas of Conservation. We understand this would apply to any incinerator of the scale proposed within the Area of Search, but not necessarily if it was positioned elsewhere in Cornwall. We understand no other waste incinerator stack elsewhere is required to be so high.
7. This exceptional requirement is evidence of the fundamentally flawed site selection process. The sensitivity of the Special Areas of Conservation and the potential risks to it from the proposed incinerator should have been identified and assessed at the very beginning or, at the very latest, before the contract specifying this site was signed. Clearly they were not.
8. It is obvious to us that, if the site were not so close to vulnerable eco systems, such a high chimney would not be necessary. We are sure the Planning Inspector will take full account of this fact, in his deliberations.
9. We note the continued reliance on meteorological data, gathered from Camborne, some 25 miles distant, when the experience of lifelong residents of St.Dennis & Treviscoe is that weather conditions in our locality often vary considerably from that experienced just a couple of miles away.
10. We question the Environment Agency's confidence in any historical meteorological data at a time when we are already experiencing extreme weather events, ascribed to climate change. We are aware that it is already acknowledged that "100 year events" are now being reclassified as "20 year

events". We believe there is a very real possibility that actual future weather patterns will differ significantly from the historic data relied upon by the permitting officers in this case.

11. As meteorological data is required for air dispersion modelling, we are extremely concerned that this data was not obtained from a Meteorological Station in the immediate vicinity of the proposed incinerator.
12. We do not understand why there was, apparently, only one year of data available from St.Dennis School.  
The outdated Waste Local Plan identified the Central Area of Search in 2002. Work to gather data should have commenced at that early stage.
13. The County Council was working up the proposal on the Appeal Site throughout 2005. An email (PC-STIG/0/15) from Cornwall County Council, dated September 2005, shows that much work had been carried out in terms of the St.Dennis site and that the Best and Final Offer, which was made on 31 October 2005, was worked up on the basis of the Appeal Site. The waste contract was signed in November 2006. The planning application was submitted in 2008. The planning application was heard in 2009 and the appeal in 2010.
14. We question why it was not possible to gather meteorological data from St.Dennis School throughout this period.
15. The Special Areas of Conservation exist in an area already over-burdened by existing pollution sources: the china clay works, the calciner plant, the power station and transportation.
16. We believe that the Environment Agency does not give sufficient consideration to the possible implications for these Special Areas of Conservation.
17. We fear that pollutants from the plant and associated transport will act in concert with these other sources.
18. We are deeply concerned that the Environment Agency also disregard the particular micro-climate of St.Dennis and how this might play a significant role in emission dispersion.
19. Our community places great value on the St.Austell Clay Pits, Goss and Tregoss Moors Special Areas of Conservation. They are precious community assets. We do not think the Environment Agency has done enough to ensure their protection.
20. We have no confidence that the Camborne weather data is sufficient to model actual dispersion in the St.Dennis area and we wonder why the appellant was unable or, possibly, reluctant to ensure accurate data from St.Dennis was obtained.
21. We submit that this may give the Planning Inspector reasonable cause to doubt the acceptability of this aspect of the permitting.

22. We are mindful that Cornwall Council has conducted a “shadow” screening exercise and appropriate assessment and defer to their expertise:

*“The shadow appropriate assessment was able to conclude that it could be ascertained that there would be no adverse impact on the integrity of the two SACs from water resources and quality, and from dust. **By contrast, it concluded that it could not be ascertained that there would not be adverse impact from the scheme (alone and in combination) in respect of air quality. For the designated habitats and species in the Moors SAC this arose from Nitrogen and from Acid deposition; for the designated species in the Clay Pits SAC this arose from Nitrogen deposition”***

(Source: Closing Submissions on behalf of Cornwall Council)

23. We wonder whether the Environment Agency was made aware of this conclusion prior to reaching its “minded to” position.
24. We are disturbed by the comment from the appellants consultants that they tried to avoid the need for an Appropriate Assessment by increasing the stack height to 120m as they could not run the risk of an Appropriate Assessment.
25. We are also disappointed that the Environment Agency did not conduct its own Appropriate Assessment prior to issuing the draft permit for consultation. Clearly expert opinion is divided on the need for an Appropriate Assessment therefore we would suggest that a cautious approach should prevail and that one is undertaken.
26. We trust that the Secretary of State will ensure an Appropriate Assessment is conducted before reaching his decision on the appeal and would ask the Planning Inspector to recommend that he does so.
27. We have had sight of the Power of Cornwall response to the Planning Inspector on this matter. We defer to their expertise with regard to *Marsupella profunda* and fully support their submissions.
28. It is our view that environmental protection, not damage limitation, should be the overarching aim for decision makers.
29. Issues we would have expected to automatically lead to a permit refusal include impacts to global as well as local eco systems, and CO<sub>2</sub> emissions.
30. We have provided a more extensive response, covering other matters as well as those mentioned above, directly to the Environment Agency.