City of Bradford Metropolitan District Council

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Your ref:
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Member of Parliament

Dear MP

RE:Omega Proteins, Erlings Works, Denholme

The City of Bradford MDC recently received a petition signed by 240 members of the public regarding the above premises which render animal by-products. The residents had a number of concerns which they want addressing. In addition a motion was passed by the Council asking that, amongst other things, I write to all the local MP's about odour problems from the plant and vehicles and transportation issues to ask that they are raised with government on their behalf to seek a change to, in some cases the law, and in others statutory guidance.

Below I have itemised each of the issues:

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

   Enforcement of this condition is considered to be a significant problem for this and other 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 resulted in a successful fine on a technical issue (not breach of the odour boundary condition) and although resulting in a heavy fine did still involve considerable net cost to the authority of circa £100k.

BAT 34 (III) suggests that more than two incidents of offensive odour in any period of 12 months warrants further investigation, however although considerably more frequent reports of offensive odour are received, there is a 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"

This authority therefore feel 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.

We have also becomes aware of a "SNIFFER" project which is being commissioned by the United Kingdom Environment Agencies namely, SEPA. NIEA and the EA, to look at this problem. The project brief acknowledges that for the agencies "emissions from rendering plants are the main sources of complaints and demand on agency resources". Its purpose is to do a full review of controls for the industry and it acknowledges that an "Al Capone approach/ toolbox "is required for regulators, (a sad acknowledgment that the odour boundary condition cannot readily be used to tackle odour.) We would also ask that as local authorities permit the same premises as the agencies, this project should not only report to the agencies but should also form the basis of a full review of the statutory guidance SG8.

2. 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 Leo group who own both Alba Transport and Omega Proteins for ten separate spillages and have further prosecutions going through the legal process. The authority continues to receive complaints 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. I am aware, from my officers, that a high level meeting was to be held between DEFRA and the two national rendering associations. I understand a meeting has taken place however my officers advise me that despite promises of industry guidance and codes of practise to address the issue of spillages and transport of raw material nothing of any merit has yet been produced.

3. **Transport of Raw Materials – odour**

A decline in the number of renderers has resulted in raw materials being hauled over significantly greater distances. To reduce haulage costs some operators 'bulk up' the raw materials en-route to the rendering plant. This means that the quality of the raw material deteriorates and its propensity to emit offensive odours during transit increases rapidly, especially during warmer weather. This material can be in the bulking up plant for as many as 5 days. In addition to the odour in transit, the abatement of more odorous material is more difficult to achieve.

Residents of Bradford are forced to endure the dreadful smell each time a wagon containing animal by products passes their homes. Due to the location of plants in the area, for some residents, this can be as frequently as every 10 minutes.

It is clear that much more attention should be given to the control of raw materials during transport. In particular there should be a maximum travel time of 12 hours imposed on haulage contractors and the vehicles used should include refrigeration plant to ensure that individual loads are chilled during transit.

The BREF note (upon which the UK guidance is based), refers to a period of 12 hours between slaughter and processing, includes a recommended 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. I am advised by my officers that DEFRA has indeed done a piece of work to show that this is possible. In addition I am of the opinion 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. **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. In these times of austerity this is even more important, to enable these problems to be tackled without significant cost being borne by the authority. I understand that the income received from permitting fees paid by the rendering sector do not cover the actual costs incurred in monitoring compliance with permit conditions. Accepting the hourly rate of £50.63 quoted by DEFRA for the 'typical' local authority officer engaged in this work, then the subsistence fee is equivalent to approximately one week of monitoring. Bearing in mind that there is also a requirement to undertake one full and two check inspections per year, this leaves very little opportunity to use the balance of fee income received to thoroughly investigate specific complaints of offensive odour. The large number of complaints received about this plant and the investigation of these quickly causes a deficit against income. This cost is currently being borne by this local authority.

Local authority officers do not understand why the application and subsistence fees paid to the Environment Agency for regulating an A1 rendering activity are considerably higher than those for an A2 rendering activity. In Scotland renderers are permitted by the Scottish Environmental Protection Agency (SEPA) who receive an application fee of £14000 and a subsistence fee of around £9000.

This is around four times the amount received by Local Authorities for carrying out an identical function. This needs an immediate review, this was raised previously and an indication this would be looked at was given but no progress has been made.

I cannot stress enough the difficulties experienced with permitting this sector and the misery which is caused to many residents in the District by the transportation of animal by products.

I look forward to your support in achieving the changes which are required to bring this sector into line with other businesses around the country.

Yours sincerely

Tony Reeves

Tony Reeves
CHIEF EXECUTIVE