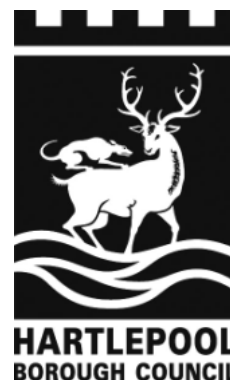


# **NEIGHBOURHOOD SERVICES SCRUTINY FORUM AGENDA**



**Monday 1<sup>st</sup> March 2010**

**at 4.00 pm**

**in the Chamber,  
Civic Centre, Hartlepool**

**MEMBERS: NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

Councillors S Akers-Belcher, Barker, R W Cook, Coward, Fleming, J Marshall, Rogan, Worthy and Wright

Resident Representatives: John Cambridge and Brenda Loynes

Also invited to attend:

The Mayor, Stuart Drummond

Councillors Aiken, C Akers-Belcher, Allison, Atkinson, Brash, S Cook, Cranney, Fenwick, Fleet, Flintoff, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Laffey, Lauderdale, A E Lilley, G Lilley, London, A Marshall, McKenna, Dr Morris, Payne, Plant, Preece, Richardson, Shaw, Simmons, Sutheran, Thompson, Tumilty, Turner, Wallace, Wistow, Young

Resident Representatives: Christine Blakey, Ronald Breward, Liz Carroll, Bob Farrow, Mary Green, Ray Harriman, Ted Jackson, Jean Kennedy, Rose Kennedy, Evelyn Leck, Alan Lloyd, John Lynch, Brian McBean, Mary Power, Julie Rudge, Iris Ryder, Linda Shields, Bob Steel, Joan Steel, Sally Vokes and Maureen Waller.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

### 3. MINUTES

3.1 To confirm the minutes of the meeting held on 16<sup>th</sup> February 2010 (*to follow*)

### 4. RESPONSES FROM THE COUNCIL, THE EXECUTIVE OR COMMITTEES OF THE COUNCIL TO FINAL REPORTS OF THIS FORUM

No items.

### 5. CONSIDERATION OF REQUEST FOR SCRUTINY REVIEWS REFERRED VIA SCRUTINY CO-ORDINATING COMMITTEE

No items.

### 6. CONSIDERATION OF PROGRESS REPORTS / BUDGET AND POLICY FRAMEWORK DOCUMENTS

No items.

### 7. ITEMS FOR DISCUSSION

#### **Investigation into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas**

7.1 Evidence from key groups:-

(a) Covering Report – *Scrutiny Support Officer; and*

(b) Verbal evidence from:-

- (i) the Regeneration and Neighbourhoods Departments;
- (ii) the Environment Agency;
- (iii) PD Ports;
- (iv) Van Dalen; and
- (v) Heerema

7.2 Evidence from the Portfolio Holder for Transport and Neighbourhoods and the Portfolio Holder for Regeneration and Economic Development:-

(a) Covering Report – *Scrutiny Support Officer; and*

- (b) Verbal evidence from the Portfolio Holder for Transport and Neighbourhoods; and
- (c) Verbal evidence from the Portfolio Holder for Regeneration and Economic Development

7.3 Feedback from the site visit held on 19<sup>th</sup> February 2010, the observations from the Town Wall and the Focus Group held on 23<sup>rd</sup> February 2010:-

- (a) Covering Report – *Scrutiny Support Officer; and*
- (b) Feedback from the site visit held on 19<sup>th</sup> February 2010, the observations from the Town Wall and the Focus Group held on 23<sup>rd</sup> February 2010

**8. ISSUES IDENTIFIED FROM FORWARD PLAN**

**9. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**ITEMS FOR INFORMATION**

**Date of next meeting –**

Tuesday, 16 March 2010, commencing at 4.00 p.m in the Council Chamber, Civic Centre, Hartlepool

# **NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

## **MINUTES**

16 FEBRUARY 2010

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

### **Present:**

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Rob Cook, John Coward and Ann Marshall.

Resident Representatives: John Cambridge and Brenda Loynes.

Also Present: Councillors Jonathan Brash, Alison Lilley, and Geoff Lilley.  
Resident Representatives Jean Kennedy, John Lynch and Iris Ryder.

Officers: Dave Stubbs, Director of Regeneration and Neighbourhoods  
Sylvia Tempest, Environmental Standards Manager  
Adrian Hurst, Principal Environmental Health Officer  
Joan Wilkins, Scrutiny Manager  
Laura Starrs, Scrutiny Support Officer  
David Cosgrove, Democratic Services Team

### **76. Apologies for Absence**

Councillors Barker, Fleming, Worthy and Wright and Councillor Richardson.

### **77. Declarations of interest by Members**

None.

### **78. Minutes of the meeting held on 26 January and 1 February 2010**

Confirmed.

### **79. Responses from the Council, the Executive or Committees of the Council to Final Reports of this Forum**

No items.

**80. Consideration of request for scrutiny reviews referred via Scrutiny Co-ordinating Committee**

No items.

**81. Consideration of progress reports/budget and policy framework documents**

No items.

**82. Scrutiny Investigation into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas – Scoping Report** (*Scrutiny Support Officer*)

The Scrutiny Support Officer reported that the Health Scrutiny Forum recently carried out an investigation into 'Dust Deposits on the Headland' in response to serious concerns from residents on the Headland and surrounding areas to the health implications of dust deposits. Members of the Health Scrutiny Forum met formally on 27 October 2009 to receive evidence relating to the health implications of dust deposits on the Headland and surrounding areas.

Following its investigation into the health implications of dust deposits on the Headland and surrounding areas the Health Scrutiny Forum presented its Final Report to the Scrutiny Co-ordinating Committee on 11 December 2009. The recommendations in the Final Report were accepted by the Scrutiny Co-ordinating Committee.

At this meeting of 11 December 2009, the Scrutiny Co-ordinating Committee recommended that:-

- (a) the Neighbourhood Services Scrutiny Forum:-
  - (i) undertake a site visit to the Port area to observe the loading of scrap metal onto a ship; and
  - (ii) examine the potential damage to properties, the environment, noise and any possible statutory nuisance of Port activities.
- (b) the Regeneration and Neighbourhoods Department in consultation with the relevant Portfolio Holder(s):-
  - (i) consult with the Port workforce and explore the possible options in terms of enforcement, ensuring that any operational deficiencies on the Port site are not repeated; and
  - (ii) explore the role of the Environment Agency as the legally responsible body for the regulation of the operating permit of activities in the Port.

Detailed terms of reference were set out in the report. The Chair wished to

allow a full discussion of the terms of reference with the Members, Resident Representatives and the public present.

The Scrutiny Support Officer also highlighted that there was a timetable of meetings for the investigation set out in section 8 of the report. The meetings attention was drawn to two major parts of the timetable; the first being the Focus Group to gather views from residents which was to be held on Tuesday 23 February commencing at 7.00 p.m. in the Borough Hall on the Headland. The Chair encouraged as many people as possible to attend the Focus Group and in response to comments of the short notice, indicated that there would be a leaflet drop to all the residences on the Headland and the surrounding areas, including the Central Estate and the Marina area that day after the meeting.

The Scrutiny Support Officer also highlighted the site visit to the PD Ports site. This would take place on Friday 19 February at 3.00 p.m. and the Chair indicated that all Members and Resident Representatives were invited to attend the visit. The Scrutiny Support Officer also indicated that the dates of the loading of ships would be circulated so that Members and Resident Representatives could view the operations from the Town Wall as and when they choose.

Prior to the Chair taking the Forum through the terms of reference of the investigation, there was a wide ranging discussion involving Members, Resident Representatives and the public present, During the debate the following points and questions were put: -

- That the Health Scrutiny Forum's investigation was still on-going was welcomed. The Chair did stress that this investigation would concentrate solely on the environmental issues as directed by Scrutiny Coordinating Committee and asked Members to focus on those issues.
- Members requested that the anecdotal evidence submitted by residents to the Health Scrutiny Forum which included environmental issues should be brought to this investigation. The Chair asked that this evidence be brought into the investigation if it included environmental issues.
- Members should have access to the Envoy Report.
- That terms of reference (d) the words "and peoples quality of life" be added.
- The meeting acknowledged that the Health Scrutiny investigation was still on-going and was awaiting the report of Dr Kelly. The meeting started to debate the medical evidence that Dr Kelly would be utilising in producing his report. The Chair drew the meeting's focus back to the environmental aspects and stated that the Health Scrutiny Forum would undertake the work on health issues.
- Members requested evidence from the Environment Agency on the effects of the talc, sand and scrap metal deposits on water, soil, homes – specifically upvc, car paintwork and other metals.
- Members requested details of any evidence gathered or reports produced by the Primary Care Trust (PCT) and the Health and Safety Executive (HSE) on the health affects of the talc and sand loaded/unloaded at the

port. It was understood that the PCT had been involved in Liaison Group meetings. However, these would only be brought forward if they related to the environmental impacts.

- Members requested chronological details of the complaints received by the Council and what action had been taken on each going back over the 19 years of this issue. If these were available they would be provided.
- Members requested details of the air and soil sampling undertaken in the area around the port and the results of that sampling. The Director of Regeneration and Neighbourhoods indicated that those results had been supplied to the Health Scrutiny Forum. Money had been identified in the 2010/11 budget for a permanent monitoring station on the Headland. Members requested that the location of the monitoring station be discussed to ensure it was appropriately situated.
- A joint meeting between the Health and Neighbourhood Services Scrutiny Forums was suggested. Both Chairs of the Forums indicated that they did not feel that this would be productive and that each meeting had its own separate remit to ensure proper scrutiny of the relevant issues. The Chairs did suggest that submitting their final reports to Scrutiny Coordinating Committee simultaneously would allow for a full debate on both issues, subject to the approval of the Chair of Scrutiny Coordinating Committee.

Following the debate the Forum considered and approved, as amended, the following terms of reference for the investigation: -

- (a) To gain an understanding of the activity roles and professional responsibilities of the Council and Environment Agency in relation to the licensing and enforcement of Port activities;
- (b) To explore the roles and responsibilities of PD Ports, Van Dalen Metals Recycling and Trading and Heerema Fabrication in relation to how they operate to ensure that their activities have minimal environmental impact;
- (c) To examine the potential damage that port activities may have on:-
  - (i) properties on the Headland and surrounding areas; and
  - (ii) the environment
- (d) To explore the concerns of residents in relation to the potential damage that port activities may have on properties on the Headland and surrounding areas and the potential damage to the environment and peoples quality of life;
- (e) To assess the impact of the potential noise pollution from Port activities to establish whether it contributes to a statutory nuisance; and,
- (f) To undertake site visits to the Port area and Town Wall to observe the loading / unloading of ships.

The meeting then moved on to consider the potential areas of enquiry and sources of information. From the earlier debate the following were added to the list of sources of evidence: -

The Health and Safety Executive, if evidence can be provided on the environmental impacts

Additional information on the affects on the marine environment from the Environment Agency  
Information on planning controls applied to the PD Ports site from the Council's Planning Department and the Environment Agency  
Hartlepool Primary Care Trust (if evidence can be provided on the environmental impacts)  
Any additional photographic evidence from residents  
Visits to residents properties by the Forum to see the damage caused by the deposits  
Evidence from the Boat Owners Association at the Marina

The Chair indicated that he would ask officers to bring that evidence forward, subject to any legal concerns that may arise in relation to the validity of the evidence. The Chair thanked the residents in attendance for allowing Members to visit their homes.

Members also requested details of the statutory powers held by both the authority and the Environment Agency. Details of the road movements of the scrap metal and the talc were also requested. Members also questioned if there were, or could be, alternative arrangements for the offloading of the talc used by the Tioxide plant on Seal Sands.

Members also requested that the leaflet advising residents of the Focus Group Meeting include some simple questions that could be returned to the Council should residents not be able to attend the meeting but wish to put their views forward. The Scrutiny Support Officer indicated that it would be possible to add some questions, which would be agreed with the Chair, before circulating the leaflet. The leaflet would be circulated within the next couple of days to give as much notice as possible of the meeting.

The potential areas of enquiry and sources of information and the programme of meetings and the timetable for investigation were then agreed by the meeting.

### **Recommended**

That the Neighbourhood Services Scrutiny Forum's remit of the Scrutiny investigation as amended and set out above be approved.

## **83. Issues Identified from the Forward Plan**

No items.

The meeting concluded at 6.05 p.m.

CHAIRMAN

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM REPORT

1 March 2010



**Report of:** Scrutiny Support Officer

**Subject:** POSSIBLE ENVIRONMENTAL IMPACTS OF DUST  
DEPOSITS ON THE HEADLAND AND  
SURROUNDING AREAS – EVIDENCE FROM KEY  
GROUPS - COVERING REPORT

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### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the Forum that Officers from the Council's Regeneration and Neighbourhoods Department and representatives from key groups (Environment Agency, PD Ports, Van Dalen, Heerema) will be in attendance at this meeting to give evidence in relation to the possible environmental impacts of dust deposits on the Headland and surrounding areas.

### 2. BACKGROUND INFORMATION

- 2.1 Members will recall that at the meeting of this Forum on 16 February 2010, the Terms of Reference and Potential Areas of Inquiry / Sources of Evidence for this scrutiny investigation were approved by the Forum.
- 2.2 Subsequently, Officers from the Council's Regeneration and Neighbourhoods Department will be in attendance to provide evidence to the Forum in relation to:-
- (a) the Council's roles, responsibilities and regulatory powers;
  - (b) licensing and the enforcement of operational deficiencies;
  - (c) noise pollution and statutory nuisance;
  - (d) monitoring and sampling;
  - (e) complaints; and
  - (f) economic background

- 2.3 A representative from the Environment Agency will be in attendance to provide evidence to the Forum in relation to:-
- (a) the Agencies roles, responsibilities and regulatory powers;
  - (b) operating permits and enforcement of operational deficiencies;
  - (c) Investigations carried out on the effects of dust deposits on the environment; and
  - (d) Hartlepool's marine environment
- 2.4 A representative from PD Ports, Van Dalen and Heerema will be in attendance to provide evidence in relation to how the companies operate to ensure that their activities have minimal environmental impact.
- 2.5 At the meeting of this Forum held on 16<sup>th</sup> February 2010, background information and additional information was discussed, however, at the time of distribution of this report, the information had not yet been collated but will be circulated prior to the meeting.

### **3. RECOMMENDATION**

- 3.1 That Members of the Forum consider the views of the officers and representatives in attendance and seek clarification on any relevant issues where felt appropriate

### **CONTACT OFFICER**

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Chief Executive's Department - Corporate Strategy  
Hartlepool Borough Council  
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### **BACKGROUND PAPERS**

The following background paper was used in preparation of this report:-

- (a) Scrutiny Investigation into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas – Scoping Report – 16 February 2010

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM REPORT

1 March 2010



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** POSSIBLE ENVIRONMENTAL IMPACTS OF DUST  
DEPOSITS ON THE HEADLAND AND  
SURROUNDING AREAS -ECONOMIC BENEFITS  
OF PORT AND USERS

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### 1. Introduction

- 1.1 The following information has been collated for the Neighbourhood Services Scrutiny "Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas".
- 1.2 The information below represents the key economic benefits to Hartlepool of the Port and its occupiers. Any further economic information gathered will be tabled at the next Scrutiny meeting.

### 2. PD PORTS

- 2.1 Tees and Hartlepool is third largest port in UK.
- 2.2 Employment – minimum 100 on site per day .Mainly engineering and stevedores.
- 2.3 Port also supports the following key occupiers – Heerema, JDR Cables, Omya and Vandalen.
- 2.4 The Port also provides key shipping and dock services to Huntsman and Corus.

### 3. HEEREMA

- 3.1 Major offshore engineering facility, diversifying into offshore.20% of turnover last year was offshore wind market.
- 3.2 Turnover

**2008** £17m

**2009** £61m

- 3.3 Employment varies with contracts , can be up to 1,000 direct employees. Following figures represent the last two years.

**2008-** Direct employees 188. Supplier chain 188. Total 376

**2009-** Direct employees 549, 110 client personnel.  
Supplier chain 659. Total 1,318

- 3.4 Average salary on site £45,000 pa.

#### **4. JDR CABLES**

- 4.1 Manufacturer of high grade offshore cables and umbilical cords , currently supplying Greater Gabbard , the world's largest wind farm with sub sea array cabling and has also won contract to supply London Array project which will be double the size of Greater Gabbard.  
JDR also working on largest wave energy project in UK.
- 4.2 JDR currently employ 60 people , 45 in manufacturing and 15 in design, project management etc.
- 4.3 Average salary is £30,500  
It is anticipated that JDR will employ over 200 over the next 4 to 5 years .
- 4.4 Business has invested £13m to date and will invest a further £3m this year.

#### **5. HUNTSMAN TIOXIDE**

- 5.1 Huntsman manufactures titanium dioxide and supplies world wide markets. The facility at Greatham is state of the art and well over £150m has been invested on the plant in last five years.
- 5.2 The company employs 250 direct staff and 140 core contractors. Average salaries on site total £30,000 pa. Supplier chain will support at least a further 250 jobs.
- 5.3 There is an extensive local supplier chain including PD Logistics, PD Ports , Naramax , Wolviston Management Services.

## **6. OMYA**

- 6.1 Manufacturer of The Hartlepool plant processes white dolomite (calcium magnesium carbonate).
- 6.2 Employ 13 direct. Supplier chain is almost exclusively local Hartlepool businesses and this will support at least 13 additional jobs.

### **CONTACT OFFICER**

Antony Steinberg – Economic Development Manager  
Economic Development  
Hartlepool Borough Council  
Tel: 01429 523503  
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### **BACKGROUND PAPERS**

No background papers were used in the preparation of this report.

## NEIGHBOURHOOD SERVICES FORUM REPORT

1<sup>st</sup> March 2010



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** POSSIBLE ENVIRONMENTAL IMPACTS OF DUST DEPOSITS ON THE HEADLAND AND SURROUNDING AREAS

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide Members of the Neighbourhood Services Scrutiny Forum with background information relating to dust complaints on the Headland and surrounding areas and to provide details of work undertaken by Environmental Protection Officers as part of this investigation.

### 2. BACKGROUND INFORMATION

- 2.1 There are two sets of regulatory powers covering pollution issues in and around the port:-

#### 2.1.1 Environmental Protection Act 1990

Any nuisance from general port activities including the majority of the loading and unloading of cargoes is regulated by the Local Authority under the provisions of the Environmental Protection Act 1990. To fall within the definition of statutory nuisance, an activity needs to be, or be likely to be a nuisance, or prejudicial to health.

A test for statutory nuisance is generally accepted to be the 'private nuisance common-law test' that is, judged by the standard of the reasonable man, and whether the activity amounts to an unreasonable interference with the use and enjoyment by the claimant of his/her land, taking into account the nature of the area, has the activity materially and unreasonably detracted from his/her enjoyment of their own property?.

Section 79 of the Act defines the following matters as constituting a statutory nuisance;

(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance and

(g) noise emitted from premises so as to be prejudicial to health or a nuisance

Section 80 of the Act states;

(1) where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the authority, the Local Authority shall serve a notice (‘an abatement notice’) imposing all or any of the following requirements-

(a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence

(b) requiring the execution of such works, and the taking of such steps as may be necessary for any of those purposes

In the case where a nuisance arises on an industrial, trade or business premises it is a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance. Section 79 (9) defines ‘practicable’ as reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications.

Case law exists related to statutory nuisance from dust arising from port activity. *Wivenhoe Port -v- Colchester BC* [1985] J.P.L. 175 was a case in relation to statutory nuisance caused by dust from the handling of soya meal. It was held in the Crown Court that a nuisance within the definition of statutory nuisance must interfere materially with the personal comfort of residents in the sense that it materially affected their well being although it might not be prejudicial to their health. Dust falling on vehicles might be an inconvenience to their owners and might even diminish the value of the car but this would not be a statutory nuisance. In the same way dust falling on a garden, or inside a shop would not be a statutory nuisance but dust in the eyes or hair even if not shown to be prejudicial to health would be an interference with personal comfort.

## 2.1.2 Environmental Permitting Regulations 2007

There are processes on the docks that are regulated under the provisions of the Environmental Permitting Regulations 2007. Section 79(10) of the Environmental Protection Act 1990 prevents the use of the nuisance provisions where an environmental permit is in place. In these cases the regulation has to be undertaken through the conditions on the permit and the nuisance provisions can only be used with a derogation from the Secretary of State.

There are 2 permitted operations on the Port:-

(i) Van Dalens - which is a permitted waste operation and therefore now regulated by the Environment Agency (EA) and:

(ii) The coal and coke deliveries handled by PD Ports which Hartlepool Borough Council (HBC) as a Local Authority regulate. The description of the permitted operation is 'The discharging of coal of various sizes and petroleum coke by ship's cranes and/or quayside cranes from ship's hold to quay and/or direct to road transport at Victoria Harbour.' There are various conditions attached to this permit (see background papers)

- 2.2 On occasions in the past there have been problems with dust emanating from Port activities. When complaints have been received they have been investigated and the issues resolved.
- 2.3 There were problems in the 1990's concerning noise and dust from the Port and in particular around activities on Irvine's quay and the scrap operation at that time operated by the Hartlepool Steel Company. This resulted in a liaison group being set up with representatives from the Port Authority, Hartlepool Borough Council (HBC) and residents from the Headland and Town Wall. This group held regular meetings for a couple of years and agreements and changes in practices were achieved to the satisfaction of all parties. The group was disbanded in the mid 1990's as it had achieved all its aims.
- 2.4 At the end of February and beginning of March 2008 a number of complaints were received from residents of the Town Wall concerning alleged dust nuisance from the scrap operation on the Port. Their windows were covered in a fine layer of black dust. Some of this dust was magnetic indicating that it contained metals. HBC officers spoke to Van Dalen, the operator on the port in order to resolve the current problems. As it was recognised that there was a problem with dust from Van Dalen's operations and from the Port it was decided that the best way to pursue this was to set up another liaison group with all interested parties.
- 2.5 The first meeting of the liaison group was held on 6<sup>th</sup> March 2008 and was attended by the local Ward Councillors, residents from the Town Wall and representatives from Van Dalen, HBC, the Health and Safety Executive (HSE) and the Environment Agency (EA). It was decided at this meeting that the main aim was to resolve the dust problems without causing any further environmental complications. The residents raised a number of concerns at this meeting about the health effects of the dust as a number of them suffer from respiratory problems and dermatitis.
- 2.6 It was agreed by the liaison group that the regulatory bodies should meet further and report back to the group. As a result, officers from HBC, the HSE and the EA attended a meeting on 8<sup>th</sup> April 2008.

- 2.7 The (draft) minutes of the officers (regulatory bodies) meeting on the 8<sup>th</sup> April 2008 were distributed at the following liaison meeting on 22<sup>nd</sup> April 2008 as minuted.
- 2.8 A further three liaison meetings were held up until 8<sup>th</sup> September 2008. Representatives from the Primary Care Trust (PCT) and Health Protection Agency (HPA) were in attendance. The main points arising from these meetings were:-
- (i) It was agreed that a dust management plan was needed and that PD Ports should be looking to provide dockside sweepers to help prevent dust accumulations.
  - (ii) PD Ports had produced working procedures for loading shipments and hosing down.
  - (iii) Envoy Environmental (Consultants employed by Van Dalen Ltd) agreed to undertake outline monitoring and a study on emissions from loading activities. They also agreed to take dust samples from the residents and analyse them. On production of the resulting report, the monitoring had highlighted the presence of Titanium Dioxide in the dust samples. There was a suggestion that there may be some contamination of the scrap from the routile operation on the dock. The report concluded that the dust levels were now below the regulated limits for personnel monitoring and insignificant for environmental monitoring.
  - (iv) Councillor Marshall stated that the situation was in two halves - the historical and the present. He said we need to draw a line under the historical issues and focus on the situation now. He said that he wanted the health implications for the whole area to be looked at including such areas as Spion Cop, Central Estate as well as the Headland and not just concentrating on Van Dalen.
  - (v) The representative from the HPA stated that issues around health are very complicated and that pinning down the cause of health implications is extremely difficult. He thought it would be beneficial to find out if the Headland is statistically worse off for conditions such as asthma and that the PCT would be the better organisation to deal with this survey. He reiterated that even if a study was carried out and was able to prove there was a health problem he was not sure of the benefit because the causing factor was so difficult to prove, especially as there is a strong link between poor health and deprivation.
  - (vi) It was agreed that members of the public need to contact Van Dalen or the Port if there are problems and also notify HBC and the EA. The residents were reminded of the importance of letting the regulators know immediately if there were issues so action could be taken and not supplying information weeks after the event.
  - (vii) Residents expressed concern about the health effects of routile sand.

The Health Protection Agency informed the meeting that the data sheets confirm that routine has no major health effects and is a nuisance dust only.

- (viii) The PCT explained that lots of analysis has been carried out regarding the substances from the port and the analysis had found nothing that could cause any significant health implications. At present the problems at the Headland cannot be linked to the environment.
- (ix) Councillor Marshall was keen on disseminating a leaflet to residents. A draft leaflet/newsletter was sent to residents for comments.

2.9 Minutes of all liaison and officers meetings are provided in the background papers.

### 3. RECENT PROGRESS/ACTIVITY

- 3.1 Major improvements at the dock side including hoppers cleaning etc. have been implemented.
- 3.2 No complaints were received at HBC between September 2008 and January 2009. On 20<sup>th</sup> January 2009 a complaint was received from a resident of Sea View Terrace re brown spots on windows. The windows had been replaced by Heerema last year. An HBC Officer visited premises and found small orangey brown spots but only on the first floor front window sills and nowhere else. This is some distance away from the docks and the affected windows are on the opposite side of the property. The source of this is unlikely to be from the port.
- 3.3 A complaint was received at HBC on 20<sup>th</sup> February 2009 from a resident on Town Wall concerning limestone dust on his car and property. A further complaint about the same incident was received from another resident who had just returned from holiday on 23<sup>rd</sup> February 2009.
- 3.4 In April 2009 the decision was made to undertake a monitoring exercise around the Headland and Central Estate. Equipment was ordered and the exercise started in June 2009.
- 3.5 The Dust Monitoring Exercise involves samples of UPVC and two sets of petri dishes (daily and weekly samples) coated in fine layer of petroleum jelly located at sites all around the Headland, Central Estate and the Marina. The following locations are used for the samples:

Telford Close  
 Commercial Street (Small Crafts Pub)  
 18 Thorpe Street  
 9 Seaview Terrace  
 8 Town Wall  
 127 Northgate

Daily weather reports are logged, including wind speed and direction. Daily records are collected of all shipping and cargoes loaded and unloaded in the port.

Visual monitoring of port activities has been undertaken along with photographic evidence.

- 3.6 The sampling programme is ongoing and the summary of the results to date are attached (see appendix 1). The results of the samples show no heavy metals to be present and only trace levels of iron oxide and titanium dioxide. The analyst's opinion is that these levels are consistent with the levels found in general dust and dirt.
- 3.7 Unfortunately due to staffing changes and workloads the final newsletter which it had been agreed to distribute had not been produced. Councillor Marshall rang HBC in June 2009 asking about the final copy. On realising the omission, an apology was given and officers offered to have the leaflet updated and distributed. Councillor Marshall did not want this to be done as he said it had not been agreed with the residents.
- 3.8 A telephone call was received from Councillor Marshall informing that he had set up a public meeting for the 23<sup>rd</sup> June 2009 in the Borough hall and that no officer from the local authority or any of the other agencies were invited and that if we turned up we would be pointed out and removed from the meeting.
- 3.9 A detailed chronological report of activity related to the issue is provided in the background papers.

#### **4. ADDITIONAL INFORMATION**

- 4.1 Under the provisions of the Environment Act 1985 and The Air Quality Regulations, the Council has to continually review and assess the air quality in the Borough. There is a requirement to assess a number of specified pollutants which have set objectives which must be met. A full review and assessment was initially undertaken in 2000. A progress report has to be prepared annually and every 3 years we have to undertake an updating and screening assessment. As part of this process one of the pollutants we have to assess are PM10 particulates. These are the particulates that are less than 10 microns in diameter which can enter the lungs. The objective that has to be met is an annual mean of 40µgm<sup>3</sup> and a 24 hr mean of 50µgm<sup>3</sup>. These are the levels at which there is a potential risk to health. HBC undertook ambient monitoring on the Headland at a site in Union Street in 2001 and the verified results which were accepted by DEFRA were an annual mean of 24 µgm<sup>3</sup>. This is comfortably within the target objective
- 4.2 When complaints have been received they have been investigated and the issues resolved. No guarantees can ever be given that there will not be recurrences of problems or new problems that arise due to changes

- 4.3 There have been major improvements at the dock side including hoppers cleaning etc; HBC officers have a legal duty to investigate complaints however at present there is no evidence available to initiate legal action.
- 4.4 Consideration was given to undertaking ambient particulate monitoring in the area subject to securing the necessary finance. Quotations were obtained for replacement of monitoring equipment (approx £30,000) and a bid submitted to SCRAPT. This bid has now been approved and particulate monitoring equipment will be purchased and sited at a suitable location on the Headland.
- 4.5 Consultation with residents will be undertaken when identifying appropriate sites for locating this monitoring equipment.

## **5. RECOMMENDATIONS**

That Members of the Forum note the content of the report and where appropriate seek clarification.

## **6. CONTACT OFFICER**

Adrian Hurst, Principal Environmental Health Officer (Environmental Protection)  
Department of Regeneration and Neighbourhoods  
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## **BACKGROUND PAPERS**

The following background papers were used in the preparation of this report:-

- (i) Minutes of Liaison and officer meetings.
- (ii) Detailed chronological list of events
- (iii) Copies of Environmental Permits
- (iv) Copy of "Review and Assessment of Air Quality 2003 - Update and Screening Report"

		Iron	Titanium	Cadmium	Lead	Chromium	Arsenic	Mercury
27/07/2009	9 Seaview Terrace	100-200mg/kg	100-200mg/kg	None	None	None	None	None
28/07/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
17/08/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
17/08/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
17/08/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
17/08/2009	127 Northgate	Trace	Trace	None	None	None	None	None
20/08/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
20/08/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
20/08/2009	127 Northgate	Trace	Trace	None	None	None	None	None
20/08/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
09/09/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
09/09/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
09/09/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
09/09/2009	127 Northgate	Trace	Trace	None	None	None	None	None
30/06/2009	127 Northgate	Trace	Trace	None	None	None	None	None
06/07/2009	3 telford Close	Trace	Trace	None	None	None	None	None
13/07/2009	Small Crafts	Trace	Trace	None	None	None	None	None
20/07/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
27/07/2009	3 telford Close	Trace	Trace	None	None	None	None	None
04/08/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
10/08/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
17/08/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
24/08/2009	127 Northgate	Trace	Trace	None	None	None	None	None
01/09/2009	Small Crafts	Trace	Trace	None	None	None	None	None
07/09/2009	3 telford Close	Trace	Trace	None	None	None	None	None
14/09/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
21/09/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
24/09/2009	3 telford Close	Trace	Trace	None	None	None	None	None
24/09/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
24/09/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
24/09/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
24/09/2009	127 Northgate	Trace	Trace	None	None	None	None	None
24/09/2009	Small Crafts	Trace	Trace	None	None	None	None	None
09/09/2009	3 telford Close	Trace	Trace	None	None	None	None	None
09/09/2009	Small Crafts	Trace	Trace	None	None	None	None	None
20/08/2009	3 telford Close	Trace	Trace	None	None	None	None	None

20/08/2009	Small Crafts	Trace	Trace	None	None	None	None	None
28/09/2009	3 telford Close	Trace	Trace	None	None	None	None	None
28/09/2009	18 Thorpe Street	Trace	Trace	None	None	None	None	None
28/09/2009	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
28/09/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
28/09/2009	127 Northgate	Trace	Trace	None	None	None	None	None
28/09/2009	Small Crafts	Trace	Trace	None	None	None	None	None
20/10/2009	8 Town Wall	Trace	None	None	None	None	None	None
20/10/2009	127 Northgate	Trace	None	None	None	None	None	None
26/10/2009	8 Town Wall	Trace	None	None	None	None	None	None
26/10/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
02/11/2009	127 Northgate	Trace	None	None	None	None	None	None
03/11/2009	127 Northgate	Trace	None	None	None	None	None	None
03/11/2009	8 Town Wall	Trace	None	None	None	None	None	None
09/11/2009	127 Northgate	Trace	None	None	None	None	None	None
09/11/2009	8 Town Wall	Trace	None	None	None	None	None	None
19/11/2009	8 Town Wall	Trace	None	None	None	None	None	None
19/11/2009	127 Northgate	Trace	None	None	None	None	None	None
21/11/2009	3 Town Wall	Trace	None	None	Trace	None	None	None
23/11/2009	127 Northgate	Trace	Trace	None	None	None	None	None
23/11/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
26/11/2009	127 Northgate	Trace	Trace	None	None	None	None	None
26/11/2009	127 Northgate	Trace	Trace	None	None	None	None	None
30/11/2009	8 Town Wall	Trace	Trace	None	None	None	None	None
30/11/2009	127 Northgate	Trace	Trace	None	None	None	None	None
02/12/2009	8 Town Wall	Trace	None	None	None	None	None	None
02/12/2009	127 Northgate	Trace	None	None	None	None	None	None
07/12/2009	127 Northgate	Trace	Trace	None	Trace	None	None	None
07/12/2009	8 Town Wall	Trace	Trace	None	Trace	None	None	None
04/01/2010	9 Seaview Terrace	Trace	Trace	None	None	None	None	None
04/01/2010	3 Telford Close	Trace	None	None	None	None	None	None
04/01/2010	8 Town Wall	Trace	Trace	None	None	None	None	None
04/01/2010	127 Northgate	Trace	None	None	None	None	None	None
04/01/2010	18 Thorpe Street	Trace	None	None	None	None	None	None
04/01/2010	Smallcrafts	Trace	None	None	None	None	None	None

Daily Sample
Weekly Sample

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM REPORT

1 March 2010



**Report of:** Scrutiny Support Officer

**Subject:** POSSIBLE ENVIRONMENTAL IMPACTS OF DUST DEPOSITS ON THE HEADLAND AND SURROUNDING AREAS – EVIDENCE FROM THE PORTFOLIO HOLDER FOR TRANSPORT AND NEIGHBOURHOODS AND THE PORTFOLIO HOLDER FOR REGENERATION AND ECONOMIC DEVELOPMENT - COVERING REPORT

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### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the Forum that the Portfolio Holder for Transport and Neighbourhoods and the Portfolio Holder for Regeneration and Economic Development have been invited to attend this meeting to provide evidence in relation to the investigation into the 'Possible Environmental Impacts of Dust Deposits on the Headland'.

### 2. BACKGROUND INFORMATION

- 2.1 Members will recall that at the meeting of this Forum on 16 February 2010, the Terms of Reference and Potential Areas of Inquiry/Sources of Evidence were approved by the Forum for this scrutiny investigation.
- 2.2 Subsequently, the Authority's Portfolio Holder for Transport and Neighbourhoods and the Portfolio Holder for Regeneration and Economic Development have been invited to this meeting to provide evidence to the Forum in relation to the possible environmental impacts of dust deposits on the Headland.

### 3. RECOMMENDATION

- 3.1 That Members of the Forum consider the views of the Portfolio Holder for Transport and Neighbourhoods and the Portfolio Holder for Regeneration and

Economic Development, seeking clarification on any relevant issues where felt appropriate.

### **CONTACT OFFICER**

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Chief Executive's Department - Corporate Strategy  
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### **BACKGROUND PAPERS**

The following background paper was used in preparation of this report:-

- (a) Scrutiny Investigation into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas – Scoping Report – 16 February 2010

## NEIGHBOURHOOD SERVICES SCRUTINY FORUM

1 March 2010



**Report of:** Scrutiny Support Officer

**Subject:** POSSIBLE ENVIRONMENTAL IMPACTS OF DUST DEPOSITS ON THE HEADLAND AND SURROUNDING AREAS - FEEDBACK FROM THE SITE VISIT HELD ON 19<sup>th</sup> FEBRUARY 2010, THE OBSERVATIONS FROM THE TOWN WALL AND THE FOCUS GROUP HELD ON 23<sup>rd</sup> FEBRUARY 2010 – COVERING REPORT

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### 1. PURPOSE OF REPORT

- 1.1 To facilitate a discussion amongst Members of this Forum in relation to the site visit to PD Ports held on 19 February 2010, the observations from the Town Wall by Members and the Focus Group held on 23 February 2010.

### 2. BACKGROUND INFORMATION

- 2.1 As part of the evidence gathering process for the undertaking of the investigation into the 'Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas' a site visit was recently attended by Members of the Neighbourhood Services Scrutiny Forum to PD Ports and also Members visited the Town Wall as and when they choose to observe the loading / unloading of ships.
- 2.2 A focus group was also held on 23 February 2010 to gather views of residents. The views / comments / questions will be circulated to Members in advance of this meeting. In addition to this answers will be provided to the questions in written format prior to the meeting.
- 2.3 In line with good practice, Members of this Forum who were in attendance are requested to share / discuss their findings at today's meeting.

### **3. RECOMMENDATIONS**

- 3.1 That Members of the Forum discuss their findings from the site visits and focus group as outlined in section 2 of this report.

Contact:- Laura Starrs – Scrutiny Support Officer  
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### **BACKGROUND PAPERS**

- (a) Scrutiny Investigation into the Possible Environmental Impacts of Dust Deposits on the Headland and Surrounding Areas – Scoping Report – 16 February 2010