

Committee: Scrutiny 1
Date: September 21st, 2005
Title: Spreading of Waste on Agricultural Land
Author: Will Cockerell

Agenda Item

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Item for
decision

Summary

This report advises Members that there have been a large number of odour complaints concerning the use of various waste materials on farm land and provides background information on the types of material involved and the regulatory framework that controls the activity.

Recommendations

1. The Committee writes to the Environment Agency asking for a review of the way the Agency exercises its control over the disposal of waste on agricultural land.

Background Papers

None

Impact

Communication/Consultation	There are no specific communication or consultation implications.
Community Safety	There are no specific community safety implications
Equalities	There are no specific equality implications
Finance	There are no finance implications
Human Rights	There are no specific human rights implications
Legal implications	There are no specific legal implications
Ward-specific impacts	All
Workforce/Workplace	None

Situation

1. This report is being presented to members at the request of the Chairman of the Committee
2. A large number of complaints are received every year from members of the public concerning prolonged periods of odour associated with the spreading of waste materials such as sewage sludge on agricultural land. This year a new material derived from the production of paper has been used, known as paper crumble, and there has been a significant increase in the complaints associated with the use of this material.
3. Whilst it is not always possible to be exactly sure which type of material is the cause of the complaints, there have been a large number of complaints from residents in Great Dunmow, Stebbing, Thaxted, Little Easton, Felsted, and Manuden.
4. The regulation of waste materials is carried out by the Environment Agency but there are powers in the Environmental Protection Act 1990 to deal with odour nuisance.
5. The use of animal manures on farmland is a common agricultural practice and in more recent years sewage sludge, either as a digested cake or heavily limed, has been applied to farmland after harvesting. The Sludge (Use in Agriculture) Regulations 1989 controls the use of this material and is designed to prevent heavy metals entering the food chain. A Code of Practice has also been introduced by DEFRA to prevent pollution of the environment and includes a recommendation to incorporate the material into the land within 48 hours. The Environment Agency enforce these powers.
6. The two main suppliers of this material are subsidiaries of either Thames Water (Terra Ecosystems) or Anglian Water (Nutri-Bio) and they supply the Council with maps showing where the material is going to be stock piled and the fields on which it will eventually be spread. The information also includes the contact details for the farmer concerned and in the main this system had worked well in minimising the adverse effects on local residents and maximising the reuse of a valuable fertilizer that had previously been dumped at sea or at a landfill site.
7. The new material, a by product of the paper making industry called paper crumble, is not covered by the same regulations but is a use which is exempt from the requirements of the waste disposal licence regime if it can be shown that the material benefits the land and does not cause pollution. The Environment Agency is again the regulatory body for this activity but there are no Codes of Practice governing its use.
8. The Environmental Protection Act 1990 includes powers to serve a notice if a statutory nuisance is caused by a smell arising on trade or business premises (this includes agriculture), but it also affords a defence if the best practical means are being used to prevent or counteract the nuisance.
9. In practice the paper crumble has been incorporated into the soil very soon after the initial spreading but there has continued to be complaints for a

number of days, and in some instances this has been caused by the spreading of similar material on adjoining or nearby farmland.

Risk Analysis

10. The following have been assessed as the potential risks associated with this issue.

Risk	Likelihood	Impact	Mitigating actions
That this agricultural practice continues to cause unacceptable levels of complaint	High	High	<p>A better understanding of the long term environmental benefits of reusing these waste products will result in a more tolerant attitude by local communities.</p> <p>The provision of information to the Environment Agency on the extent of the odour nuisance caused when unregulated waste materials are used on farmland may result in tighter controls in the future.</p>