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**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**HALESOWEN AREA COMMITTEE– 22<sup>ND</sup> MARCH 2006**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**G.Clancey Ltd and Fish 4 Dogs, Saltbrook Industrial Estate, Cradley.**

**Purpose of Report**

1. To respond to the queries raised by Mrs Borgsteede at the Halesowen Area Committee on 25<sup>th</sup> January 2006.

**Background**

**G.Clancey Ltd**

2. The ferrous foundry process operated by G.Clancey Ltd has been regulated by Dudley Council since 1991 under the provisions of the Environmental Protection Act 1990. There is a history of formal action taken by the Council against G.Clancey Ltd with respect to emissions to air. However the legislation changed in 1999 with the Pollution Prevention & Control Act 1999 and it became clear that the foundry process together with the sand attrition plant now being carried out on site made the installation a “Part A(1) activity”, which is regulated by the Environment Agency.
3. Dudley Council entered into discussions with the Environment Agency and it was agreed that while the sand attrition plant is operational the Environmental Agency are the regulating authority. A new A(1) permit application has been made by Clancy’s to the Environment Agency and it has been accepted as “duly made” by the Agency. We understand that the Environment Agency Officers have requested additional information from G.Clancey Ltd before finally determining the permit application and issuing a permit or refusing the permit application. If an A(1) permit is issued it should address issues of odour, noise, emissions to air and discharges to water and land. The Environment Agency will be notified of any issues concerning harm to health or the environment which Dudley MBC becomes aware of. This will help to inform the Environment Agency’s decision with respect to the determination of the A(1) permit application.

4. With respect to the issue of G.Clancey breaching “operational conditions” in relation to hours of operation, as far as can be ascertained there are no restrictions on the times that the foundry can operate.

#### **Fish 4 Dogs Ltd**

5. I can confirm that Fish 4 Dogs did start operating from their present location without a permit and that they have now applied to Dudley Council for such a permit. The application is currently being considered pending the provision of additional information by the company. The operator has made several improvements to the air filtration plant in an attempt to reduce odour emissions from the oven, however the improvements have not currently been sufficiently effective to prevent offensive odour from adversely affecting local residents.
6. Legal notices have been served on the operator of this installation to undertake odour monitoring and modelling in order to demonstrate what further improvements are required to reduce the odour emissions to an acceptable level. The full results of this work are due to be available by the end of February 2006. The company have engaged the services of an environmental engineering consultancy to advise and provide a suitable arrestment plant to minimise emissions of odour to atmosphere. This plant is expected to be operational by the end of February 2006. Officers of Dudley Council will then be in a better position to assess if the permit application should be refused or accepted. A verbal update will be provided at the Committee meeting.
7. With respect to noise, there is a sporadic ongoing issue with noise from an external refrigerated storage unit. Although this only affects a few of the properties sited closest to the Fish 4 Dogs premises, Dudley Council have served a noise abatement notice on the operator. Should sufficient evidence of a statutory noise nuisance from the refrigerated storage unit be made available to officers from Dudley Council, prosecution proceedings may be initiated.
  - a. The operator has currently made a planning application to Dudley Council (P05/2604) to increase the height of the chimney stack serving the oven to help disperse any residual odour. The increase in height of the chimney stack is an essential part of the ongoing programme of works to minimise offensive odour emissions from the oven exhaust at Fish 4 Dogs. A verbal update will be provided at the Committee meeting.
8. Only if the operator of the process carried on by Fish 4 Dogs can satisfy officers in Environmental Protection that the odour issues can be properly controlled will officers recommend that a permit is issued to the company. Otherwise the permit application will be refused and formal proceedings will be proposed against the operator if the prescribed activity continues to operate without a permit to do so.

**Finance**

- 9. The financial implications of any action taken by Dudley Council will be met from existing budgets.

**Law**

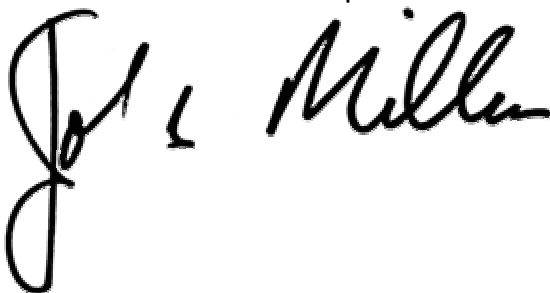
- 10. G.Clancey Ltd operates a Part (A)1 Installation which is prescribed under the provisions of Section 2.1 - Ferrous Metals, Part (A)1, Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulations 2000.
- 11. Fish 4 Dogs Ltd operate a Part B Installation which is prescribed under the provisions of Section 6.8 – The treatment of animal and vegetable matter and food industries, Part B, Schedule 1 of the Pollution Prevention and Control (England and Wales) Regulations 2000.

**Equality Impact**

- 12. The content of this report complies with the Council's Equal Opportunities Policy.

**Recommendation**

- 13. That Committee accept that the installation operated by G.Clancey Ltd is an (A)1 installation and is thereby regulated by the Environment Agency and support the Councils decision to provide any necessary assistance to the Environment Agency with the permitting process currently being undertaken.
- 14. That Committee support the ongoing efforts being made by Dudley Council in determining the permit application made by Fish 4 Dogs in order that a decision on whether to accept or refuse the permit application can be made in as short a time period as is reasonably practicable.



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**J. B. Millar**  
**Director of the Urban Environment**

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## **List of Background Papers**

### **G.Clancey Ltd**

- Decision Sheet DUE/61/2004; (The transfer of enforcement responsibilities for G.Clancey Ltd to the Environment Agency)
- The Pollution Prevention and Control Act 1999
- The Pollution Prevention and Control (England and Wales) Regulations 2000
- The Secretary of States Guidance for the Ferrous Foundries sector; Note SG3 (06)

### **Fish 4 Dogs Ltd**

- Planning application P05/2604; Permission to extend the height of the chimney stack which exhausts the oven and retrospective permission for a refrigeration unit and fencing.
- The Pollution Prevention and Control Act 1999
- The Pollution Prevention and Control (England and Wales) Regulations 2000
- The Secretary of States Guidance for Pet Food Manufacturing Involving the Processing of Raw Animal Material; Note 6/24a (05)