

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES
BY CONNETABLE A.S. CROWCROFT OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 16th MAY 2006

Question

- (a) In his written answers on 25th April 2006 on the subject of the relocation of composting from Crabbé in St Mary to La Collette in St Helier in 2002, the Minister stated that *“There are few remaining records of complaints to the Health and Social Services Department relating to issues at Crabbé”*. Would the Minister inform members whether this is because records have been lost or destroyed?
- (b) Would the Minister indicate the exact dates, and the nature, of the six complaints that relate to composting at Crabbé referred to in his written answers and inform members what action was taken in relation to them?
- (c) Did the Environmental Health Department engage in any consultation with the Parish of St Mary in relation to the odour and health impacts of the composting operation while it was situated at Crabbé?
- (d) In his written answers the Minister stated that the Health Protection Unit stipulated to the Planning and Environment Committee that there should be a health impact assessment carried out in relation to the move of the composting facilities to La Collette in which *“health effects are thoroughly investigated.”* Would the Minister explain why no such an assessment was carried out during the three and a half years of the operation of the site in St Helier, in spite of the fact that complaints including reports of breathing difficulties were being received?
- (e) As no Health Impact Assessment was carried out over a period of three and a half years, would the Minister explain on what basis he stated, during the debate on Composting facilities at La Collette II: approval by States Assembly (P.31/2006) on 4th April 2006, that *“as long as the operation is adhering to best practice and all reasonable practical steps have been taken to minimise any smell or nuisance then it will comply with the standards required by the [Statutory Nuisances] Law”*.
- (f) Has the Environmental Health Department engaged in any consultation with the Parish of St Helier in relation to the odour and health impacts of the composting operation while it has been situated at La Collette?
- (g) In his written answers the Minister stated that, of 21 recorded complaints, *“there have been two occasions when odour from the compost site have (sic) been confirmed and four occasions when the source has been confirmed as seaweed.”* Would the Minister inform members of the outcome of the other complaints?
- (h) Why did the Minister not insist that the potential environmental health problems created by the composting site at La Collette were thoroughly investigated in a timely fashion in view of the “precautionary principle” in best environmental practice?
- (i) The Minister further stated in his answers that his *“own Health Protection staff are currently engaged in setting up a Health Impact Assessment for the proposed composting regime and this will include key stakeholders and residents themselves”*. In light of his statement on 4th April 2006 during the debate on Composting Facilities at La Collette II: approval by States Assembly (P.31/2006) that *“The fact is La Collette, for good or ill, is there now and it is our major industrial site, and that is where industrial operations should go”* would he confirm that the Health Impact Assessment will be an impartial or objective study without any presumption that La Collette is the only possible location for the composting facilities?

Answer

- (a) The Health and Social Services Department has not “lost” any records concerning complaints about the composter when it was located at Crabbé. It is the practice of the Department’s Health Protection Unit to dispose of all service requests and complaints, those which have been fully responded to, that is, three years after a business or an operation has ceased to trade or ceased to operate. This policy was implemented with regard to the cessation of composting at Crabbé in St Mary.
- (b) The six complaints which relate to the composting at Crabbé in St Mary are as follow -:
Four complaints on 17th and 21st July, and 14th and 20th August 1997, were complaints about obnoxious odours created by the composting facility. The Environmental Health Department, (now called the Health Protection Unit), investigated these complaints and it was the judgement of the Environmental Health Department that the obnoxious odours were caused by the introduction of waste potatoes and green waste material into the process. These potatoes and this green waste had been stored on site since 1995 and when introduced into the composting stream, these obnoxious odours were released.
One complaint on 12th August 1999, was a similar complaint about obnoxious odours. It was the judgement of the former Environmental Health Department that the offensive smell was caused by the inclusion of potato waste into the composting process.
The above five complaints were referred directly to the then Department of Agriculture and Fisheries for action. This was because neither the Health and Social Services Department, nor specifically its Environmental Health Department, had statutory powers at that time to take action against such “nuisances”. This was remedied on 31st December 1999, when the Statutory Nuisances Law came into effect.
The sixth complaint on 24th July 2002, was a complaint about the presence of rotting potatoes at the Crabbé site. It was the judgement of the former Environmental Health Department that the probable cause was the way in which composting material was being treated rather than the composting material itself. This technical matter was discussed with the Crabbé site staff to minimise the effect.
- (c) There are no records within the Health and Social Services Department to indicate that the former Environmental Health Department, nor any other team from within the Department, engaged in any formal consultation with the Parish of St Mary in relation to the complaints of obnoxious odours or concerns about the possible health impacts of the composting activities at Crabbé.
- (d) In response to the consultation process which ultimately would transfer the composting facility from Crabbé to La Collette, the Health and Social Services Department formally advised the Planning Department that it should undertake a Health Impact Assessment (HIA) as part of a more general Environmental Impact Assessment to inform decision making. It is an indication of the fact that the Planning Department took little notice of the Health Protection unit at that time. A planning permit for the transfer of composting to La Collette was issued without a Health Impact Assessment having taken place.
- Since that time the Health Protection Unit has worked closely with Technical and Transport Services (TTS) to ensure that complaints are fully investigated and that there is a positive working partnership between these parties. The Health Protection Unit has been actively involved with TTS in constantly examining means by which odours can be minimised through changes to working and processing practices.
- (e) Since the transfer of composting from Crabbé to La Collette, the composting process is subject to the same legal controls as any other commercial or other industrial operation in Jersey. This is because the Statutory Nuisances Law relates as much to States of Jersey operations as it does to private and commercial activities. This Law requires that the composting process should take place in such a way as to ensure the best practicable means of controlling a nuisance, but not entailing excessive cost. The Statutory Nuisances Law does not permit the States of Jersey to prevent a business or operation from operating provided that that business or operation complies with this requirement.
- (f) The Health and Social Services Department has not engaged in any formal consultation with the Parish of St Helier in relation to complaints of odours and environmental health considerations in connection with

the composting operation while it has been located at La Collette.

- (g) The other 17 complaints alleged that there were odour nuisances. However, members of the Health Protection Unit failed to identify any such odour nuisances. The Health Protection Unit is very mindful of the fact that an odour nuisance can be lessened or increased by environmental and ambient factors such as wind direction and temperature. Thus, the practice of the Health Protection Unit is not simply to present itself at La Collette and make a judgement at one moment in time. Rather, it is to revisit the site at different times to seek to take account of these factors.
- (h) The Environmental Health Department (now the Health Protection Unit), through the Health and Social Services Department, is not a statutory consultee under the States of Jersey's Planning Laws. The advice provided by the Health Protection Unit to the Planning and Environment Minister is informal. Once planning consent has been granted, the Health Protection Unit's powers exist only through its responsibilities for the implementation of the Statutory Nuisances Law.
- (i) The Health Impact Assessment will be impartial and objective. The work of the Health Protection Unit is carried out professionally and completely independently of my personal views. The early "scoping" exercise for the Health Impact Assessment has commenced. However, the States of Jersey has to make a decision as to the location of the Energy from Waste plant and the composting operation. Health Impact Assessments can only proceed when sites have been formally identified. It is possible that the States might choose entirely different locations to those discussed so far. Only when an unambiguous 'short-list' of sites has been identified can they be subject to an EHI assessment. Needless to say, when the sites are formally identified the Health Impact Assessment process will involve taking serious counsel from key stakeholders and from residents who live proximate to the sites. It is clearly in everyone's interest for the States of Jersey to now be unequivocal and definitive and to make a decision as to the location of the Energy from Waste plant and composting operation. It is this decision which will enable us all to move forward and to reduce the concerns of residents through the construction of modern facilities which, using state of the art technologies, will process waste materials with the minimum of discomfort and irritation. It must be reiterated that by far the most pressing environmental health issue in Jersey is the Bellozane incinerator. Its emissions pose a health risk and it must be shut down without any further delay. I repeat it is crucial that the States finally ends several years of prevarication and makes the decision. Any further delay by the Assembly could not be viewed as anything other than a gross betrayal of the public interest.