



## **NEWS RELEASE**

**28 October, 2010**

### **Smell is not a 'statutory nuisance'**

**The odour from the clean up of a former chemical factory site in Hauxton has not caused a statutory nuisance according to a six-month investigation.**

**But South Cambridgeshire District Council (SCDC) and the Environment Agency will continue to ensure that site workers take all appropriate measures to minimise any impact the clean up operations may have on the surrounding residents.**

The health and environmental services team at South Cambridgeshire District Council (SCDC) conducted a six-month investigation, which saw visits made to the area throughout the day and night, seven days a week.

The council has a responsibility to monitor the smell produced at the site and experienced by people in the local area to see if it is causing, in the eyes of the law, a statutory nuisance under the Environmental Protection Act 1990.

When investigating allegations of statutory nuisance, the following key criteria are considered:

- location
- time
- duration
- frequency
- convention
- importance and value to the community of activity
- difficulty in avoiding external effects of activity

These are looked at in conjunction with the statutory nuisance definition, which is “an unacceptable interference with personal comfort or amenity of neighbours or the nearby community. What is unacceptable is that which ordinary decent people would consider unreasonable”.

If the odour is intense enough to satisfy these key criteria and a statutory nuisance is caused, the council would be able to serve an abatement notice.

Since mid April until the end of September, more than 60 visits to the site boundary and surrounding areas have been made, excluding those visits made on a regular basis by other members of the team to investigate and assess the progression of the works.

Fifty-one people who had made a complaint to the council or the Environment Agency specifically about the odour have been sent a letter regarding the investigation and its conclusions.

Although this aspect of the investigation is now concluded, if the remediation works substantially change, resulting in more odour more frequently, then this decision shall be reviewed.

SCDC Executive Director Steve Hampson said: "While the results and the information we collected to date suggests the criteria for a statutory nuisance have not been met, we still continue to work closely with the Environment Agency to monitor local conditions to ensure that local people suffer as little inconvenience as possible."

#### **Notes to editors:**

Data collection for the investigation concluded at the end of September but complaints will continue to be investigated.

#### **Regular visits have been made by the investigation team to:**

The Limes and London Road in Harston; The Lane and Church Road in Hauxton, as well as continued assessments adjacent to the site perimeter.

More recently, Little and Great Shelford have also been monitored at locations including Hauxton Road and Cambridge Road, where no odour has been noted. This is following complaints from residents within these streets.

#### **Odour diaries**

48 residents who complained about the odour were asked to complete an odour diary.

Eight residents returned their odour diaries. Some diaries showed discrepancies from the investigations that the SCDC team made when they were out at the same time in the same area.

Other odour diary content was not sufficient to be used as evidence. The diary may be used as an exhibit during any legal action and therefore the detail needs to be sufficient to stand scrutiny in a court of law.

Throughout the investigation process the environmental health team liaised with The Environment Agency who has the responsibility for regulating the conditions set out in the Environmental Permit for the site. As a result of this the same odour intensity scale that they use was adopted:

1 = No detectable odour

2 = Faint odour (barely detectable, need to stand still and inhale facing into the wind)

3 = Moderate odour (odour easily detected while walking & breathing normally)

4 = Strong odour

5 = Very strong odour (possibly causing nausea depending on type of odour)

**For more information please contact Emma Lowther communications manager on 01954 713289.**