

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD**

**03 March 2014**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 TONBRIDGE ODOUR UPDATE**

**Summary**

**This report provides an update on the continuing issue of odour emissions in Tonbridge and specifically reports on the progress that has been made since the previous Board meeting in November 2013.**

**1.1 Background**

1.1.1 My report to the last Board meeting outlined in detail the situation regarding odour emissions from Drytec, including complaint history and trends, the Council's regulatory position and the wider landscape involving other agencies.

1.1.2 At that meeting two actions were recommended to Cabinet:

- The establishment of a multi-agency liaison group.
- Fixing of a firm timetable of works relating to improvements to the company's odour abatement equipment be agreed between Drytec and officers.

Progress on both matters is described in this report.

**1.2 Liaison group**

1.2.1 The first meeting of the Liaison group took place at K College on the 5 February; the minutes are attached at **[Annex 1]**. Membership of the Group comprised Drytec Managing Director and Site Manager; Councillors Mark Davis (Chairman), Councillors Owen Baldock and Sarah Spence; three members of the "Stop Tonbridge Smells" Action Group, a representative of the Environment Agency and Borough Council officers. Apologies were received from Public Health England and the Health and Safety Executive.

1.2.2 A significant output from the meeting was that the Drytec Managing Director provided a firm commitment to installing bespoke odour abatement equipment in

the form of a “Regenerative Thermal Oxidiser (RTO) and a timetable for its installation and commissioning. The equipment operates by burning off odorous chemicals at high temperatures prior to waste gases being emitted from the stack. This major investment will inevitably involve extensive works to the plant, including the potential removal of one of the stacks.

1.2.3 We understand that the equipment is being manufactured in the USA by a sister company, where similar technology is currently being used to good effect and with minimal complaints, i.e. approximately two per annum. We will naturally be seeking formal confirmation of this and we have asked to be provided with specification details.

1.2.4 The timetable for the installation and commissioning of the new equipment is as follows:

- Drytec is currently finalising the technical specifications for the RTO.
- Manufacture of the equipment will take place in the next few weeks.
- Shipping to the UK and installation will take place in late March/early April.
- The equipment will be commissioned during April and be fully operational in May.

1.2.5 Whilst we are reassured by this statement of intent from Drytec, it is essential that we are given the opportunity to scrutinise the technical specifications and planned maintenance programme of the plant and have requested that Drytec provide these as a matter of priority. It is intended to use specialist consultants to make a detailed assessment of the suitability of this plant in abating the Company’s odour emissions.

1.2.6 A number of other actions were agreed at the meeting which included the following:

- Officers working with residents to review our approach to continued monitoring.
- The Environment Agency site visit report will be shared with the Liaison Group;
- Drytec will review production scheduling, with a view to minimising odour emissions during evenings and weekends prior to the installation of the new odour abatement plant;
- Drytec will review housekeeping and working practices that were raised and report back to the next meeting of the group in late March.

### **1.3 Legal Implications**

- 1.3.1 The legal situation in respect of statutory nuisance was explained in detail in the November report. The situation remains that the Borough Council recognises the annoyance and distress caused to residents by these emissions and is fully committed to undertaking ongoing investigations, including the establishment of a refined approach to monitoring. It is our intention that these will run in parallel with the installation of the new abatement equipment.
- 1.3.2 Should these investigations, at any point, meet the appropriate evidential tests for statutory nuisance, along with legal opinion that we are in a position to successfully challenge a “best practicable means” defence, full consideration will be given to the commencement of formal action.
- 1.3.3 However, we were encouraged by the progress made at the initial meeting of the Liaison group and are optimistic that this will provide a productive forum for achieving the improvements that all stakeholders are seeking.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 It is anticipated that costs in the region of £5,000 associated with the evaluation of technical information relating to the proposed plant will be incurred.

### **1.5 Risk Assessment**

- 1.5.1 Consistent with our recommended approach in the previous report and the points made earlier in this report we will continue, through dialogue, to seek to ensure that the timetable of commitments made to the Liaison group are adhered to.
- 1.5.2 Both the Environment Agency and Public Health England have been helpful in addressing the wider concerns of residents, which fall outside the regulatory remit of the Environmental Protection Team.

### **1.6 Equality Impact Assessment**

- 1.6.1 See “screening for equality impacts” table at the end of this report.

### **1.7 Recommendations**

- 1.7.1 It is **RECOMMENDED** that the Cabinet **ENDORSE**:
- 1) The minutes of the Liaison group; and
  - 2) The on-going approach of officers to ultimately resolve the current situation.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jane Heeley  
Jacqui Rands

Nil

Steve Humphrey  
Director of Planning, Housing and Environmental Health

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The work described does not have the potential to impact or discriminate against different groups.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The work described in this report is primarily concerned with a regulatory duty on officers to investigate complaints of potential statutory nuisance.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*