

REPORT TO: Executive Board Sub Committee
DATE: 15 July 2011
REPORTING OFFICER: Strategic Director, Communities
SUBJECT: Halton BC Environmental Health Air Quality Monitoring Contract with INEOS Chlor Ltd.
WARD(S) Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 This report seeks to inform members of the proposal by INEOS Chlor Ltd to award their contract for the monitoring of air quality in Weston Point in relation to their development located in Weston Point, to Halton Borough Council's Environmental Health Department.

2.0 RECOMMENDATION

That Members of the Executive Board Sub Committee approve:

- i) the contract arrangement proposed by INEOS Chlor for Halton BC's Environmental Health to carry out air quality monitoring in Weston Point;**
- ii) the contractual arrangements which will be made with sub-contractors and Environmental Health.**

3.0 SUPPORTING INFORMATION

3.1 INEOS Chlor Ltd is currently constructing a plant that will use waste to generate steam and electricity. The development which is located within the INEOS site bordering Weston Point is due to start operating in 2012.

3.2 Environmental Health was approached by INEOS Chlor Ltd to undertake an air quality monitoring project within Weston Point. The aim of the project is to monitor dioxins, nitrogen dioxides and particulate matter, PM2.5 and PM10. Monitoring shall commence one year before the commissioning of the plant and two years after in order ascertain whether there is any significant impact on local air quality in Weston Point.

3.3 The requirement to monitor was imposed through a condition on the planning consent which was produced by the Secretary of State.

- 3.4 Enforcement of any air quality contraventions in relation to the permit granted to INEOS Chlor Ltd will be by the Environment Agency.
- 3.5 In order to fulfil the requirements of the contract, Environmental Health is planning to subcontract where it does not have the relevant technical expertise or specialised equipment. As part of the contract, Environmental Health will receive a fee from INEOS Chlor Ltd for the management of the project. Initial discussions have commenced with Legal Services and Procurement in order to prepare contracts and tenders. It is essential that monitoring begins a year before commissioning, as laid out in the planning conditions which will be regulated by Halton BC's Development Control Section. The intention is for monitoring to begin in September.
- 3.6 Environmental Health has already shared with the Environment Agency the details of the monitoring procedures and process planning and has received specialised technical advice and support. Environmental Health will continue to liaise with the Environment Agency in order to deliver a comprehensive monitoring programme for the area.

4.0 **POLICY IMPLICATIONS**

- 4.1 Both INEOS and the Environment Agency have recognised that local authorities are experts in the field of ambient air monitoring. INEOS have demonstrated their confidence in the Council's ability to plan and execute the project. The Environment Agency has confirmed that they are happy with our ability to appoint competent contractors and manage a project that has important public health implications for residents of Halton BC.
- 4.2 By undertaking this contract, the Council will be able to directly oversee the quality and progress of the monitoring process.
- 4.3 The Involvement of Environmental Health will mean that the project will benefit from the existing professional relationship between EH and the Environment Agency who have already committed time and energy to assisting us in preparing the best possible technical and scientific framework for the project.

5.0 **FINANCIAL IMPLICATIONS**

- 5.1 The contract with INEOS will be in the region of £130,000 (not yet finalised). Three sub-contracts will be awarded, none of which shall be in excess of £50,000 (still to be finalised) Environmental Health will receive approximately £2,500 per annum for the project management. The final figure will be dependent on the total cost of the 3 contracts.

6.0 **OTHER IMPLICATIONS**

6.1 Air pollution is a significant public health issue.

6.2 The public health implication of good atmospheric conditions is evident by the inclusion in the Department of Health's *Healthy Lives, Healthy People: Proposals for a Public Health Outcomes Framework* (Dec 2010) of the proposed indicator "Life Years lost from Air Pollution". This indicator is included in Domain 1 which is concerned with Health Protection and Resilience: Protect the population's health from major emergencies and remain resilient from harm.

6.3 A recent report by the Committee on the Medical Effects of Air Pollutants (*The Mortality Effects of Long Term Exposure to Particulate Air Pollution in the UK. 2011*) confirmed that reduction in air pollution impacts on the survival and death of populations by decreasing mortality risk. However, because air pollution acts in combination with many other causes to affect mortality, we cannot predict how changes in survival are distributed across individuals.

6.4 However, it is clear that controlling for example particulate matter PM2.5 (i.e. particulate matter of 1.5 microns in size and smaller in diameter) and PM10 (particulate matter of 10 microns or smaller in diameter) is important to increasing the life expectancy of populations.

6.5 Managing this project will allow the Council to monitor air pollution closely and be in a position to investigate any issues that may arise quickly.

7.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

7.1 **Children & Young People in Halton**

The exposure of children and young people to air pollution is of significance in the first instance because their exposure may accumulate over a life time and secondly because their developing biological systems may be affected at a crucial period of development. Children with asthma, for example can be adversely affected by poor atmospheric pollution.

7.2 **Employment, Learning & Skills in Halton**

None identified.

7.3 **A Healthy Halton**

Children and adults with compromised immune systems may be directly affected by poor atmospheric pollution. For long term effects see above.

7.4 **A Safer Halton**

None identified.

7.5 **Halton's Urban Renewal**

None identified.

8.0 **RISK ANALYSIS**

8.1 There is a risk that the contracts may not be finalised in time for work to commence in September, in accordance with the planning condition. This will also disadvantage INEOS who will need to seek an alternative organisation to carry out the work within the prescribed timescale. The risk is not so significant as to warrant a full risk assessment.

8.2 This is a valuable opportunity for Council to ensure the monitoring of air pollution in Halton is done efficiently and expertly in accordance with the best technical and scientific advice and guidance. Our involvement will ensure that any issues raised may be resolved expediently and with the primary interest of public health in Halton.

8.3 Halton BC acting as a contractor of INEOS Chlor Ltd places the Council in the position where it could attract liability for breach of contract and/or the negligence in relation to this work. The Council will be liable for the work and any failings there may be of its sub-contractors and will need to insure the risk or make other provision to provide for this risk accordingly.

8.4 There will need to be careful management, separation and independence for the two distinct roles of Environmental Health as contractor under the recommended arrangement and Environmental Health undertaking Planning Authority functions and monitor/regulator of compliance with the planning conditions for the site.

9.0 **EQUALITY AND DIVERSITY ISSUES**

9.1 The improvement of air pollution in Halton will benefit all residents.

10.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None.