

Portland Town Council - Ref: Planning application: WP/20/00692/DCC RESPONSE TO THE 2ND REGULATION 25 NOTICE POWERFUEL UPDATES

Having duly considered the additional documentation submitted by Powerfuel as a result of the 2nd Regulation 25 notice, Portland Town Council wishes to confirm our objection in the strongest terms to this planning application. A wide range of documentation and specialist feedback has repeatedly demonstrated that the harm of building this facility clearly outweighs the benefits. PTC therefore states there can be no justification for the building of an Energy Recovery Facility at this location.

The 2nd Regulation 25 notice request from Dorset Council planning team, was more focussed on certain areas, leaving many of the previous concerns of Portland Town Council unaddressed. In respect of the recent notification, the topics have been reduced to 9 points.

HEALTH

1. This appears related to the impact from the usage of the backup diesel generators, which has now been addressed by new Powerfuel documents, however we understand that independent Air Quality Consultants (whose report has been submitted to DC planning) have stated that they consider the assessment of the Emergency Diesel Generators (EDG) to be inadequate, as it doesn't take into consideration the combined influence on emissions from the EfW stack and generator, nor the impact of various emissions, and that the consultants regards this as a major issue.
2. The Air Quality Consultants also indicate that there is still an uncertainty in modelled concentrations in relation to topography and meteorology. This is of major concern to PTC and was included in our original comments when we said "*The changeable wind is a well-known factor on Portland, which may well have an adverse effect on the stack emissions, potentially causing backdrafts, which would have an adverse impact on how emissions disperse locally. There is no evidence that the variable winds due to effects of the topography on wind directions have been taken into account.*" It appears that the new documentation has provided no further indications that reassure us that the developer has any understanding of the unique topography and weather conditions of the proposed site location.
3. We note that in their response to the planning application **Natural England** requested a "*bespoke site specific assessment of the effect of local conditions on the levels of air pollutants from traffic actually affecting the designated sites (taking into account air movements, vegetation height and composition, soil nutrients etc).*" The Powerfuel document '**Portland_ERF_2nd_ES_Addendum**' states "*modelling software used was appropriate and the location conditions are well within the modelling capabilities,*" however in the document '**Portland_ERF_2nd_ES_Addendum_Appx_3_2_Modelling_Uncertainty**' Powerfuel has selected Lovett Power Plant as a plant '*similar to Portland Port ERF study area*' due to the fact that the '*Plant located on a river with terrain increasing from river level to 270 m. Plant has a single 145 m stack, buoyant source. No buildings included in model. SO2 monitored at 12 sites. Characterised as "complex terrain rising above the stack height"*'. However this plant appears to be a coal power plant on the Hudson River, NY, USA that has been closed down as "*the emissions from the 350-megawatt Lovett plant are linked to acid rain and smog.*" It is on a river, not an island, has a stack 65m taller... if you look at the site it has no similarity with the Portland site. In the document **Portland_ERF_2nd_ES_Addendum** a further comparison is made "*Monitoring data from the existing Four Ashes ERF, which uses the same combustion and abatement technologies as are proposed at Portland, provide an indication of PM2.5 emissions from a comparable operational facility.*" however the dispersal of emissions at the Veolia Four Ashes Staffordshire ERF site will be completely different to Portland, as the Staffordshire ERF is built on flat terrain, with no impact from coastal winds and fogs.

4. Therefore, our concerns are that Powerfuel have used incorrect modelling of the terrain and have failed to model the correct weather conditions, which has not taken into account the impact on the dispersal of emissions during low cloud and foggy weather conditions and that our concerns regarding the negative impact on health and the environment, remain valid.

PM2.5

1. This issue considered setting of air quality target for PM2.5s, which although Powerfuel claim the environmental impacts of PM2.5 from the proposed ERF would be negligible and not significant, it is of concern that the World Health Organisation states that in respect of PM (Particulate Matter)... "There is no evidence of a safe level of exposure or a threshold below which no adverse health effects occur."
2. In the **Portland_ERF_2nd_ES_Addendum**, Powerfuel state that most of the dust emitted will be larger than PM2.5, however according to a paper by UKWIN, MP Thérèse Coffey has said *'there is no commercially available' equipment for the continuous monitoring of PM10 or PM2.5, so the EA's Pollution Inventory contains no separate data for either PM10 or PM2.5. In other words, these emissions can exceed reporting thresholds without the public being told*. and that *"the Minister has admitted that there is no specific limit set for PM1 emissions from incinerators. This is concerning because smaller particles are the most likely to pass into the bloodstream and adversely affect health"*.
3. Portland Town Council remain concerned about the impact of all particulate matter on both human health and the environment.

IN-COMBINATION / CUMULATIVE PROJECTS

1. In the Natural England report on the planning application, NE state that ***"based on the information available Natural England is not able to advise the authority that there is no adverse effect on the integrity of Chesil Beach and the Fleet SAC in-combination with other plans or projects."***
2. The Case Officer has requested that Powerfuel update the list of projects in the Environmental Impact Assessment, which have been assessed as part of "cumulative"/"in-combination" impacts of the project to address this comment made by Natural England. Although in the **Portland_ERF_2nd_ES_Addendum** Powerfuel came to the conclusion that *"Certain projects were included which properly should not have been"* there are certain projects omitted that should have been included in this list.
3. Natural England advise that the authority will need to consider the other projects identified in the dHRA in respect of the Habitats Regulations 2017. The **2nd ES Addendum** reviews the projects identified by the applicant which contribute in-combination to air pollution, particularly along the A354 corridor, but continues to overlook several projects...

WP/18/00812/SCOE the Eden Project Portland/MEMO within the potential in-combination impacts. This is a planned tourist theme attraction expected to bring in tens of thousands of visitors a year and employ ten times more staff than the incinerator. The Eden Project Portland is a live proposal; having had funding from the DLEP, yet this is not taken into consideration in this proposal. It is important that this proposal is included, as the waste incinerator could prevent this project from going ahead if the in-combination traffic from the incinerator together with the predicted new visitor traffic would impact on the integrity of the designated sites. If the Eden Project does not go ahead, this would cause a loss of holiday visitor revenue, and the loss of many potential local jobs. The Eden Project would benefit the community and local economy in a far greater way than the waste incinerator. The incinerator proposal should take this project into consideration to ensure the waste incinerator does not jeopardise the plans for the Eden Project

It is not clear whether the recently built **Osprey Quay Petrol Station** (+ shop and takeaway) is included in the cumulative effects, this includes a retail outlet and takeaway facility, which requires tanker lorry deliveries for diesel and petrol, and regular deliveries of food and other

goods, plus an increase of traffic to the site coming from Wyke to fill up, plus the employee traffic.

Also omitted from the cumulative effects assessment, is application **WP/20/00705/FUL** Erection of a drive-through coffee shop and 9 no. business units (Use Class E and/or B8) with associated access, parking and landscaping works, again at Osprey Quay, again another new business that will attract those in Wyke, as well as those on Portland, with an increase in the number of employees potentially adding to the traffic.

Also omitted from this table is application **P/FUL/2021/04113** Land west of 86-126 Wakeham, Portland, Erection of 34 no. dwellings.

The **cruise liner excursion coaches** are also omitted, emissions from which will impact the Isle of Portland SAC/SSSI as well as the Fleet and Chesil Beach SAC/SPA/Ramsar, particularly in the area of Ferrybridge.

4. The Portland Town Council working party has been advised that Air Quality Consultants have said that *“there are outstanding concerns about whether they have adequately considered the overall impact of stack+traffic+generator emissions on pollutant concentrations”*
5. Portland Town Council are concerned that not only does the specific topography and weather conditions of the Portland Port location not appear to have been modelled correctly, but in addition to this not all of the emissions have been taken into account and assessed, which could impact on the health of our residents and on our environment, and in particular our various conservation designation such as the Isle of Portland SAC/SSSI, together with the Fleet and Chesil Beach SAC, SPA and Ramsar.

MARINE CONSERVATION ZONE

1. NE noted that *“There is a lack of any formal MCZ Assessment for the MCZs within a 10km radius of the proposal.”* In the Natural England response to the planning application, NE requested that *“there needs to be an MCZ Assessment provided for each MCZ mentioned, and this follows a similar process as the HRA for a SAC/SPA,”* which has been submitted.
2. Over the 30-year lifespan of the incinerator, over 6 million tonnes of CO₂ will be released into the air above Portland, and Powerfuel claim that most of this will be deposited at sea. Therefore Powerfuel needs to provide evidence that although it is accepted that the PH value of local waters may not rise initially, that over the 30 year lifespan of the waste incinerator, the shellfish and pink sea fans will not be impacted upon as a result of these emissions and potential resultant impact on the PH value of local waters. DC planning team should consider seeking independent advice in order to verify the Powerfuel claims.

CLARIFICATION ON PERMISSIVE FOOTPATH AND ACCESS / ROAD REINSTATEMENT

1. The Case Officer has requested that Powerfuel provide further information on the track (“road”) reinstatement as described in the Heritage Mitigation Strategy to address the comments made by Natural England.
2. Powerfuel’s proposed measures to mitigate potential harm caused to the historic environment from the size and scale of the proposal, included modifications to the existing ground within the Isle of Portland to Studland Cliffs SAC and Isle of Portland SSSI, and indicated that the proposal may lead to the net loss of habitat within the SAC, a protected area designated under the ‘Conservation of Habitats and Species Regulations 2017.
3. The **Portland_ERF_2nd_ES_Addendum** updated strategy to mitigate the potential harm to the historic environment and the cultural heritage of this area, simply avoids using the word ‘road’, as path will still be the same width and need the same foundation work undertaken, and still requires the same work, previously stated: *“Creation of a connecting path between footpaths S3/72 and S3/81, across East Weare using the existing route through the secure port estate. This will involve the trimming back of invasive vegetation to fence line and refreshment / maintenance of the existing track surface.”* There is merely less detail provided than in the original document **“ES 9.2 E.Weare heritage features for proposed remedial vegetation**

clearance” which stated *“The removal is a combination of widening existing routes, which are still just about accessible but require cutting back to approximately 2m width and removing overhanging vegetation, and the cutting of a 2.5m wide path through largely blackthorn scrub to link up the existing paths and allow access around the perimeter of the feature.”*

4. The claim that *“the route will be a footpath, not a road”* is irrelevant as the preparation of a footpath that can take maintenance vehicles requires the same amount of preparation work and the same amount of loss of vegetation and ground, the only difference will be the finished surface, perhaps using scalping’s as opposed to tarmac.

STATEMENT OF COMMON GROUND

1. Powerfuel was asked to provide a copy of the Statement of Common Ground as referenced in Natural England letter dated 01 December 2021, this was provided as requested. However this document states that *“All parties (Natural England, Dorset Council and the applicant) are agreed that the proposed ERF development does not require any works to be undertaken within any statutory protected sites to mitigate any impacts arising from the development on these protected sites through the deposition of dust or localised changes in air quality.”* yet according to the details in respect of the permissive footpath, works are required to clear a pathway and create a hard surface to enable maintenance vehicles access.
2. Powerfuel also state that *“It is agreed by all parties that these works can be considered as works that are directly connected with or necessary to the management of the site (Isle of Portland to Studland Cliffs SAC) as defined in Regulation 63 of the Conservation of Habitat and Species Regulations 2017 (as amended). As such the works set out in the framework heritage mitigation strategy do not require appropriate assessment.”* It is of concern to Portland Town Council that a protected conservation designation such as an SAC, will not be appropriately assessed for rare lower plants, such as lichens and bryophytes, before works are commenced.
3. Powerfuel state that *“The shadow Appropriate Assessment (sAA) and Environmental Statement (ES) submitted to Dorset Council in support of the application for an Energy Recovery Facility (ERF) on the Isle of Portland have concluded the proposed development will not have any significant adverse effects on the statutory sites (SACs, SPAs, MCZs, Ramsar sites or SSSIs) within the vicinity of the proposed development.”* However, in the latest Air Quality Consultant report submitted to the planning website, Portland Town Council notes that the conclusion is that *“The conclusions of the detailed review of documentation submitted to date is that the information is insufficient to allow regulators to make informed decisions about the planning and permitting applications. There is thus no basis for, or evidence to justify, the statement that: **“the proposed development will not have any significant adverse effects on the statutory sites (SACs, SPAs, MCZs, Ramsar sites or SSSIs) within the vicinity of the proposed development”** (Statement of Common Ground between Dorset Council and the applicant). The applicant has not provided sufficient evidence to substantiate this assumption.”*

In conclusion, Portland Town Council wishes to reiterate its objection to the application, on grounds of the negative impacts on human health and the environment. In submitting the objection the Council additionally refers Dorset Council to the recently submitted Ecological Review of Shadow Habitats Regulations Assessment, by Jonathan Cox, which along with other specialist assessments, also reaches the conclusion that insufficient evidence exists to enable Powerfuel to declare that there will be no adverse impact on human health and the environment from building, servicing and operation of the proposed incinerator.

The Ecological review also comes to the same conclusion as the Air Quality Assessment that the assessment of air quality impacts of the proposed ERF continue to contain major flaws and deficiencies. As such the conclusions of the Shadow HRA must be considered unreliable.

Portland Town Council objects to the application on the grounds of detrimental effects to both humans and the environment.