

Slaying the Dragon: The Demise of Monkton Cokeworks

Wendy Le-Las

By their very nature, environmental law cases often have a long and complex history, and their resolution can be a protracted affair. The following is an overview of a major case that was handled by some of the legal and technical experts who were inspired by this, and other similar cases, to found ELF.

Monkton Cokeworks was constructed in Hebburn, south of the Tyne, in 1936. It was the government's response to the Jarrow Hunger March a few years earlier, when unemployed men from the region marched to London to highlight their plight. The pollution the cokeworks generated was considered to be the price of freedom and local employment during the war years. Despite the warnings of the Alkali Inspectorate, high density public housing was constructed in close proximity during the 1950s and 60s. As coke ovens have a limited life, the expectations of the new residents were that the plant would be closed rather than renewed.

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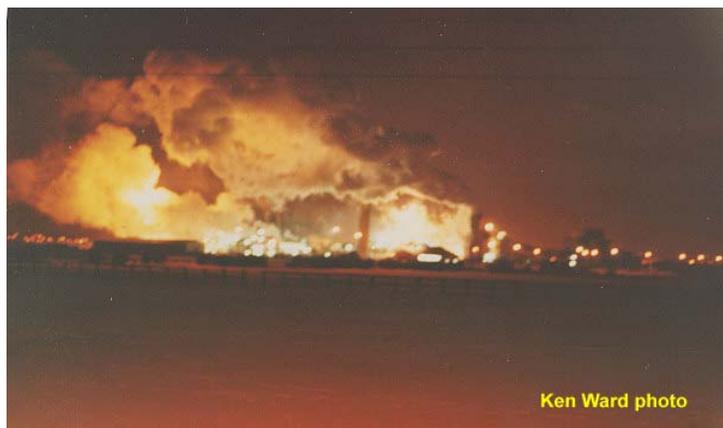
Unfortunately they were wrong. The ovens were renewed in 1954, and again in 1972. Then in 1979, National Smokeless Fuel (NSF) demolished the earlier structures and built another 33 ovens: according to the local planning authority (LPA) no planning permission was needed! Thus the production doubled as did pollution, despite promises to the contrary. Adequate dust arresters were never installed, as the cost would erode profits.

Production of coke and its many by-products results in significant adverse effects, even when the works and processes are managed efficiently, which was not often the case at Monkton. On a round-the-clock basis, residents had to put up with the noise of hooters, sirens, wagons, workmen and conveyor; the air was laden with coal dust and grit, smoke and steam; there were regular sulphur dioxide emissions from burned coke oven gas and sometimes hydrogen sulphide. Neighbouring housing could be engulfed with drifts of coal dust raised by high winds, or thick grey smoke. Occasionally there were explosions or huge gas flames.

It seemed that neither the local authority nor Her Majesty's Inspector of Pollution (HMIP) has the will to control the plant. Clear skies could be seen when Inspectors were on site, only for the hellish inferno to resume on their departure. Residents battled against the grime inside their homes, while outside, washing and even babies were spattered with soot. Crops and garden plants dies, and an alarming number of people became chronically ill and/or died suddenly. Hexham Avenue, abutting the cokeworks fence, was known as "Death Row": there was an oxygen cylinder in every house. The price of employment was premature death.

Residents fought for, and won, rent bate rebates in the early eighties. Ironically the 1984/5 Miners' Strike was seen as blessed relief: financial support to the miners felt like payment to stay on strike. In 1987 the Hebburn Residents Action Group (HRAG) was formed, led by the dynamic and redoubtable Cllr Jennie Shearan, one of the original residents and a member of Tyne & Wear County Council. They campaigned to improve the living conditions and the health of local residents. As the pollution never abated, a study by epidemiologists at Newcastle University in the later eighties confirmed a high local incidence of lung disease.

Later that year came a planning application for a generator on the site to convert gas to electricity. HRAG had been in contact with Norwegian experts on the potential negative impact of such a generator, and convinced the LPA to refuse planning permission on pollution grounds, especially acid rain. NSF appealed. At the inquiry HRAG was represented by a generous local solicitor, Ian Bynoe. Planning refusal was followed by an appeal to the High Court by NSF, and the precious adverse decision was quashed.



Ken Ward photo

Indignant that the European Community should grant-aid the generator, thus exacerbating local pollution, a 1,200-signature petition was raised, directed at the European Parliament. The novelist Catherine Cookson paid the coach fares to Strasbourg of Jennie Shearen and two companions, who would otherwise have been unable to afford the journey. Strasbourg sent reimbursement funds to the LPA, which promptly diverted them elsewhere.

"I know your face, and your voice - you're the woman who gave us clean air."

Hebburn retiree to Councillor Jennie Shearen

Meanwhile, a new inquiry was scheduled for January 1990. Bynoe was unavailable and the hunt was on for a replacement solicitor. I had been approached by Jennie Shearen as an authority on planning, and an advisor on Public inquiries, but felt that a more suitable legal representative was needed by HRAG. I spent first week in 1990 on the phone trying in vain to find someone to represent HRAG, but to no avail: there were no funds. Not even a train fare. I continued the search, driven on by galling prospect of Lord Colville QC being paid a huge fee to argue the case for increasing the poison dose to the residents of Hebburn. With ten days to go until the inquiry barrister Charlie Pugh agreed to take the case, bringing his wealth of expertise in the field of EC air pollution legislation. HRAG finally seemed to have a fighting chance.

As there was no money to send the papers to London, Jennie Shearen persuaded Red Star parcels to transport them as a publicity stunt. The inquiry was galvanised by Charlie's forensic cross-examination, and Jennie's compelling evidence, which included a pair of sulphur-stained curtains from a house near the cokeworks.

At a Ministerial meeting that autumn, Jennie Shearen met Dr Brian Ponsford, the Director of HMIP. In Jennie's home he confessed that he was too short of funds to monitor the cokeworks properly. When the Inspector's Report indicated the extent to which HMIP had failed to uphold their statutory responsibilities, for clean air, Ponsford committed suicide. This, together with the departure of other senior HMIP scientists, led government to the conclusion that the polluter must pay. This was seen to be a fair and appropriate method of funding the Inspectorate.

In November 1990 NSF saved face by announcing that the cokeworks were to be closed down, just in advance of the publication of the refusal of the appeal. Suddenly, it seemed, there was no longer a market for coke. Meanwhile the Inspector found in favour of HRAG, but Secretary of State for the Environment Michael Heseltine overruled this decision, whereupon HRAG were granted leave to go to the High Court. Jennie was forced to put up her house as collateral for the possible legal costs. After the papers were served on the government, silence reigned. The case seemed to simply fade away. Thus, after over fifty years of polluting the environment, the Monkton dragon was slain and dismantled. Unfortunately, for want of legal aid, no progress was made on a large number of personal injury claims.

After the closure of the cokeworks, there was the question of the future of the site and its surroundings. Local residents wanted the whole site to be scheduled as Green Belt but once again employment needs kicked in: 4,500 jobs were promised. This swayed the council to designate half the site to become a business park, which, to date, has delivered a mere eighty jobs. The other half of the site is now part of the Great North Forest, with areas for picnics and for children to play. Schools have planted trees and bulbs. Although there had been promises of children's play equipment and funding for community events, these have yet to materialise. The Bowes Railway line, running between the Business Park and the forest area, used to serve the cokeworks; it is now a cycle track running from Newcastle to South Shields. Both the employment area and the open space have been adorned by some iconic artwork, locally designed and produced by South Tyneside College, reflecting the history of the site and its workers.

The case of Monkton Cokeworks has had wide-reaching implications. Soon after the case concluded, several leading barristers, solicitors and environmentalists, including some directly involved with the Monkton case, got together to address the need for an organisation to help use the law to protect the environment. Thus ELF was born, and continues to help people protect their environment. It was also soon after the Monkton case that HMIP was dissolved, and the Environment Agency created. Monkton contributed to official recognition of the profound impact of pollution to the public, and



The cokeworks site today.

the need for an official, permanent agency to monitor and limit pollution of all types. An on-going problem is that the contamination was not removed. Instead, it has been buried in plastic capsules, on open land near local housing. The capsules have a life of twenty years, of which fourteen have elapsed. Let's hope that the Environment Agency is monitoring the site. Meanwhile, a cluster of birth defects has emerged locally. Thus the legacy of the dragon lives on and ELF may well be paying a return trip to Hebburn. That said, the quality of life in Hebburn has been utterly transformed thanks to Jennie Shearen and Charlie Pugh. This was poignantly evinced recently when Jennie was approached by a local woman, who said "I know your face, and your voice - you're the woman who gave us clean air."

Wendy Le-Las is Planning Consultant to the National Association of Local Councils.