

## ACTION PLAN

Council Action Plan following legal advice in respect of the Southall Waterside development and the F.M Conway Limited site (North Hyde Gardens)

OPINION	ACTIONS	BY WHEN
Council should monitor recent work being undertaken to remove Dense non aqueous phase liquid (DNAPL) detected in a depression of the London clay at depth.	1a) The regulation of the removal of DNAPL is primarily the responsibility of the Environment Agency. Officers will liaise with Berkley Homes and the Environment Agency to ensure that the nature of the on-going regulated works is communicated to residents.	End of August 2021
	1b) Officers to routinely monitor the area, in particular along the canal towpath to ensure the ongoing removal of DNAPL does not cause a statutory nuisance.	Ongoing
Council to keep under review whether there is any nuisance that is prejudicial to health or that such a nuisance is likely to occur or reoccur.	2a) Council Officers to continue to monitor and investigate all odours in the area. Officers have sought to do this consistently during the operation of the site, but ability to do so promptly will be assisted by the appointment of the Environmental Protection Officer based in Southall.	Ongoing
	2b) Council Officers to continue to promptly investigate all complaints received.	Ongoing
	2c) The Council has worked with the developers of the OdourCollects App to ensure that real time notifications will be shared with the Council. Council Officers will promptly investigate any real time notifications received via the OdourCollects App.	Ongoing
	2d) The Council's new Southall-based Environmental Protection Officer(s), will undertake a daily programme of inspections at reasonable intervals covering both sites and the surrounding areas, as well as responding to specific complaints.	Ongoing
	2e) The Council will review its' investigative techniques including seeking advice from an external odour consultant..	End of September 2021

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Council to consider the option to commission a further independent report from an expert other than one from PHE	3a) Public Health officers have begun liaising with the PHE/Imperial College London research team and will continue to do so.	End of August 2021
Council to consider asking residents to keep smell diaries to record their perception of the smell and the effect it has on them.	4a) Residents will be encouraged to use the OdourCollects App to record odour incidences. The Council has begun publicising the app via its social media and other communications channels. Where residents do not wish to or are unable to use the App odour diary sheets will be provided.	August 2021
Council must review its investigative and evidence gathering approach and have regard to guidance produced by the EA.	5a) The Council's investigative approach so far has been to use 'human sniffers' .This approach will be reviewed to determine whether other assessment methods can be utilised.	September 2021
	5b) The Council will review Environment Agency guidance entitled 'H4 Odour Management - How to comply with your environmental permit' to determine if there are any techniques which can be utilised by the Council to investigate and gather evidence of odour nuisance above and beyond those already in use.	September 2021
Council to ensure that several officers make odours assessments	6a) Two Environmental Protection officers to be employed to be based in Southall, the first of which is now in place to provide prompt, on-site monitoring of odours and to respond to complaints.	1 Officer recruited. Further recruitment ongoing
	6b) Response officers other than the dedicated environmental protection officers will continue to make assessments when they are in the area or responding to complaints, ensuring that a range of officers' assessments can be considered.	Ongoing
Council should critically analyse why there is a discrepancy between complaints received and the effect of nuisance felt by residents	7a) The Council and OdourCollect App have put in place data sharing mechanisms which will enable the council to review all odour incidents reported via the App.	Achieved
	7b) Stakeholder roundtable discussions to take place chaired by Mapping for Change, the developers of the OdourCollect App, with council and residents included.	3 September 2021

OPINION	ACTIONS	BY WHEN
	7c) Council to review its investigative techniques.	September 2021
Council should review all initiatives to ensure they obtain the most up to date and accurate picture of what residents are experiencing, so that there can be confidence that officer's assessments of the alleged nuisance are based upon all available information and that the Council are continuing to fulfil their duty to investigate.	8a) Council to recruit two dedicated Environmental Protection Officers to be based in Southall to provide a rapid response to odour complaints. The first of these is already in place.	1 Officer recruited. Further recruitment ongoing
	8b) The council has provided a dedicated contact telephone number and email address for Southall based officers which residents can use to report odours. This has been publicised via the council's social media and other communication channels.	Achieved
	8c) Ensure Response Team Officers remain available to assess odours and respond to complaints when the dedicated Environmental Protection Officers are not on duty.	Ongoing
	8d) The Council has worked with the developers of the OdourCollects App to ensure that real time notifications will be shared with the Council.	Achieved
	8e) Residents will be encouraged to use the OdourCollects App to record odour incidences. The Council has begun publicising the app via its social media and other communications channels.	Achieved
	8f) Council Officers to continue to promptly monitor and investigate all odours in the area.	Ongoing
Council to investigate further odours emanating from FM Conway and any other odour emitting site.	9a) The Council's Southall-based environmental protection officer(s), will undertake a daily programme of inspections at reasonable intervals covering both sites and the surrounding areas.	Ongoing
	9b) Officers and political leaders have sought to engage with LB Hillingdon in relation to odours from the industrial sites in their borough. Officers have written to colleagues at LBH requesting a meeting to discuss the regulation of the Conway site.	August 2021

OPINION	ACTIONS	BY WHEN
Council to continue engagement with LBH as the regulator of the Conway site	10a) Officers and political leaders have sought to engage with LB Hillingdon in relation to odours from the industrial sites in their borough. Officers have written to colleagues at LBH requesting a meeting to discuss the regulation of the Conway site.	August 2021
Council to have a programme of inspection covering both sites and the surrounding areas	11a) Council's Southall based environmental protection officer(s), to undertake a daily programme of inspections at reasonable intervals covering both sites and the surrounding areas. This will be in addition to responding and investigating any new complaints that may arise.	Ongoing
	11b) Council Officers to continue to promptly investigate all complaints received.	Ongoing
Council to continue to investigate each complaint as they are made.	12a) Council to investigate any real time notifications received via the OdourCollects App as well as those received via other routes.	Ongoing
	12b) The council is publicising new dedicated Southall Odours telephone number (07971 988907) and email address <a href="mailto:southalloodours@ealing.gov.uk">southalloodours@ealing.gov.uk</a> via social media and other comms channels.	Ongoing
A review of Planning Conditions should be undertaken and consider whether any conditions have been or are being breached.	13a) Planning Officers to undertake full review of all planning conditions.	September 2021
Council to seek effective regulation of Conway site in accordance with its Environmental Permit	14a) Officers have written to colleagues at LBH requesting a meeting to discuss the regulation of the Conway site.	August 2021
The Council needs to be actively engaged with Hillingdon Council and must ensure that it makes its own assessment of whether the site is causing a statutory nuisance	15a) Council's Southall based environmental protection officer(s) will undertake a daily programme of inspections at reasonable intervals covering both sites and the surrounding areas.	Ongoing

