



Northumberland County Council

Public Health Protection Unit

INFORMATION SHEET ODOUR FROM MANURE / BIOSOLIDS SPREADING ON AGRICULTURAL LAND

The information provided below sets out the legal background and the Council's general position and procedures with regard to manure spreading (known as Biosolids) on farmland.

What are Biosolids?

Biosolids is a generic name given to a broad range of fertilisers and soil conditioners which are derived from materials such as animal waste including pig, cow and chicken manure and blood, processed human waste (sewage sludge) and processed waste from certain industrial processes such as dairy and paper waste.

Why, when and how are Biosolids used?

Landspreading material of this nature to land can beneficially add organic matter to soil and reduce reliance on manufactured fertilisers and quarried soil conditioners. The type of product spread in each instance depends on a wide range of factors, including the purpose that the land it is to be used for in the coming growing season, the type of soil and the cost and availability of the material. This can vary from year to year and therefore the particular product used and the resulting odour may change over time.

Spreading activities may take place at any time of year but tend to be more common in the late summer/early autumn and in the spring to coincide with the agricultural calendar. As you will appreciate, the timescale available for fertilizing/conditioning the soil is limited as it needs to be completed between the previous crop being harvested and in time for crops to be sown for the next growing season.

Biosolids may be spread using a variety of techniques, from direct injection into the soil through to surface application without incorporation into it, or more commonly surface application with subsequent incorporation into the soil, usually by ploughing.

What aspects affect the severity of the odour?

The resultant odour is highly dependent upon the time taken between the application of the biosolids and their incorporation into the soil. Another factor which may impact significantly on odour severity and duration are the prevailing weather conditions. Wind speed and direction, atmospheric stability and topography will all affect where the odour can be perceived. Additionally, in specific weather conditions odours can travel some distance from the source. This is particularly the case where there is a high degree of atmospheric stability such as prolonged periods of high pressure.

Additional pressures may apply in situations where spreading operations are undertaken by contractors who will only visit the area for specific periods of time. This can often mean that several spreading operations may occur in close proximity to each other over a short period of time. The situation may be compounded by other factors, such as poor weather (which means that it would be inappropriate to spread) leading to significant time restrictions on landowners.

Unfortunately, the suitability of the weather conditions can often not be given a high priority in deciding when to spread biosolids given the other pressures on the process already discussed. As you will appreciate, the spreading of biosolids is a complex process and which is essential for reliable and efficient food production.

As mentioned, changing weather conditions can have a dramatic, rapid and unpredictable effect on odour perception and the odour experienced at a particular location can be a combination of different odours from several locations. It is recognised, however, that severe odours can significantly impact on day to day activities leading to problems for residents ventilating houses, using gardens or even drying clothes.

What is the legal position?

The Council investigates odour complaints under the “statutory nuisance” provisions of section 79 of the Environmental Protection Act 1990 (“the EPA”). In assessing a potential statutory nuisance, we consider whether the activity is reasonable in all of the circumstances. In particular, we consider the severity, duration and frequency of the odour, i.e. how malodorous the odour is, how often it occurs and how long it persists for.

All of these factors are assessed in the context of the “character of the neighbourhood”. Much of Northumberland has a rural character and as such, large areas of agricultural land are situated in close proximity to residential properties. This latter point can be significant in the overall assessment of whether a particular odour is unreasonable and thus a statutory nuisance.

If the existence of a statutory nuisance is established, then we would usually be required to serve an Abatement Notice under section 80 of the EPA on those responsible to abate the nuisance and to prevent its recurrence.

However, in commercial operations such as these, the Council must have due regard to the relevant Department of Environment, Food and Rural Affairs guidance and Codes of Practice. This will often require us to consider issues such as what equipment is being used and how quickly the biosolids have been incorporated into the soil following spreading.

The Council recognises that there may be circumstances where a household is subject to repeated odours, either simultaneously or consecutively from several different locations over a number of days. However, we can only hold each landowner responsible for the activities that take place on their land, i.e. when assessing whether a particular spreading activity is causing a statutory nuisance we cannot take into account the cumulative impact of other spreading activities carried out on land not within their ownership.

Other controls

A further level of control for certain products is provided by the Environmental Permitting (England and Wales) Regulations 2016. These are enforced by the Environment Agency and control the spreading of waste to land so that the activity does not harm human health or the environment, including soils, rivers, groundwater, animals and habitats. Under the Regulations an operator is required to have a permit; the spreading operation must be in relation on notified agricultural land; and must result in benefit or agriculture improvement.

How are complaints about agricultural odour investigated?

Initial nuisance assessments are usually undertaken by asking complainants to complete odour diaries providing details of the issue being complained about. However, given the intensity and short timespan of agricultural spreading operations, our investigations concentrate on identifying the location of the fields in question and assessing whether the farmers are following agricultural best practice.

Where possible this is done via telephone interviews. However site visits are undertaken where this is not possible or where it appears best practice is not being followed. Spreading operations are usually of short duration, typically a few days and are mobile in nature, moving rapidly from site to site.

Given the above factors, it is not always possible or appropriate that a full investigation will be made into every complaint. Officers may ask you to monitor the situation for a number of days before contacting you again to review your complaint. Officers will endeavour to feedback the results of any investigations made and their conclusions to keep you apprised of the situation.
