

Odours



The Law

Under the Environmental Protection Act 1990, we can take action against nuisance caused by odours arising from any industrial, trade or business premises, including premises such as restaurants and takeaways. Common causes of complaints from food premises are odours from cooking or smelly bins.

A statutory odour nuisance is much more than just being able to smell something, it has to have an unreasonable effect on a person's use of their home, garden, or place of work.

We cannot take action as a result of an odour arising from a home unless the odour is caused by a build-up of material in the garden (for example, dog mess or rotting waste). If this is the case, we may be able to make the occupier remove the material and not let it build up again.

Some activities that can cause an odour (for example, spraying vehicles) are allowed under a permit issued under the Environmental Permitting (England and Wales) Regulations 2007. There is more information about these activities on the back page of this leaflet.

Odours

Odours are one of the most difficult nuisance complaints to investigate as they can travel long distances and many factors (such as temperature and the speed and direction of the wind) may make it difficult for us to find out where they are coming from. In some cases we may never find the cause of the odour.

Odours affect people in different ways, depending on their sensitivity to them. For example, what may be an offensive smell to one person may not be to another. Also, some unpleasant odours may not be a 'statutory nuisance' (that is, a nuisance that is recognised by law and that we can take action against).

Many things can affect whether an odour would be considered a statutory nuisance, such as the time it arises, how long it is a problem for, the type of smell and its effects, and the character of the area.

For example, if you live in the centre of a town, you might expect to smell an odour from restaurants or takeaways. And in the countryside, it is reasonable to expect the smell from farming activities.

Common causes of odours

In our district, odours from farming activities are quite common. During the autumn, farmers spread fertiliser or soil conditioners on to the fields (commonly known as muck-spreading) to prepare the soil for sowing new crops. This type of odour is normally short lived and is considered to be caused by a necessary task, so is unlikely to be a statutory nuisance. Farmers have to keep to strict regulations and codes of practice that regulate this type of activity. The Environment Agency is responsible for enforcing those regulations.

Another common cause of odours is when different materials (for example, household rubbish and organic matter such as compost or manure) are transported. We do not have any powers to deal with odours from vehicles on the road. However, this type of odour is not around for long as it passes with the vehicle.

If you have concerns about odours from a particular vehicle, whether or not it is moving, you should first try to speak to the company that owns the vehicle. If you cannot, phone Essex County Council Highways Department. Their phone number is on the back of this leaflet.

Odour from industrial, trade and business activities

We regulate certain types of business to keep any air pollution (including odour) that they may cause to a minimum. These include businesses such as vehicle sprayers.

Under the Environmental Permitting (England and Wales) Regulations 2007, these businesses must get a permit from us. This permit will set out conditions they must keep to, including ways to prevent odours produced by their activities from causing a nuisance.

If you do experience problems with odours from these types of business, phone us for advice. We may need to refer your complaint to the Environment Agency as permits for larger industrial activities are issued and enforced by them.

If we cannot solve the problem by enforcing the conditions on the permit, we may be able to take action under the Environmental Protection Act 1990.

The Environment Agency

Phone: 08708 506506

Website: www.environment-agency.gov.uk

Department for Environment Food and Rural Affairs (DEFRA)

Phone: 08459 33 55 77

Website: www.defra.gov.uk

Essex County Council Highways Department

Phone: 0845 603 7631

Rochford District Council

Council Offices, South Street, Rochford,
Essex SS4 1BW

Phone: **01702 318111**

Email: customerservices@rochford.gov.uk

Website: www.rochford.gov.uk/odours

If you would like this information in large print, Braille or another language phone us on

01702 318111