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Gagging orders stopped ash probe

A top Government insider today revealed how he was barred from investigating the Byker toxic ash scandal.

Former Environment Agency board member Alan Dalton, who represented the North East, claims the agency silenced him over the affair.

He told how he tried to make his own inquiries into cancer-causing dioxins from the Byker incinerator but was told by EA chiefs to 'keep his nose out'.

Mr Dalton, a board member for three years, spoke out after Newcastle City Council was fined £25,000 for dumping 2,000 tonnes of toxic ash on allotments across Newcastle.

The owner of the incinerator, Contract Heat Power, was also fined £5,000 at Newcastle Crown Court yesterday. Both were ordered to share court costs of £35,000.

Protesters immediately called for changes in the law to protect the public from future health scares.

But today Mr Dalton claimed he tried to reveal his own concerns about the ash which was spread on allotments and paths across Newcastle, but was thwarted by his own bosses.

He said: "I was told in no uncertain manner to keep my nose out. Yet good public health practice requires that, wherever possible, human populations be protected from exposure to dioxins."

Mr Dalton was appointed as an EA board member for the North East region on January 1, 1999.

He said: "For the first year things were fine, but when I started to ask a few questions I found the EA more and more defensive."

Mr Dalton was asked to investigate a landfill site at Wakefield, West Yorks.

During a six month investigation he raised concerns about the site, but his report was rejected.

Mr Dalton's spell as a board member ended last month after talks with Environment Secretary Michael Meacher over his future.

He said: "On the basis of my experience we do not need an Environment Agency. The EA is clearly a rubber-stamping outfit for the Department of Environment, Food and Rural Affairs."

A spokeswoman for the Environment Agency said: "We are aware of Mr Dalton's comments.

"The agency is satisfied that the Byker ash incident was investigated fully. More than 1,000 office hours were spent on the inquiry.

"We are happy that we have brought a successful prosecution and are happy with the result. We are also aware that this case has highlighted that lessons need to be learned and the Agency is confident of doing this."

But protesters today slammed the court sentence on the council as a slap on the wrist. Campaigners insisted that a Newcastle Crown Court judge's fines on the shamed city council and a waste burning firm were deplorable and said the legal process was a whitewash. They vowed to continue their fight demanding a public inquiry and a change in waste management law.

[Val Barton](#), spokesman for the Campaign Against Incinerated Refuse, said: "A fine of £5,000 against the incineration company is no deterrent at all. It is a deplorable amount.

"They knew for years what was in the waste and didn't tell the council.

"I don't believe the judge was told the full story about the risks. There are still many unanswered questions about how this happened and the risk to public health. The whole thing is a whitewash.

"We are going to demand a public inquiry. The Environment Agency failed to monitor the ash situation and is now trying to cover its tracks.

"Its monitoring and prosecuting duties are a clash of interest. The agency must be overhauled."

She was speaking after Judge Esmond Faulks fined Newcastle City Council a total of £25,000 for two breaches of waste management law.

Judge Faulks also fined Contract Heat and Power (CHP), which runs Byker Reclamation plant, £5,000 and ordered the two to pay a total of £35,000 costs.

The court had earlier heard how the city council had unlawfully spread ash containing some of the world's most poisonous man-made chemicals on city allotments while trying to boost its green policy.

And for four years between 1994 and 1998 while this was going on, CHP bosses failed to tell Cityworks the ash contained deadly dioxins and heavy metals.

The court also heard how Alan Tweedale, CHP managing director, knew in the mid-1990s that ash from the Byker incinerator was not being disposed of properly. Newcastle City Council admitted two specimen charges of breaking the Environmental Protection Act 1990 and asked for another 11 offences to be taken into account. CHP admitted one count.

Judge Faulks said: "When all this became known there was a high level of public anxiety and parents were advised to keep children off the land.

"I accept there was no attempt to flout the law and the council has bent over backwards to try to rectify the problem. I therefore see their culpability as low. But a public authority has a duty to take care of health risks."

The court also heard the council had so far spent £577,622 of public cash sorting out the mess.

Barry Rowland, the council's director of Cityworks, said: "The council pleaded guilty to the charges and accepted its responsibility. We have apologised for any concerns caused by our actions which were clearly not malicious in intent.

"We have spared no expense to rectify our mistake.

"We will not rest until we are satisfied we have done everything possible to repair the damage done to people's confidence."

Long road to court for council officials

Key dates in the Byker ash scandal:

September 12, 1999: Council admits 2,000 tonnes of ash were spread on 28 allotments across Newcastle. The authority agrees to have the ash tested.

April 12, 2000: Workers begin to remove ash from allotments after it is found to contain high levels of dioxins.

September 24: Environment expert Keith Collins warns dioxins from the ash could have killed up to 36 people a year.

December 14: Environment Agency announces it is to charge the council and incinerator owners with breaching public health laws.

August 7, 2001: Council bosses today plead guilty to breaching health rules over the Byker incinerator toxic ash scandal.

November 5: Protesters lodge an application with the High Court in an effort to get a judicial review of the affair.

January 3 2002: High Court rejects demand for judicial review.

January 4: Council and incinerator owners fined a total of £35,000 plus £35,000 costs at Newcastle Crown Court.

Top adviser on health issues

Alan Dalton is currently the Health and Safety Co-ordinator for the Transport and General Workers' Union.

He is also a part-time Senior Environmental Adviser, Centre for Environmental Quality, at the University of East London.

As an expert in his field he is sought after as a consultant on health and safety for firms and organisations across the country.

Mr Dalton is also an authority on hazardous materials and a member of the National Society of Clean Air Environmental Protection's Commission on Industrial Regulation and Sustainable Development.

He is also the author of Safety, Health and Environmental Hazards at the Workplace published in 1998.

Legally, the Environment Agency Board is directly responsible to Government ministers for all aspects of the Agency's organisation and performance.

The Board consists of 15 members including the Chairman and Chief Executive.

The board meets six times per year - once in London, once in Bristol (where the Agency's Head Office is located) and four times in the English Regions and Wales. Mr Dalton is responsible for an area stretching from the Scottish Borders to Redcar.

It includes the Northumberland National Park and the three main rivers, The Tyne, The Wear and The Tees as well as the major urban areas in Tyne and Wear.

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