



Agenda for a joint meeting of the Regeneration and Environment Overview and Scrutiny Committee with the Health and Social Care Overview and Scrutiny Committee to be held on Wednesday, 21 February 2024 at 5.00 pm in Council Chamber - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN	LIBERAL DEMOCRAT	BRADFORD INDEPENDENT
K Hussain Rowe Wheatley Mitchell Steele	Herd	Watson	R Ahmed	Salam

Alternates:

LABOUR	CONSERVATIVE	GREEN	LIBERAL DEMOCRAT	BRADFORD INDEPENDENT
Mohammed Choudhry Dodds Kausar	Davies	Warnes	Griffiths	Nazir

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. **Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place.** Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- **Members of the public are respectfully reminded that this is a meeting that is being held in public NOT a public meeting. The attendance of the public to observe the proceedings is welcome.**

- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Jason Field

Interim Director of Legal and Governance

Agenda Contact: Su Booth/Louis Kingdom

Phone: 07814 073884/07890 416570

E-mail: susan.booth2@bradford.gov.uk/louis.kingdom@bradford.gov.uk

To:

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Director of Legal and Governance will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

Members Code of Conduct – Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

(1) *Members must consider their interests, and act according to the following:*

Type of Interest

You must:

Disclosable Pecuniary Interests

Disclose the interest; not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

Other Registrable Interests (Directly Related)

OR

Non-Registrable Interests (Directly Related)

Disclose the interest; speak on the item only if the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

Other Registrable Interests (Affects)

OR

Non-Registrable Interests (Affects)

Disclose the interest; remain in the meeting, participate and vote unless the matter affects the financial interest or well-being

(a) to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward, and

(b) a reasonable member of the public

knowing all the facts would believe that it would affect your view of the wider public interest; in which case speak on the item only if the public are also allowed to speak but otherwise not do not participate in the discussion or vote; and leave the meeting unless you have a dispensation.

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

Any referrals that have been made to this Committee up to and including the date of publication of this agenda will be reported at the meeting.

4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Su Booth / Louis Kingdom – 07814 073884 / 07890 416570)

B. OVERVIEW AND SCRUTINY ACTIVITIES

5. WADDINGTON'S ANIMAL BY-PRODUCTS FACILITY - ENVIRONMENTAL EMISSIONS

1 - 6

The report of the Strategic Director, Place (**Document “AF”**) will be

presented to a joint Committee meeting of the Regeneration and Environment and the Health and Social Care Overview and Scrutiny Committees.

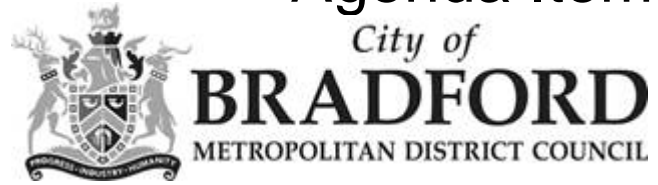
Bradford Council is responsible for the regulatory control of emissions to the environment from this animal by-product processing facility. This report will explain the legislative background and how the Environmental Health Service delivers this regulatory function.

Recommended –

- 1 That the basis of how Environmental Health regulate emissions from the ABP facility be recognised.**
- 2 That the limitations that are presented by the legislation and associated Secretary State guidance when dealing with odour complaints be recognised.**
- 3 That the guidance used by Councils when drafting permits is currently the subject of a national review and that Environmental Health are directing resource to support that review, be recognised.**

(Jeff Lawrence – 01274 431299)

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Report of Director of Place to the joint meeting of the Regeneration and Environment and the Health and Social Care Overview and Scrutiny Committees to be held on 21st February 2024

AF

Subject: Waddington’s Animal By-Products Facility – Environmental Emissions.

Summary statement: Bradford Council is responsible for the regulatory control of emissions to the environment from this animal by-product processing facility. This report will explain the legislative background and how the Environmental Health Service delivers this regulatory function.

EQUALITY & DIVERSITY:

The regulatory control of emissions to the environment from animal by products (ABP) facilities is based on a legal framework and associated statutory guidance documents. It does not target individuals of any of the protected characteristics defined in the Equalities legislation.

David Shepherd
Strategic Director – Dept of Place

Portfolio:

Healthy People and Places.

Report Contact: Jeff Lawrence –
Principal Environmental Health Manager
Phone: (01274) 431299
E-mail: jeff.lawrence@bradford.gov.uk

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

A report to appraise Bradford Council elected members of the legislative controls applied to the Waddington's ABP processing plant and steps taken by Environmental Health in response to recent public and elected member concerns about odour incidents in the neighbourhood adjacent to the facility.

2. BACKGROUND

2.1 The Waddington's animal by products facility is one of one hundred processes within the Bradford Council administrative area that are subject to environmental controls by Environmental Health through a regulatory permitting regime.

2.2 There are eight animal by product rendering facilities within the UK and two are located within the Bradford district. The Waddington's facility is located at the periphery of the city centre.

2.3 In the last two years public and elected member concerns about frequency of odour issues in the adjacent neighbourhood have increased, particularly during summer months.

2.4 The statutory guidance that Councils use to regulate environmental concerns from the ABP rendering industry is currently undergoing full review.

3. REPORT ISSUES

3.1 P Waddington and Co (1947) Ltd operate an animal by-product (ABP) rendering facility in Buck Street, Bradford. The business is longstanding and is located on the site of the former municipal slaughterhouse. In October 2020 the operation was purchased by current operators - JG Pears - who have a further processing operation in another area of the UK. The ABP material is primarily material arriving from slaughterhouses/fallen stock and is frequently highly odorous and decomposed, especially during the summer months. There is no slaughtering of any animals at the site.

3.2 The low number of rendering facilities nationally means that each one represents a critical element in the national infrastructure for controlling the risk of diseases passing from animals through to the general population. In addition, the rendering industry operates to ensure that diseased and unfit foods are prevented from entering our food chain.

3.3 The rendering facility is regulated by the Environmental Health Service within Bradford Council under the Environmental Permitting (England and Wales) Regulations 2016. The operations at the facility are subject to a permit which contains legally enforceable conditions designed to minimise pollution to air, land and water, including noise and odour. The permit conditions are derived from statutory guidance notes - Secretary of State's guidance for the A2 Rendering Sector (SG8). The Council cannot simply devise its own permit conditions.

3.4 Raw materials (ABP) usually arrive on site in specifically designed vehicles. These cannot, and do not have to, be hermetically sealed and consequently have the

potential to give off odours during transport. Such odours also often linger during 'still' climatic conditions. There are currently no legislative controls on odour control from vehicles on the public highway and the legal requirement is that APB transporting vehicles are securely covered. A taught tarpaulin would suffice, but many are to a much higher standard.

- 3.4 There are several stages in the ABP rendering treatment, including receipt of the material, crushing, cooking at high temperature and subsequent meal/tallow separation and storage. Each step has the potential to release significant odours. The process building and ABP processing areas are maintained under negative pressure to stop the escape of odours to the outside, even when doors are opened. Air is extracted from all processing areas and treated in either a thermal oxidiser or through two externally located hypochlorite-based scrubbers. The most odorous air is treated by high temperature incineration in the combustion chamber of the thermal oxidiser, however not all the air in the processing plant can be processed in the thermal oxidiser because of the large volumes of air in question. The remainder is processed by the two hypochlorite scrubbers.
- 3.5 The operating permit incorporates a condition that emissions shall be free from offensive odour beyond the site boundary as perceived by the Regulator (the EH Service), but there is no contravention if Waddington's can demonstrate that they took all reasonable steps and exercised all due diligence to prevent the release of offensive odour. This "due diligence" requires Waddington's to evidence that 'best available technology' (BAT) is employed at the time of any incident.
- 3.6 The use of a thermal oxidiser and hypochlorite scrubbers is nationally recognised as evidence of BAT. Officers from the EH Service undertake regular un-announced monitoring of the site. Any offensive odours detected, or odour notifications received through complaints, beyond the site boundary, result in an investigation to assess BAT.
- 3.7 The odour abatement plant is the critical factor in preventing odour complaints from the public. One of the permit requirements is for annual odour testing by an independent 3rd party. That testing is always observed by a representative of the Environmental Health Service. The latest testing in June 2023 of the water vapor that is observed leaving the stack concluded a 98% odour removal performance standard by the thermal oxidiser. The two hypochlorite scrubbers were assessed at 93% and 91%
- 3.8 The Regulations require the EH service to undertake 2 compliance visits in each 12-month period, but EH carry out many more than the legal requirement. These are a mix of responses to complaints received, proactive odour monitoring and regular engagement on site with the facility operators.
- 3.9 During one such investigation in May 2023 the investigating officer identified a failing in the operation of the hypochlorite scrubbers. The levels of the hypochlorite media had fallen below acceptable operational parameters, impacting on the efficiency of the abatement system. As a consequence, a formal enforcement notice was served requiring the provision of an automated warning system. This was fully complied with, and the warning system is now operational. Enforcement will be taken if evidence of failure to meet BAT is identified.

- 3.10 In terms of controlling odour, Best Available Technology (BAT) is a fundamental foundation of EH enforcement responsibilities and decision making. However, there is a recognition at Governmental level that current definitions of BAT may no longer be adequate to suitably control odour emissions from rendering facilities.
- 3.11 As a consequence, there is an ongoing review of statutory guidance (BAT) being undertaken at national level and as Bradford has two rendering plants in our district Environmental Health are very committed to supporting that review with our experiences and data around odour abatement technologies.
- 3.12 It is not yet possible to predict what the review will conclude, but it is probable that the statutory guidance on which operating permits are based will change. Possible changes include the introduction of specified limits for odour. Such limits are likely to be very challenging for the rendering industry to achieve.
- 3.13 Residents and businesses in the immediate neighbourhood of the Waddington's plant have become increasingly vocal in their criticism of both the Council and Waddington's stewardship. Councillor Imran Khan has chaired two meetings, in February and July 2023, of Council officers, management representatives of Waddington's, local elected members, and representatives of the local residents and Imran Hussain MP. The aim of the meetings was to explore the legislative position and emphasise the need for Waddington's to improve odour control performance.

4. FINANCIAL & RESOURCE APPRAISAL

The 2016 Regulations require the operators of such processes to pay an annual fee and this fee is to support Council inspections, monitoring and enforcement activities. The permit fee is set by central Government and is currently set at £1610. This fee is set each April but has not been increased for a number of years.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The Environmental Permitting (England and Wales) Regulations 2016 stipulate the frequency of permit reviews and the frequency of compliance inspections. There are potential risks arising from any failure to fulfil these requirements such as legal challenge and reputational damage.

The impact of odours in the adjacent neighbourhood is recognised by both the Council and plant operators, but as City of Culture 2025 becomes more imminent there are also increasing concerns about odours impacting on the city centre and that presents a risk to the reputation of both the Council and plant operators during a pivotal year for the district.

6. LEGAL APPRAISAL

The Environmental Permitting (England and Wales) Regulations 2016 are the underlying legislative control. The application of Best Available Technology (BAT) is a fundamental concept of the control of odours and whether the Council can engage in formal enforcement when odours are detected beyond the process boundary.

7. OTHER IMPLICATIONS

None

7.1 SUSTAINABILITY IMPLICATIONS

The rendering industry is an important element of the control of zoonosis and the prevention of unfit food products entering the human food chain. The products of the rendering industry frequently act as a feed for other industries or as a sustainable fuel source. Treatment of material in rendering plants prevents the material being disposed to landfill.

7.2 TACKLING THE CLIMATE EMERGENCY IMPLICATIONS

The rendering process is heavily dependent on the use of gas (for the operation of the thermal oxidiser) and electricity for power provision (particularly maintaining negative pressure in the operating areas and the hypochlorite scrubbers). The operators continually look for efficiencies in fuel usage as it is such a large element of their running costs. The thermal oxidiser was upgraded to a more efficient model approximately 6 years ago and required significant investment in the plant.

7.3 COMMUNITY SAFETY IMPLICATIONS

Previous advice from Public Health England (now the UK Health Security Agency) is that there is no known health risk from the inhalation of odours of ABP and that the levels at which the nose detects the constituents of rendering odours are far below those at which there would be any health effect.

7.4 HUMAN RIGHTS ACT

There are no Human Rights Act implications.

7.5 TRADE UNION

There are no Trade Union implications.

7.6 WARD IMPLICATIONS

The majority of notifications of odour are made by residents and businesses in ward 05 – Bowling and Barkerend. In addition, a lesser number are received from the areas of ward 07 – City, which are nearest to the rendering facility. It is possible that odours may occasionally be detected in limited areas of 06 – Bradford Moor and 18 - Little Horton.

7.7 AREA COMMITTEE LOCALITY PLAN IMPLICATIONS (for reports to Area Committees only)

Not applicable.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

There are no particular implications for children and young people.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Not applicable

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

Not applicable

10. RECOMMENDATIONS

10.1 – That the Committee recognise the basis of how Environmental Health regulate emissions from the ABP facility

10.2 – That the Committee recognise the limitations that are presented by the legislation and associated Secretary State guidance when dealing with odour complaints.

10.3 – That the Committee recognise that the guidance used by Councils when drafting permits is currently the subject of a national review and that Environmental Health are directing resource to support that review.

11. APPENDICES

Appendix 1 – Numbers of complaints received by Environmental Health in relation to Waddington's ABP facility in previous 5 years.

Appendix 1

Number of complaints received – 2019 - 16.

Number of complaints received – 2020 - 16.

Number of complaints received – 2021 – 37.

Number of complaints received – 2022 – 102.

Number of complaints received – 2023 - 69.