

Under the Environmental Protection Act 1990:



In order for an odour to constitute a statutory nuisance it must be demonstrated that it is either prejudicial to health or a nuisance, i.e. that it is causing an unreasonable and substantial interference with normal enjoyment of property. Annoyance alone is not enough. Strong evidence is therefore required to show how the odour is affecting residents at home or in their gardens. If a nuisance is determined the council has a statutory duty to issue an abatement notice to address the problem.



The persons responsible for the nuisance must be given a 'reasonable' amount of time to abate the nuisance. During this time they can continue their activities and have the right to appeal the notice.



If the nuisance is abated those responsible can continue their operations as usual. However, if the abatement notice is breached, the council must seek permission from the Secretary of State to take further action.