

Environmental Health report dated 2 September 2019, following 'sniff tests' this summer.

The pig rearing farm and newly formed Anaerobic Digester with Combined Heat and Power plant are legally established business premises with planning permission obtained from South Downs National Park and Environmental Permits issued by The Environment Agency. They were developed in accordance with appropriate planning design principles and environmental BAT guidance (BAT = Best Available Techniques).

Pig rearing operations have been conducted in the area around Funtington and West Stoke for over 30 years. Pig conditioning sheds pre-existed the current operations and these have been extended and added to under recent permitted development.

Historically the Council has occasionally received complaints about odours/smoke from the burning of pig waste bedding materials in the fields; however, this practice was discontinued. The Council does occasionally receive complaints about manures being spread and incorporated into the soil as a fertiliser. Such operations are odorous and need to be managed in accordance with good agricultural practice.

We have a duty to investigate complaints of odour from commercial and industrial activities to determine whether or not a statutory nuisance exists which requires abatement. In the case of the Broadley Copse pig farm and Broadley Energy AD plant we have been conducting assessments within our legal remit under Section 79(1)(d) of the Environmental Protection Act 1990 as this relates to "dust, steam, smell or other effluvia from industrial, trade or business premises."

The law requires nuisance assessment to be supported by reliable and credible evidence. In determining what is declared as a nuisance account needs to be taken of the intensity, duration, frequency of incidents, impact on persons in the vicinity and the character of the area. The sensitivity standard should be that of a reasonable man.

In addition to the above, there has to be consideration as to the practicality of dealing with the minimisation of odours from the nature of the activities. Best practicable means (BPM) is to be considered during such investigations.

The definition of BPM is as follows:

Practicable means reasonably practicable having regard to local conditions and circumstances, to the current state of technical knowledge and to the financial implications.

Means to be employed include the design, installation, maintenance and manner and periods of operation of plant and machinery and the design, construction and maintenance of buildings and structures.

The pig conditioning sheds and the anaerobic digester plant developments have both been the subject an extensive planning application process with the design and operational practices subject of Environmental Permits demonstrating Best Available Techniques (BAT).

Our odour monitoring has followed the Environment Agency (EA) H4 Odour Management approach and has used sniff testing at a range of locations surrounding the farm and AD premises. Five officers from CDC have made 27 visits, some at overlapping times, at various times of day and under variable wind/weather conditions in order to ensure that a consistent and reliable assessment is applied.

A summary of the actions taken to investigate the odour complaints is as follows:

The Council's Environmental Protection Team was first informed about an odour complaint on 4 July 2018.

We have since worked more closely with the Environment Agency and the operators to better understand what activities are taking place that may give rise to odour emissions.

Initial investigations followed the submission of odour diary records submitted by a resident to the west of the site. At that time there were inconsistencies in the function of the AD plant that meant it could not handle the volume of pig manure waste being generated. So in accordance with environmental management practices it necessitated transporting loads of pig manure off site.

Due to early teething problems with the AD plant the practice of transporting some manure for use on arable land continued to take place until spring in the current year when the AD plant was brought back up to full processing capacity.

Early in 2019, a new complainant contacted CDC and a meeting was held to go through the issues being experienced. Detailed discussions, site visits and meetings were held with Environment Agency Officers and the site operators.

Updates were issued to complainants at the beginning and end of March requesting that they maintain detailed records of any malodours experienced so that dates and times could be compared to activities taking place and while our investigations were ongoing.

At this time we were dealing with 3 active complainants but we did not receive any detailed diary records as requested and complaints tended to be reported

via brief emails. This is not in accordance with the gathering of good reliable evidence which needs more accurate contemporaneous notes in a diary on an hourly/daily basis. An accurate record assists further analysis and establish who, when and how severely people are being affected.

During the period March to June complaints were received from 7 more people in the locality. Some people live in the Woodend area and others live to the west/SW of the site (Downs Road, and Funtington village).

Despite instructions to keep written diaries we have not received details as expected, aside from sporadic emails. It is important to emphasise that in accordance with producing clear and reliable evidence for future analysis and any formal action determined, then the collation of such details are required as persons may be called upon to give evidence. After all it is unrealistic to expect CDC officers to be present to witness events that happen on an intermittent and infrequent basis, or expect officers to attend site on demand.

During the period June – August CDC undertook extensive monitoring at locations surrounding the site (both residential and non-residential sites). Monitoring has been undertaken during various weather conditions and at different times of the day from early morning (0530hrs) until late afternoon (1745hrs) on various weekdays and one weekend. Five officers have taken part in this monitoring and 27 visits have been undertaken to date.

Correspondence with the managers and the EA has continued throughout this period and we are aware that the EA has also undertaken a number of monitoring visits during the period of investigation.

11 new complaints due to pig manure odour have been received during the last 5 weeks.

Whilst we have continued to receive numerous emails from 2 complainants, we have only had one completed set of diary record sheets so far and that related to 25 days in July 2018. Nonetheless we have logged all emails received and compiled a list of days/times when complaints have been made. Complaints have related to foul pig manure odours at various times, sometimes intermittent and relatively short lived, and at other times more persistent.

The results of our monitoring have concentrated on westerly or easterly wind directions; show that pig type odours are sometimes experienced for some considerable distance downwind. The assessments kept in accordance with the Environment Agency (EA) H4 Odour Management approach have diligently recorded odour scores at various locations including sensitive receptors.

The scoring is on the scale 0 to 6.

0 is no odour, 1 is very faint, 2 is faint, 3 is distinct, 4 is a strong odour, 5 is a very strong odour and 6 is extremely strong.

We have not recorded any occasion where a pig odour (or other) has been assessed at residential property above a score 3. Apart from the farm cottages closest to the site along Downs Road, the incidence of any distinct or faint odours has been limited.

On the basis of the information to date we cannot support any legal basis for action to require further mitigation of odours arising.

The collation of good quality evidence is an essential step in any formal action considered whether that is undertaken by the local authority or privately. Unless we receive more detailed diary records from long standing and new complainants about the existence of strong and persistent odour issues causing unreasonable interference with the enjoyment of property then we must discontinue our assessment visits. We believe that all reasonable steps have been made in our own assessment to reach a conclusion to our investigations.

Yours sincerely

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Environment

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