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**DUDLEY METROPOLITAN BOROUGH COUNCIL**

**SELECT COMMITTEE ON THE ENVIRONMENT – 12<sup>TH</sup> November 2000**

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

**UPDATE ON THE OPERATION OF THE GREEN WASTE COMPOSTING FACILITY AT IVERLEY PARK FARM, NORTON.**

**Purpose**

1. To inform committee members of the current situation with respect to the operation of the green waste composting facility operated at Iverley Park Farm, Norton, with particular reference to the emissions of odour which are adversely affecting local residents.

**Background**

2. The site is operated by Simpro Limited located within the district of South Staffordshire approximately 260 metres from the Dudley Metropolitan Borough Council (DMBC) boundary. In November 2004 Staffordshire County Council issued planning permission which relates solely to the composting of green waste for use within Iverley Park Farm farmholding. Composting operations commenced on site in June 2005. Planning permission is temporary and expires no later than November 2009.
3. Conditions are attached to the planning permission to protect the environment and the amenities of neighbouring residents such as restricting the amount of green waste that can be stored on the site prior to composting, restricting the height of windrows (the lines of green waste being turned into compost), limits on the number of vehicle movements per day, operating hours, noise conditions and the requirement for an odour management plan.
4. The site is currently operating under an exemption to the Waste Management Licensing Regulations 1994 (as amended) under paragraph 12, issued by the Environment Agency. The exemption from waste management licensing only applies where the total quantity of waste being composted at any one time does not exceed 1,000 cubic metres and if the activity complies with the 'relevant objectives' of the above Regulations and in particular without causing:
  - risk to water, air, soil, plants or animals or
  - causing nuisance through noise or odours
  - adversely affecting the countryside or places of special interest

Failure to meet the relevant objectives would constitute an offence under section 33 of the Environmental Protection Act 1990. The Environment Agency decide if an exemption is applicable or not for this process.

5. At present, Dudley MBC use the site for the disposal of green waste. The maximum amount of green waste that can be imported to the site in any one working week is 300 tonnes or 1200 cubic metres, controlled by a planning condition. The total amount of green waste taken to the site from Dudley MBC from 18<sup>th</sup> June to 14<sup>th</sup> September 2007 was 2641.79 tonnes. The maximum weekly amount of green waste taken to the site by Dudley MBC during the aforementioned period was 286.8 tonnes during week commencing 23<sup>rd</sup> July 2007.
6. Odour complaints continue to be received by both DMBC and South Staffordshire District Council (SSDC) from residents within their areas. All complaints received are referred to the site operator as soon as received or as soon as possible afterwards. All four Regulators, i.e. DMBC, South Staffordshire District Council, Environment Agency and Staffordshire County Council involved in this issue are informed of the complaints via an email notification system. If available, Officers from the relevant authority endeavour to visit the complainants' as soon as the complaint is received in order to substantiate the complaint.
7. The last Local Liaison Group Meeting was held on 8<sup>th</sup> June 2007, at which members of the Norton Iverley Action Group (NIAG) were present. At the meeting a representative of NIAG indicated that residents were satisfied with the situation at that time. It is the opinion of the Regulators that the most likely explanation for this was that there had been a reduction in the amount of waste going onto site and that the waste received was drier as a result of the unusually dry spring weather.
8. Prior to the NIAG meeting Dudley MBC had organised resources to undertake an odour survey in order to gather evidence of odour emissions and if necessary for the service of an abatement notice, but residents were of the view that the survey would not achieve anything at that time due to the lack of odour incidents. The decision was made, after additionally consulting nine Dudley residents in the prevailing south westerly wind direction, that the survey would not go ahead at that time due to a lack of odour complaints.
9. Dr Afza of the Health Protection Agency was present at the Local Liaison Group Meeting to address residents' concerns regarding bio aerosols arising from the site. She stated that there are no long term health effects, background levels of bacteria/fungi will always be present especially in rural areas.
10. Since Autumn 2006 Simpro have incorporated the use of a probiotic compound which is added when the feedstock is shredded at the beginning of the process, primarily to reduce odour emissions. This is achieved by negating the need for the composting green waste in the windrows to be turned as frequently which is a process recognised as actively dispersing odorous compounds. In Simpro's opinion the probiotic trial has proven to be successful in that it has resulted in reduced windrow turning to once every six weeks; it would normally take at least three turns in the six week process cycle.
11. Odour complaints can be linked to certain activities taking place on site such as turning of windrows and shredding combined with the wind blowing in the direction of sensitive receptors. In early July 2007 the number of odour complaints

received by both DMBC and SSDC increased. On occasions, the complaints received by SSDC could not be linked to activities on site, this carried on into August where odour complaints related to evenings and weekends, when there was no known on site activity.

12. The odour complaint figures received by DMBC for the period April to August 2006 have been compared to the odour complaint figures received for the same period in 2007. 66 odour complaints were received in 2006 and 83 complaints were received in 2007, most of them from July onwards
13. Officers from SSDC did witness a significant odour on one occasion during the summer. Simpro immediately undertook the action required by SSDC to stop any odour nuisance on the request of SSDC. Officers at Dudley MBC understand that no formal action was taken or is anticipated for this incident. Officers from Dudley MBC have visited the property of residents in the Dudley Borough who have made complaints concerning odour from the composting facility but have not witnessed a statutory nuisance, therefore it has not been possible to initiate any formal action against the operator to date.
14. A meeting of Regulators was held in September 2007, attended by officers from Dudley Metropolitan Borough Council, South Staffs District Council, Staffordshire County Council and the Environment Agency. All regulators agreed that there are problems concerning off site odour which are a result of operations on site and that not all measures possible have been taken to minimise the waste becoming anaerobic thus preventing or mitigating against odours. It was the opinion of the Regulators that the high moisture content (as a result of the wet summer) and low carbon input to the green waste feedstock added to the problem of anaerobic bacteria and increased the likelihood of odour emissions & complaints.
15. Following on from the meeting, a letter has been prepared for Simpro from the Environment Agency on behalf of all four Regulators detailing the issues of concern surrounding the management of the composting process together with recommendations on how the site operations should be improved. The operator has been requested to revise site procedures and submit a revised odour management plan to the Environment Agency. The letter also warns that The Environment Agency may take further action if the situation does not improve.
16. Officers at Dudley MBC will continue to participate in the complaints notification procedure when complaints are received and will attend site following the receipt of a complaint from residents of Dudley MB. .
17. Consideration will be given to further odour monitoring exercises and regard will be taken as to the frequency, numbers of complaints of odour and prevailing weather conditions. Meetings between the Regulators on a regular basis will continue.

## **Finance**

18. The investigation into odour from the composting activity at Iverley Park Farm is funded from within existing budgets.

## **Law**

19. Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, the Local Authority shall serve an abatement notice on the person responsible under section 80 of the Environmental Protection Act 1990. (The Act) Failure to comply with the requirements stipulated in an abatement notice is an offence. If sufficient evidence of a contravention is obtained, the person responsible may receive a fine of up to £20,000 in a Magistrates Court.

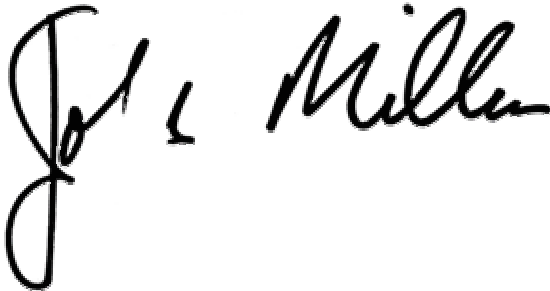
Failure to meet the 'relevant objectives' referred to in paragraph 4 above constitutes an offence under section 33 of the Environmental Protection Act. This is enforced by the Environment Agency.

## **Equality Impact**

20. The content of this report complies with the Council's Equal Opportunities Policy, there are no equality issues or matters specifically affecting young people to consider in this report.

## **Recommendation**

21. It is recommended that Committee members note the work undertaken by officers detailed in this report and support the continued investigation into this matter.



**J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT**

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## **List of Background Papers**

The Composting Industry Code of Practice issued by the Composting Association  
Local Liaison Group Minutes for meeting held on 8<sup>th</sup> June 2007  
Regulators Meeting Minutes for meeting held on 19<sup>th</sup> September 2007