

Report of the Strategic Director of Health and Wellbeing and Strategic Director of Place to the meeting of Environment and Waste Overview and Scrutiny Committee to be held on January 31st 2016

V

Subject: The Transport and rendering of Animal by Products at Omega Proteins Ltd, Thornton.

Summary statement:

At the meeting of the Environment and Waste Overview and Scrutiny Committee in April 2015 a joint report was brought before members to update on a number of actions in relation to the transport and rendering of animal by products at Omega Proteins Ltd, Thornton. The committee requested that a further report be brought to update members, this report provides that update.

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Overview & Scrutiny Area:

**Environment and Waste
Management**



1. SUMMARY

At the meeting of the Environment and Waste Overview and Scrutiny Committee in April 2015 a joint report was brought before members to update on a number of actions in relation to the transport and rendering of animal by products at Omega Proteins Ltd, Thornton (The Company). The committee requested that a further report be brought to update members, after the result of the Company's appeal against some of the permit conditions to the Planning Inspectorate had been received. This report provides that update.

2. BACKGROUND

2.1 The Permit

A new varied permit was issued to the Company on February 4th 2015. This permit has required the Company to meet certain requirements in relation to the operation of the plant which go beyond the advice within the statutory guidance. On March 27th 2015 the Company submitted an appeal against the varied permit to the Planning Inspectorate. The appeal was heard in November 2015 and the Planning Inspectors decision was received by the Authority on September 7th 2016. The Inspector ruled in relation to 4 contested conditions as follows:

- 2.1.1 Condition 2.3 stated that *"Residence times for air extracted to the biofilters shall not be less than 45 seconds. The residence time shall be calculated and recorded each month, using a method agreed by the regulator"*

After weighing up the information submitted by both parties and available in documents and guidance the Inspector ruled that "Condition 2.3 is necessary and enforceable in its current form and should remain on the notice of variation"

- 2.1.2 Condition 4.25 states *"...An enclosed building shall be constructed to store trailers arriving on site containing animal by-products by 4th August 2015. The building shall not be used for storing trailers containing animal by-products until it can be demonstrated to the regulator that it is under negative pressure and that air is extracted from the building to effective odour control plant. Thereafter no trailers containing animal by-products shall be stored outside..."*. The date for building the trailer shed was amended to March 31st 2016. This was completed, including the required extraction from the shed to the bio filters by April 11th 2016, before the outcome of the hearing was received.

- 2.1.3 Condition 17.1 states that *"...By the 4th August 2015, the rating level of noise emitted from the site's fixed plant and machinery when operating shall not, at any time, exceed 5db(A) above the existing background levels at the boundary with any noise-sensitive residential premises. The rating level shall be assessed in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall be submitted to the regulator..."*.

After weighing up all the information submitted by both parties, and considering information in technical documents and guidance, the inspector ruled that "condition 17.1 provides a means of determining there to be no reasonable cause for annoyance to persons beyond the installation boundary. As a consequence, it has been demonstrated that condition 17.1 is necessary and enforceable in its current form and should be retained."

- 2.1.4 The final consideration was "Whether the notice of variation should include the former Appendix 1". (For clarification the reasons for appeal state that: the previous permit included a site boundary that was distinct from the installation boundary; this was shown in the permit's Appendix 1 and was for the odour boundary condition;)

After considering the submissions and the technical guidance the Inspector ruled that the currently delineated permit area within the notice of variation indicates the extent of the



installation as defined by Schedule 1 of the Regulations. Therefore, the appeal for the inclusion of the former Appendix 1 should be dismissed.

2.1.5 Following the receipt of the Inspectors decision notice the Company decided to apply for judicial review in relation to the matter covered in 2.1.4 in relation to the site boundary. That matter has not yet been considered by the Administrative Court although correspondence has been received by the council's legal services indicating that this matter is progressing through the legal process.

2.1.6 Following receipt of the Inspectors decision a varied permit incorporating the relevant changes was issued to the Company on the 25th November 2016.

2.1.7 Since the date of the last report and following on from the issue of the varied permit in February 2015 a number of works have been carried out at the plant:

- May 2015 - Continuous monitoring equipment installed on the thermal oxidiser (temperature, oxygen and carbon dioxide)
- July 2015- Additional extraction installed above the raw materials hoppers (to improve general extraction and prevent fugitive emissions)
- December 2015- Decision to grant planning permission for an increase in the stack height to the thermal oxidiser (20m to 25m) (although extension already in place as an agreed trial)
- April 2016 Trailer shed completed including extraction to the biofilter.
- October 2016 biofilter 2 media replaced.

2.2 Complaints about odour.

The following table indicates the level of complaint which has been received about the premises since the last report was brought..

	2015	2016
January	6	4
February	6	7
March	7	4
April	9	2
May	10	4
June	20	4
July	13	24
August	6	16
September	14	18
October	8	5
November	14	17
December	7	5

2.2.1 The annual odour monitoring at the site was carried out in June. The results, which were received on July 18th 2016 showed that biofilters one and three were performing well with 95% efficiency but biofilter 2 was less efficient removing only 75 % of the odours. (Appendix 1 contains a letter which was sent to the company about this.)

2.2.2 Following on from this the company agreed to replace the biofilter media in biofilter 2. This was carried out in September, the poor performance of this biofilter may account for the



elevated levels of complaint in July, August and September. The Company have recently written to the Authority saying that they intend to replace the media in biofilter 1 in January.

- 2.2.3 Visits have been made to the site both routinely and in response to the complaint. On no occasions have officers witnessed an offensive odour from the plant beyond the site boundary. The improvements to the biofilters, the additional extraction fitted above the raw materials hoppers and the fact that all trailers containing raw materials are now stored within the raw materials shed should continue to improve odour controls at the site.

2.3 Response from Planning

The planning service has no particular concerns regarding the current operation of the Omega Proteins site at Thornton

2.4 Response from Transportation and Highways regarding safety issues

- 2.4.1 Update on Keelham Primary School. Scheme proposals involve the provision of advisory 20mph speed limit signs (incorporating flashing amber lights) which will operate only at the start and end of the school day, and will not be legally enforceable. It is also proposed to replace the existing 'Children' warning sign and supplementary 'Patrol' plate opposite the bakery with a new 'Children warning sign with 'School' plate. Appendix 2 shows the locations of the proposed part-time 20mph speed limit signs. All the proposed new sign faces have been ordered.
- 2.4.2 The part-time 20mph signs require electrical feeds. Those feeds are to be supplied by a third party (Northern Power Grid) and it is anticipated that the flashing part-time 20mph signs will become operative in early February 2017. Once the signing works are complete, Sue Snoddy (Road Safety) will be attending Keelham Primary School in order to carry out a Day of Action with staff and pupils.
- 2.4.3 Two bollards have recently been installed on the footpath on Brighthouse Road in the vicinity of Well Heads. This is to stop frequent manoeuvre of vehicles driving over the footpath and endangering parents and children

3. OTHER CONSIDERATIONS

There are no other matters for consideration at this time.

4. OPTIONS

The initial report brought before scrutiny in July 2012 was following a petition from residents regarding the transport and rendering of animal by products. This petition raised many issues. Reports regarding these matters have been brought before scrutiny for almost 5 years and many of the issues raised have now been looked into and where the legal powers exist improvements have been secured. The new varied permit has required many significant improvements to the operation of the plant and the odour controls at the site. For some issues in the petition no regulatory options are available to the Council eg the odour being emitted from wagons, however we are advised that the Company is still working towards the use of a new design of trailer to tackle this. Some matters for example movement of HGV's and compliance with the environmental permit are on going matters which fall to officers of the Councils Planning Service and Environmental Health Service to enforce as part of their statutory functions.

Members have the option to require officers to continue to bring further reports before scrutiny about these matters or they have the option to accept that ongoing regulatory action is a function of the Council in relation to this and many other sites across the District and that no further reports be brought.



5. FINANCIAL & RESOURCE APPRAISAL

The regulation of this process and associated complaint investigation is very resource intensive. The permitting regime was introduced on a polluter pays principal but the cost to the authority of regulating this Company far exceeds the annual fee paid. This cost is currently contained within existing Council budgets. If legal action was undertaken this could be a significant cost to the authority and efforts would be made to recover the legal costs from the company.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no significant risks arising out of the implementation of the proposed recommendations

7. LEGAL APPRAISAL

Odour nuisances arising from commercial activities is regulated by the Pollution Prevention and Control Act 1999 and the Environmental Permitting (England & Wales) Regulations 2010. The Council has issued a permit to operate a scheduled installation namely an animal by product rendering process activity at Erlings Works Half Acre Road Thornton and the compliance with the conditions of permit is monitored by and regulated by officers of the Councils EHS.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

There are no equality and diversity issues arising out of the proposed recommendations..

8.2 SUSTAINABILITY IMPLICATIONS

The Council seeks to work with both the business and the local community to ensure the social, economic and environmental well being of the area. In doing so it is guided by legislation and statutory powers which place constraints on the Local Authority

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The greenhouse gas emissions associated with the animal by product industry can be attributed to it's demand for energy. Rendering of raw materials in particular requires constant high temperatures often met by gas powered boilers. The industry's demand for road transport fuels is also a significant factor to influence greenhouse gas emissions that is inevitably linked to the distance between source locations, storage and processing sites.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no safer communities' issues arising out of the proposed recommendations.

8.5 HUMAN RIGHTS ACT

Regard must be had to Human Rights legislation in all action taken by Bradford Council

8.6 TRADE UNION

➤ There are no trade union issues.



8.7 WARD IMPLICATIONS

The Omega plant is located in the Bingley Rural ward. The residents affected by the plant are located in both the Bingley Rural ward and the Thornton and Allerton ward.

9. NOT FOR PUBLICATION DOCUMENTS

'None'.

10. RECOMMENDATIONS.

1. It is recommended that officers should be supported in their statutory duties to investigate and take enforcement action as appropriate and that ward members and the scrutiny chair are kept advised of any key actions.

11. APPENDICES

Appendix 1 Letter to mega Proteins dated August 5th 2016
Appendix 2 Plan showing location of 20 MPH signs.

12. BACKGROUND DOCUMENTS

None

