

CHAPTER 3

The supply and rendering of animal waste: regulatory framework and environmental aspects

3.1. The manner, means and speed of dealing with animal waste at abattoirs, of transporting it (direct or via a transfer depot) to a rendering plant, and of processing it there, are of interest and concern to both central and local government. This is partly because of the importance to slaughterhouses and the meat trade of the disposal facilities available, partly because the nature of the material and of its management and treatment can lead to environmental nuisance problems or, in the event of accident, delay or neglect, hazards to health.

3.2. The Ministry of Agriculture, Fisheries and Food (MAFF) has set out in the following note, agreed by the departments concerned, the division of governmental responsibilities in relation to the rendering industry.

Sponsorship

- (i) MAFF is the sponsoring department for the rendering industry in England. In Scotland, this role falls to the Department of Agriculture and Fisheries for Scotland (DAFS) and in Wales to the Welsh Office. This sponsorship can be interpreted as the responsibility for ensuring the continuance of a viable rendering industry, as an essential adjunct to the meat industry, and is part of those departments' wider responsibilities for meat production.

Statutory responsibility

- (ii) The operations of the rendering industry are directly affected by several acts of Parliament and associated regulations in such fields as public health, planning, waste disposal and pollution. The responsibility for these acts and regulations lies with various government departments. In England, the two departments primarily concerned are the Department of the Environment (DoE) and MAFF; in Wales, the Welsh Office is responsible, in close liaison with the English departments. In Scotland, the situation differs in that there are acts and regulations affecting the rendering industry which are part of Scottish law and therefore the responsibility of the various Scottish Departments such as the Scottish Development Department (SDD) and DAFS. Some acts do, however, provide for regulations to be made jointly by the English, Scottish and Welsh departments for the whole of Great Britain. As far as possible, the actual situation in each area is described below.
- (iii) MAFF is jointly responsible with the Department of Health and Social Security (DHSS) and the Welsh Office for the Meat (Sterilisation and Staining) Regulations 1982 made under the Food Act 1984. These regulations, which apply in England and Wales, control the movement

of meat which is unfit for human consumption in order to prevent its being used in ways which could endanger public health. Similar regulations have been made for Scotland by DAFS and came into effect on 1 August 1983.

- (iv) Under the Dumping At Sea Act 1974, MAFF has powers which have an indirect effect on the rendering industry. The Ministry is the licensing authority for England (and for Wales on an agency basis) for waste dumped at sea. DAFS are the licensing authority for Scotland. Animal waste is not considered suitable for dumping at sea and licences would not be granted for this purpose. No change in this situation is envisaged in the foreseeable future.

Department of the Environment

- (v) In common with other industries, the animal rendering industry must comply with the full range of statutory requirements concerning planning and environmental protection. Under Part I of the Control of Pollution Act 1974, domestic, commercial and industrial wastes (which include wastes arising in the animal rendering industry) may only be disposed of at sites licensed by the relevant waste disposal authority (county councils in England and district councils elsewhere). District councils in England and Wales also authorise movements of unfit meat from slaughterhouses and knackers' yards. Policy responsibility for Part I of the Control of Pollution Act and its subordinate legislation (such as, in England, the Licensing of Waste Disposal Regulations 1976) rests with DoE, SDD and the Welsh Office.
- (vi) Those sections of the Public Health Act 1936 which relate to rendering are the responsibility of DoE and the Welsh Office. Sections 91 to 100 of this Act define statutory nuisances and give local authorities the power to control such nuisances, including any smell nuisance caused by a rendering plant. Under section 100, a local authority is empowered as a last resort to bring an action in the High Court to abate a statutory nuisance, which can eventually lead to the closure of a rendering plant. The definitions of offensive trades in sections 107 and 108 of the Public Health Act include the various rendering processes and give local authorities power to license such trades for limited periods.
- (vii) In Scotland, SDD has responsibility for the nuisance and offensive trades provisions of the Public Health (Scotland) Act 1897, which differ somewhat from the corresponding English and Welsh provisions (eg there is no full equivalent of Section 100 of the Public Health Act 1936). SDD also has responsibility for planning matters in Scotland, which again involve separate legislation.
- (viii) DoE in England, and the Welsh Office in Wales, are responsible for town and country planning and development control. 'Development' as defined in Section 22 of the Town and Country Planning Act 1971 requires planning permission from the appropriate local planning authority (in most cases the district council) except where it is permitted by the terms of the General Development Orders. There is a right of

appeal to the Secretary of State against the refusal of planning permission. Although local authorities have powers under Section 51 of the 1971 Act to revoke a planning permission, such discontinuance orders (which need to be confirmed by the Secretary of State and carry with them a liability to pay compensation) are hardly ever used. As far as rendering plants are concerned, local authority action to restrict their operations is more commonly taken under the Public Health Act 1936.

Department of Health and Social Security

- (ix) DHSS is jointly responsible with MAFF and the Welsh Office for the Food Act 1984 and regulations made thereunder (see paragraph (iii) above).

European Community

- (x) There is at present no EC legislation which has a direct bearing on the operations of the rendering industry.

3.3. The controls which, in relation to renderers, are exercised under the powers mentioned in the preceding note can be summarised as follows:

- (a) control of statutory nuisances under sections 91 to 100 of the Public Health Act 1936 (the 1936 Act) and, *mutatis mutandis*, under corresponding Scottish legislation;
- (b) licensing and bye-law control under the 'offensive trade' provisions of sections 107 and 108 of the 1936 Act and under the relevant Scottish legislation;
- (c) local authority bye-laws (which are confirmed by the Secretary of State) that can be made under section 82 of the 1936 Act relating to the carriage through the streets of offensive matter or liquid;
- (d) town and country planning control, where rendering activity would involve 'development';
- (e) control of movement of meat unfit for human consumption;
- (f) prohibition of dumping of animal waste at sea; and
- (g) prohibition of land disposal of waste arising in the rendering industry *except* at sites licensed by the waste disposal authority and when the material conforms where necessary with the sterilisation regulations.

3.4. In addition, Water Authorities control, and may impose a charge for, the discharge of liquid effluent into the sewerage system.

3.5. Under the Slaughterhouse (Hygiene) Regulations 1977, regulation 47, animal waste products have to be removed from slaughterhouse premises as often as necessary and at least once in every two days. This requirement on abattoir owners has a bearing on the reliability and regularity of the collection service which an abattoir owner will expect from a renderer to whom he supplies animal waste.

3.6. Some of the controls affecting the rendering industry are considered more fully in the following paragraphs.

'Statutory nuisances'

3.7. The controls which, for some years now, appear to have been of most concern to renderers and to have been most used by local authorities (often following representations from local residents) are directed to the prevention or cure of statutory nuisance, especially smell nuisance. In England and Wales, the 1936 Act, as amended by the Local Government (Miscellaneous Provisions) Act 1982, provides for the control of statutory nuisances which are defined to include 'any . . . effluvia caused by any . . . process and . . . injurious or likely to cause injury, to the public health or a nuisance'. An offensive smell would come within the meaning of 'effluvia' for the purposes of the 1936 Act. Other matters which constitute statutory nuisances include premises in such a state as to be, or accumulations or deposits which are, prejudicial to health or a nuisance.

Complaints and summary proceedings for abatement of statutory nuisance

3.8. If offensive odours result from the operation of a rendering plant, this will often give rise to complaints to the local authority from residents in the area. Moreover, the authority has a duty to inspect its district in order to detect the existence of apparent statutory nuisances. Where, in England and Wales, a local authority is satisfied that the smell from a rendering plant constitutes a 'statutory nuisance', it has under section 93 of the 1936 Act a duty to serve an abatement notice on the person responsible who, if he fails to comply, will be proceeded against in a court of summary jurisdiction.

3.9. An individual, as well as the local authority, may take action to institute summary proceedings.

'Defence of best practicable means'

3.10. Where the complaint concerns smell, it is, under section 94, a defence in summary proceedings to prove that the best practicable means have been taken for preventing or counteracting its effects. In determining whether or not that is the case, the court, may have regard to a number of factors such as cost, technological developments and local conditions and circumstances.

Proceedings in the High Court

3.11. If the local authority thinks that summary proceedings would afford an inadequate remedy, it may, under section 100 of the 1936 Act, take proceedings in the High Court to secure the abatement or prohibition of the nuisance. The adoption of the 'best practicable means' is not a defence in a section 100 action. The Court's ruling, if it found against the defendant, could result in the closing down of the rendering plant concerned, even though the renderer had expended large sums to install and operate the best practicable means, as known at the time, of abating the nuisance. It appears that this power was expected to be used as a last resort and, in practice, it has been used rarely, though the threat of action is understood to have been used more often.

Offensive trades and licensing

3.12. Under section 107 of the 1936 Act, the written consent of a local authority is required to establish or carry on, in its area, an offensive trade. The

activities of a rendering business are designated offensive trades under the Act (as they were under its predecessor public health legislation). The period of validity of a licence may be limited; usually, it seems, one year is stipulated.¹ The person concerned may apply for an extension of the period. In practice, therefore, periodical applications will be required from anyone who wishes to carry on a rendering business on a continuing basis.

3.13. Quite apart from the possibility of legal proceedings, as mentioned above, the threat of refusal to renew a licence which is valid for a set period is a powerful instrument in the hands of local authorities who have received complaints by local residents about smell nuisance from a rendering plant.

Scotland

3.14. In Scotland somewhat similar provisions apply, as regards nuisance and offensive trades, under the Public Health (Scotland) Act 1897 but there is no full Scottish equivalent to the powers to initiate the proceedings in the High Court which are contained in section 100 of the 1936 Act.

Town and country planning

3.15. Before setting up a new rendering plant, planning permission is likely to be needed. The erection or major external alteration of most buildings needs planning permission (although small extensions may be 'permitted development'). Where instead setting up involves only a new use of land, or of existing buildings, this may represent a material change of use requiring planning permission, unless the premises are already used for other activities coming within Class 9 of the 1972 Use Classes Order. (However, even a change of use within Class 9 will need planning permission if the change would mean the presence of notifiable quantities of hazardous substances on the premises.) Planning permission might not be easy to obtain if the proposal conflicts with policies in the approved statutory development plan for the area. National planning policies for industrial development, which development plans should reflect, are set out in DoE circulars.

Liquid effluent

3.16. Renderers in general have to make arrangements, to the satisfaction of the regional water authority (or the local authority as its agent in sewerage matters) for the disposal of the liquid effluent discharged from the cookers and processing vessels of the rendering plant. Water authorities generally issue a consent for a discharge to a foul sewer. Where the effluent requires treatment at a sewage works, a trade effluent charge will be levied.

3.17. The water authority may require a renderer to install equipment for pre-treatment, varying according to the quality of the effluent from a simple grease trap to costly equipment designed to remove contaminants from the condensates and chemicals which are residuals from the plant's odour control process. Whilst not a major problem for all renderers, charges for acceptance and treatment of effluent may be a significant cost item when low grade material

¹ We understand that a small number of rendering businesses, established under legislation prior to the 1936 Act, may have licences not restricted as to period of validity.

(soft offal) constitutes a high proportion of a renderer's throughput. Broadly similar arrangements for the control of effluent apply in Scotland.

Departmental advice and code of practice

3.18. In response to growing concern both about the smell nuisance problems created by rendering plants and the implications, national as well as local, of nuisance abatement action by local authorities, the DoE issued in 1976 a circular advising authorities on 'Control of smells from the animal waste processing industry' (Circular 43/76). This acknowledged the difficulties associated with odour emissions from rendering operations but reminded authorities of both the national and local implications of actions to reduce smell nuisance. In particular it suggested that, unless unavoidable, action under section 100 of the 1936 Act—application to the High Court—should be used only sparingly and that the rigorous enforcement of the best practicable means (sections 92 to 97) should be adequate to deal with most smell nuisance problems. It pointed out that if all or part of the rendering industry ceased to operate, waste material would not be collected from slaughterhouses etc nor would it be processed.

3.19. In 1977 the DoE issued a code of practice for 'The prevention and abatement of smells from animal wastes'. The code drew on the recommendations of the Working Party on the suppression of odours from offensive and selected other trades (Warren Spring Laboratory 1974 (Part 1) and 1975 (Part 2)).

3.20. Although the code could not be legally enforced, the Department envisaged that conscientious application of their recommendations would prevent the majority of smell emissions likely to give rise to nuisance, and would form a basis for continuing co-operation and discussion of problems between local authorities and the industry. Day-to-day control of the rendering industry is in practice a local matter and the DoE have no firm information about the influence of the code of practice, except that it has become a point of reference for local authorities in considering operating and housekeeping standards at rendering plants.

3.21. The code includes general recommendations about matters such as the prompt collection, transport and processing of raw material, and good housekeeping by way of cleaning, disinfection and maintenance practices. It recommends that both storage and processing capacity should be greater than necessary to handle normal quantities of material, that appropriate arrangements be made for the availability of essential spare parts (particularly for odour abatement equipment) and for stand-by procedures in case of power failure, mechanical breakdown etc. Other recommendations relate to the housing of all processes in purpose-built premises operated under negative air pressure and the extraction of air and vapours through adequate odour abatement equipment.

3.22. Among good operating practices, the code suggests that the discharging of batch cookers should be staggered in order to achieve uniform input to

the odour abatement equipment and reduce the risk of overloading and breakdown. It also suggests that the installation of equipment for continuous processing be considered as tending to reduce, through the steady level of operation and the smell prevention measures that can be incorporated, the risk of smell emission. Other commended practices include rapid charging of cookers (preferably by a pneumatic system) and the regulation of temperature so as to avoid overcooking with its attendant risk of smell. The design, construction, and state of repair of buildings, floors, yards and roads are also dealt with in the code, as are practices directed to ensuring the good condition and reliable operation of equipment.

Pressures for improved environmental standards

3.23. DoE suggested to us that, in recent years, the increasing public expectations in respect of the quality of life had promoted greater pressure for improved environmental standards in the rendering industry, and that, in some cases, urban encroachment on what had been isolated sites, originally unlikely to give rise to general public nuisance, had exacerbated the situation. The costs of environmental control equipment and their implications for rendering businesses are considered in paragraph 4.41.