

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information –

- Petition from residents on Wherstead Road.
- Secretary of State's Guidance for Blending, packing, loading, unloading and use of bulk cement – PG3/1 (04)
- Application for permit variation from southern Cement Ltd
- Letter from the Suffolk Primary Care Trust
- Letter from Natural England
- Environmental Permitting – General Guidance Manual on Policy and Procedures for A2 and B Installations

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

Local Air Quality Management – Technical Guidance LAQM.TG(09)

1. Introduction

- 1.1 A petition received in August 2009 against the construction of a silo at Southern Cement cited air, noise and water pollution as grounds for objection. The Report to Executive on 22 September 2009 detailed investigations that would be undertaken in each area of concern. This report details the findings, and the measures being taken to assist in the mutual understanding of issues relating to operations within the port and surrounding area.

2. Background

- 2.1 Southern Cement is a company that imports powdered cement at a facility based at Cliff Quay. There has been a history of noise complaints concerning the unloading operation since 2007, (not substantiated as a statutory nuisance), but few complaints about dust. Following an application to expand its storage capacity there was an increase in concern over potential dust emissions.
- 2.2 Due to public concern over a number of port-related activities, a Special Public Meeting was held on 6th October 2009. This provided residents and officers with the opportunity for dialogue and to look for a way forward. The outcome was that;
- Answers to technical and legal questions were provided on the Councils website, and attendees/complainants were notified.
 - Officers have sought to establish formal procedures for facilitating a mutual understanding of matters of concern. This has resulted in the formation of a Residents Focus Group, and discussions over the formation of a Port Liaison Group.
- 2.3 The Decision to Approve the Permit Variation
- 2.3.1 Under the provisions of the Pollution Prevention and Control Act 1999, Southern Cement was required to apply to the Council for a variation to their existing permit so that the Council could determine whether the proposed changes (the construction and use of a silo) could result in significant negative effects on human beings or the environment.
- 2.3.2 Following discussion with the company, additional controls over those existing were agreed and these included a condition clarifying the requirement to comply with Best Available Techniques for all operations, and a requirement to record CCTV monitoring of each unloading operation with records to be made available to officers for at least 6 months upon request.
- 2.3.3 Inspections to monitor compliance with the proposed new permit conditions were undertaken by an officer from Environmental Services, and by an independent consultant. Both concluded that Southern Cement had sufficient controls in place to comply with legal requirements

- 2.3.4 Should there be any complaints about dust release, these may now be investigated by looking at CCTV footage, with additional monitoring being undertaken as necessary. In the past very few complaints have been received and investigation has not revealed evidence of serious harm.
- 2.3.5 The Health Protection Agency has confirmed its view that the risk to the public from cement dust is low since there is no evidence of dust at property. This will be reviewed once the results of proposed dust monitoring exercises (currently in the planning stage) are known.
- 2.3.6 These matters, including the officer recommendation for approval were discussed at the Residents Focus Group on 14 January, and the permit variation allowing the construction of the silo was approved by the Head of Environmental Services on 19 January.
- 2.3.7 All those who signed the petition objecting to approval of the variation have been informed of the decision and reasons in writing.

2.4 Noise

- 2.4.1 Noise from the operation of a vacuum machine used to unload powdered cement from ships at Southern Cement has been alleged to be a nuisance to some residents.
- 2.4.2 The petition expressed concern that the increased storage capacity of the proposed silo would lead to an increase in operations and create a worsening noise environment. Although noise was not a relevant factor in determining the permit variation, it was something that concerned members and residents.
- 2.4.3 Environmental Services had operated 2 exhaustive out of hours callout schemes prior to the receipt of the petition, without finding any evidence of a statutory noise nuisance. It had been concluded that the noise was audible some of the time, but that this was largely determined by wind direction. In peoples homes the noise was either barely audible or inaudible when officers were called out to witness.
- 2.4.4 Following requests by residents who attended the Special Public Meeting on 6 October 2009, a further (third) out of hours callout scheme was agreed. This operated between 16 October and 31 December. No calls were received during the hours when the scheme was in operation, and no nuisance was witnessed.
- 2.4.5 The findings were reported to the first meeting of the Residents Focus Group on 14 January. Members at the group felt that there had been a reduction in audible noise since Southern Cement had trialled a silencer on its vacuum machine, but also felt that a seasonal fall in noise complaints may also be responsible for the low number of callouts.

2.5 Pollution of the River Orwell

2.5.1 The petition had cited a breach of environmental conditions by the uncontrolled discharge of waste into the River Orwell. The Environment Agency was asked to investigate and following a detailed investigation reported that there was no evidence of such a breach.

3. Policy Context

3.1 The issue of environmental permits and any variations contribute to the following goals and aims of Transforming Ipswich.

3.2 Clean and Green Ipswich

- The Council has a goal to make Ipswich a model urban clean and green place. One of the aims to contribute to this is to monitor air and noise pollution within the Borough and take measures to minimise this consistent with sustainable development principles.

4. Risk Management

Risk	Impact of risk, if it occurred* (Scale of 1-4) 1 – Catastrophic 4 - Negligible	Probability of risk occurring* (Scale A-F) A- Very likely F - almost impossible	What is the Council doing (or what has it done) to avoid the risk or reduce its effect?
Undue delay in processing the application for a permit variation or refusal of the application that was subsequently found on appeal to be unsubstantiated may lead to the Council incurring legal costs.	3	B	The Environmental Protection Service conducted further detailed investigations and employed an independent consultant in order to determine compliance with Best Available Techniques prior to deciding on the issue of the permit variation.

5. Financial Considerations

5.1 The costs of unsuccessfully defending an appeal could have been significant.

6. Equality and Diversity Implications

- 6.1 An assessment has been carried out which revealed that there are no direct equality or diversity implications contained within the report.

7. Performance criteria

- 7.1 The Head of Environmental Services had delegated authority to determine the application. This was completed as soon as possible, once all representations and potential effects on human health and the environment had been fully evaluated.
- 7.2 The Environmental Protection Service will:
- 7.2.1 Carry out routine inspections at least once a year and in accordance to a risk assessment as guided by the Department for Environment, Food and Rural Affairs.
 - 7.2.2 Carry out reactive inspections in response to enquiries and complaints.
 - 7.2.3 Carry out enforcement action (if appropriate) in accordance with Environmental Services Enforcement Policy and Procedures and the Law.

8. Recommendations

- 8.1 It is recommended that Executive note the approval of the change to the permit held by Southern Cement, and the measures in place to limit the release of cement dust already in place.**

Reason:

To enable Southern Cement to store additional quantities of powdered cement in controlled conditions without detriment to the environment or human health.

- 8.2 It is recommended that Executive note the steps taken to investigate and report on residents' concerns through the establishment of the Residents Focus Group and Port Liaison Group.**

Reason:

To assist in the mutual understanding of issues relating to operations within the port and surrounding area.