

Date: 30 October 2015
Our Ref: 2015/09266/OTHER/EH
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Dear Resident,

**Statutory Nuisance: Environmental Protection Act 1990
Part 2A (Contaminated Land) investigation: Environmental Protection Act 1990
Western Esplanade, Shoreham Harbour
Update re: Oil Release onto Portslade Beach at Shoreham Harbour.**

I write to update you about the investigation into whether the oil release onto Portslade beach constitutes either: a Statutory Nuisance under the provisions of S79 of The Environmental Protection Act 1990 or, Contaminated Land under the provisions of Part IIA of Environmental Protection Act 1990.

To help inform the assessment of the public health risk to residents at Western Esplanade (and further afield) due to the odour of the oil, air quality testing was undertaken in July 2015, similar to 2014. This involved diffusion tubes being placed at two premises at Western Esplanade for periods of one week and one month.

The results were forwarded to Public Health England which concluded that there was nothing in the results provided, to suggest a cause for public health concern. Again, these results are reassuring and Environmental Health will happily provide them if written requests are made to the Freedom of Information team at Brighton and Hove City Council.

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In addition to the above, visits were also undertaken to residents' homes to assess whether the odour constitutes a Statutory Nuisance under the Environmental Protection Act 1990. Evidence wasn't found to show that the oil release is causing is a Statutory Nuisance.

Whilst the assessments indicate that the oil release does not represent a significant risk to the health of residents at Western Esplanade or a Statutory Nuisance, the situation on the ground will continue to be monitored.

Additionally, with regard to any oil release or deposits that may be seen in the sea or on the beach, the advice remains the same as 2014: it is recommended that local residents avoid contact with it on such occasions because it could cause some localised skin irritation. Otherwise, there is no reason why the sea and beach cannot be used for recreation as normal.

The Port Authority, Local Authority and Environment Agency will continue to assess the number of odour and oil release events. If this number significantly increases, the situation will be reviewed and further air quality monitoring, sampling and visits may be undertaken.

Therefore to summarise the above: investigations undertaken in 2014 and 2015 do not show that the oil release at Portslade Beach currently represents a Significant Possibility of Significant Harm under Part 2A of the Environmental Protection Act 1990 or a Statutory Nuisance under S79 of the Environmental Protection Act 1990. Currently, there is no evidence to suggest that further air quality assessments, or water and sediment sampling is required at Western Esplanade.

Please note that any questions about whether the oil seepage represents a pollution event under the Water Resources Act 1991, should be directed to the Environment Agency who have responsibility for enforcing this Act of Parliament.

Additionally, if you become aware that the amount of odour and oil release is increasing, please don't hesitate to contact Environmental Health.

Environmental Health will continue to work with Shoreham Port Authority and the Environment Agency towards resolving this problem and will consult Public Health England where necessary.

In light of this, a meeting was undertaken with Shoreham Port Authority, the Environment Agency, and Hyder Consulting on 10th September 2015 to discuss the

plans for the next phase of investigation at the Port, some of which have now been undertaken:

- Ground Penetrating Radar has been used on the terminal to try and identify intact underground structures that may be relics of the historical gas works and potentially point sources of oil (tanks and/or pipes for example). The results of this survey are due soon;
- A seismic – geophysics investigation on the beach has taken place during the low tides on the 26th to 29th October 2015. The results of this are pending;
- Borehole installation work is programmed to occur before the end of 2015, but a precise date for this hasn't yet been set.

The results of the investigations above will help to characterise the release of the oil and the potential remediation options that are available to stop this release.

Should you wish to discuss the matter further, please do not hesitate to contact me on the above telephone number.

Yours sincerely

Greg Minns
Environmental Health Officer
Regulatory Services