
Final Ministerial Reply



Case Number

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From Rt Hon Jim Paice MP
Minister of State for Agriculture and Food

Your ref: CE/TR/
Our ref: PO282051/ARG

29 August 2012

Thank you for your letter of 17 August to Lord Taylor about concerns raised by your Council's Environment and Waste Management Overview and Scrutiny Committee over the Omega Proteins rendering plant at Denholme, and the transportation of materials in connection with the rendering process. You also mention a petition with 240 signatures about this matter. I am replying as Duty Minister during Parliamentary recess.

Your letter raised four issues, which I will deal with in turn.

1. Odour boundary condition

We recognise that these plants have the potential for particularly offensive odours, which is why they are regulated under the system of integrated pollution prevention and control. As you will be well aware, your authority is responsible for issuing a permit and ensuring it contains conditions aimed at securing use of the best available techniques (BAT) to minimise releases, including odour emissions. The current statutory guidance issued by Defra on what constitutes BAT for animal rendering plant was originally challenged in the courts by the animal rendering industry. Following judicial review proceedings in both the High Court and Court of Appeal, the guidance relating to prevention and minimisation of odour across a rendering plant boundary (the 'odour boundary condition') was upheld by the court, apart from the necessity to include the defence to which you object.

I fully appreciate your Council's concerns and those of the local residents, over any offensive odours other than very occasionally, and then for only very short periods. As you know, and as detailed below, Defra officials have been in discussion with the two rendering industry trade bodies about the whole sector upping its game on odours and spillages. These are businesses which play an important part in the essential role of animal waste disposal, but there is no reason not to undertake this in a responsible manner, notwithstanding that odour control can be both expensive and require close attention to detail.

As for the SNIFFER project, as soon as Defra officials became aware of this activity by the Scottish and Northern Irish environment agencies, they liaised with the so-called local authority 'link' group for the animal rendering plant, and successfully bid for a place on the technical advisory group for the project in order that local authority experience could be included, and the results of the project could be of benefit to local authority regulators of rendering plant. I am told that one of your experienced officers has now additionally been included as a member of the project group, and is actively participating, which is welcome. We will see what emerges from this work.

2. Local authority monitoring costs

This relates to the above regulatory regime so I will take the point out of the order in your letter.

The environmental permitting legislation specifies that local authorities must charge operators of permitted installations the amounts set by the Secretary of State. These amounts are intended to cover regulatory costs. In total, businesses in England and Wales pay around £6.5M a year to be regulated. Both Defra and the Environment Agency have considered, without success, how it might be possible to enable additional charges to be levied for what might loosely be described as 'more difficult to regulate' plants, which engender additional regulatory work. The difficulty we face is defining such a category on top of the existing risk-rating system.

However, in consultation with the Local Government Association, we review the charging scheme every year and issue a formal consultation in September/October of each year. We will certainly bear in mind the comparison given with Environment Agency and Scottish Environment Protection Agency charges when we do so this year, and will make sure that your Council receives a copy of the consultation paper.

3. Transport of raw materials - spillages and odour

Defra officials have been in close touch with those in your authority and we are well aware of the level of concern about odour and spillages from the transport of materials to be rendered. They have seen photographs of animal material strewn across the road and are already aware that the Council has successfully prosecuted for spillages in breach of the Animal By-Products Regulations. Regrettably, I gather that these spillages have since continued. I can also confirm we commissioned a short piece of work from the Scottish Environment Protection Agency to look at the options for low-temperature transportation, although the transport of raw materials is not part of the Industrial Pollution Prevention and Control regulatory regime under which the BREF notes are produced.

I agree that the continued spillages and odour from transportation is an unacceptable state of affairs. That is why officials here have had discussions with the two rendering trade associations, with a view to producing a code of practice for their members which will address both spillages and odours, and will be meeting them again on 7 November. You ask for that meeting to be brought forward. The document we have seen from the UK Renderers Association (of which the Leo Group is, I believe, a member) was shown to us shortly before officials' last meeting with both trade bodies towards the end of June, and it has been described to us by the Association as a draft. Officials made various comments on the drafts submitted by both bodies, as a result of which we expect to see revised versions for discussion in November, and will be checking progress in the interim. Notwithstanding your understandable concerns about continuing problems, I think we have to give the industry time to develop its package into something that reflects a real intention from the industry to live up to its environmental responsibilities.

I have asked Defra officials to continue to maintain contact with their counterparts in your authority and to keep them abreast of developments.

Yours Sincerely
Jim Paice

RT HON JIM PAICE MP