

PHILIP DAVIES MP  
Member of Parliament for Shipley

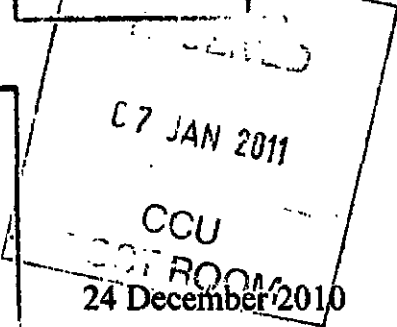


HOUSE OF COMMONS  
LONDON SW1A 0AA

Rt Hon Eric Pickles MP  
Secretary of State  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
LONDON  
SW1E 5DU



nister	
Subject	
Official	DEFRA



PLEASE  
ALSO CALL  
TO  
DAVY  
ROBINSON

Dear Eric,

Re: [redacted] City of  
Bradford Metropolitan District Council, 6<sup>th</sup> Floor North, Jacob's  
Well, Bradford, BD1 5RW

[redacted] recently contacted me and I have enclosed a copy of [redacted] email and  
attachment which is self explanatory.

I look forward to hearing from you with your comments.

Yours sincerely

Philip Davies MP

Enc.

W. G. H. I. N. G. M. A. N. S. F. E. L. D. A. V. Y. R. O. B. I. N. S. O. N.

**From:** [REDACTED]  
**Sent:** 23 December 2010 15:17  
**To:** Cllr Michael Ellis; Cllr Margaret Eaton; Cllr Simon Cooke; DAVIES, Philip  
**Cc:** John Major  
**Subject:** Omega proteins - issues of concern

Dear Cllrs and Phil Davies MP,

At the last meeting which we had to discuss Omega, which was attended by Cllr Ellis, we talked about the problems with regulation and the difficulties of enforcement. Bradford recently hosted the Renderers Link Authority Group meeting (the first since 2006) and the problems facing authorities with enforcement and the guidance / regulations were discussed. Interestingly most other authorities with rendering plants are facing the same issues as Bradford.

From that group we agreed to pull together a document which summarises the issues and problems which the group consider are preventing any meaningful progress with regulating this sector, for authorities to share with their elected members and other interested parties. I have attached this document for your information. I will be forwarding it to LACORS on behalf of the group as they have been in touch and want to put it on their web site.

Please contact me if you require any clarification on this.

Kindest Regards and Seasons Greetings

[REDACTED]  
[REDACTED]

Environmental Health • Neighbourhood Support Service • Waste & Street Scene, Sport and Leisure

City of Bradford Metropolitan District Council, 6th Floor North, Jacobs Well, Bradford, BD1 5RW

T [REDACTED]

F [REDACTED]

## **Link Authority Group – A2 Rendering Sector**

The following issues were discussed at a recent meeting of the Link Authority Group and represent current issues of concern which the group believe need addressing urgently.

### **1. SG8 BAT 34 Odour Boundary Condition**

Enforcement of this condition is considered to be a significant problem for local authorities because it is also subject to a 'due diligence' and 'reasonable steps' defence. This means that if an officer has witnessed offensive odour beyond the site boundary, an operator can still avoid enforcement action if he or she can demonstrate that there has been some technical failure of the odour arrestment plant. Whilst the onus appears to be on the operator to demonstrate due diligence and reasonable steps, the guidance offers little in the way of practical examples of the circumstances when this defence could be sustained.

Relying upon the appeal process to provide an interpretation of due diligence and reasonable steps (on a case by case basis) means that a local authority will run the considerable risk of failing to secure an effective remedy against the release of offensive odour, with the possibility of incurring significant costs if the action fails. With the notable exception of the LB Newham, we are unaware of any local authority that has embarked upon enforcement action against an operator for failure to control emissions of offensive odour. The Newham case is due to be heard in February.

Although BAT 34 (iii) suggests that more than two incidents of offensive odour in any period of 12 months warrants further investigation, some local authorities, who receive considerably more frequent reports of offensive odour, feel unable to proceed further because of the need to gather sufficient weight of evidence to overcome the due diligence and reasonable steps defence. This inevitably results in heavy criticism from local residents who often feel that the operator is able to inflict repeated doses of offensive odour without being held to account by the regulator. The requirement for the regulator to determine that the odour is offensive adds to the difficulties of gathering evidence, firstly that an officer must be on site each time a complaint is received, and secondly the term "offensive odour" leaves some question about just what is "offensive"

The group therefore felt strongly that BAT 34 requires an urgent review so that local authorities who attempt to enforce against the operator for emissions of offensive odour beyond the site boundary have greater confidence in securing a successful outcome.

### **2. Local Authority Monitoring Costs**

The permitting regime was intended to be self funding on the "polluter pays" principle. For all other processes this is broadly the case. The group

temperature of 5°C for solids and 10°C for blood, and justifies this as being necessary to prevent odour problems. It also suggests that it is good practice to control the temperature during transport. Apparently there are other countries in Europe, for example, the Republic of Ireland, that comply with these recommendations. The group firmly believes that careful temperature control of the raw material during transit would improve the quality of the product (which would be good for the industry) and significantly reduce the odour emitted during transportation and processing.

#### **4. Transport of raw materials - Spillages**

The transport of the raw material to these premises is governed by the animal by products legislation. This requires the material to be transported in leak proof containers. Providing cover with a tarpaulin is accepted as the norm as a means of "sealing" loads. This is felt to be outdated and wholly inadequate, as leaks and spills occur regularly. Overfilling of these containers is not unusual resulting in frequent spills of rank, infective material. Additionally containers often leak and can be seen transporting material with fat and other animal by products on the outside of the vehicle. When there is sufficient evidence prosecutions are taken for this. Bradford MBDC has successfully prosecuted one company twice and have further prosecutions going through the legal process. They have received in excess of 32 complaints in the last 6 months about spillages. This is clearly a huge risk in terms of spread of infection but yet this standard for the vehicles appears to be accepted in law. It is simply unacceptable for industry to operate in this way when the impact upon local residents affected when an incident occurs is so unpleasant and there is such a serious risk of the spread of infection.

**Sent:** 26 July 2012 08:37  
**To:** [REDACTED]  
**Subject:** rendering CoP's

Hi [REDACTED]

Our handling of Omega proteins was subject to overview and scrutiny on Tuesday evening following a petition from residents.

At the meeting Omega were present and announced that the draft CoP's were completed, had been presented to Defra and would be signed off in November. Could you confirm if this is the case and if possible it would be good to look at these and share them with our members who are very keen to see this matter resolved.

thanks  
[REDACTED]

**Environmental Health • Neighbourhood Support Service • Waste & Street Scene ,Sport and Leisure**

**City of Bradford Metropolitan District Council, 6th Floor North, Jacobs Well, Bradford, BD1 5RW**

**T [REDACTED]  
F [REDACTED]**

