

## Introduction

On 3 December 2025, the Environment Agency (Agency) published guidance titled “[Odour management: comply with your environmental permit](#)” (Guidance) setting out what operators must do to manage odour when they apply for, vary or hold an environmental permit.

This follows the withdrawal of the Agency’s 2011 “[H4 odour management – how to comply with your environmental permit](#)” guidance (Previous Guidance). The Agency’s Frequently Asked Questions on odour (published in March 2023) have also been withdrawn, suggesting that the Guidance is an attempt to consolidate and simplify the Agency’s position.

We recently advised a long-standing client on its successful defence of a civil claim in the tort of private nuisance – specifically, relating to odour emissions alleged to have emanated from one of its facilities. This was a group action brought by numerous local residents who alleged that their lives had been significantly impacted by odour emissions over a number of years. The claimants relied heavily on the contemporaneous involvement of the Agency and, specifically, on its historic compliance assessment reports.

Many issues in the Guidance will be familiar to environmental permit holders, but it is shorter than its predecessor and, in parts, terminology and concepts differ. The document appears less prescriptive in some respects – perhaps the most surprising difference with the Previous Guidance is the lack of explicit odour limits, replaced instead with greater emphasis on “appropriate measures” and “best available techniques” (BAT).

Despite its aim of helping operators ensure compliance with permit conditions, parts of the Guidance convey more stringent expectations on them. This is important given the number of current environmental group litigation orders (GLO) in which groups of claimants are bringing civil actions seeking damages for private nuisance arising from odour emissions. Certain claimant law firms actively recruit people living near sites that are alleged to emit odour; and while typically these GLOs have related to odours from the more obvious types of sites, such as landfills<sup>1</sup> or composting sites,<sup>2</sup> a more recent GLO also been ordered against a meat processing plant.<sup>3</sup>

If you operate a site or plant that potentially emits odour, understanding the Agency’s priorities in the Guidance, especially where these differ from its previous approach, is key.

We consider the six main areas in the new Guidance below.

## 1. Definition of Odour Pollution

The Guidance refers to British Standard EN 13725:2022 (the standard on olfactometry – an earlier version of which was referenced in the Previous Guidance), which defines odour as a “sensation perceived by means of the olfactory organ in sniffing certain volatile substances”; and to the Environmental Permitting (England and Wales) Regulations 2016, which defines pollution as:

“any emission as a result of human activity which may—

- a. be harmful to human health or the quality of the environment,
- b. cause offence to a human sense,
- c. result in damage to material property, or
- d. impair or interfere with amenities or other legitimate uses of the environment”

These are wide-ranging definitions that fundamentally have not changed from the Previous Guidance. While odour does not damage property, loss of amenity in a local community – such as people eating, enjoyment of homes, attending community events or carrying out leisure activities – is identified in the Guidance as an area especially affected by odour pollution incidents. The Guidance refers specifically to “discomfort” and “emotional distress”, terms that did not feature in past Agency guidance.

## 2. Permit Conditions for Odour Management

An environmental permit typically contains standard language that does not require a total absence of all odours arising from a permitted activity, but rather that they be prevented or minimised:

“Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.”

<sup>1</sup> Hafod Landfill (22 October 2013); Lyme & Wood Landfill Group (21 November 2013)

<sup>2</sup> Arkwright In Vessel Composting Site Group Litigation (17 August 2022)

<sup>3</sup> The Gafoor Group Litigation (09 July 2024)

Although most odour investigations are undertaken in response to odour reports from members of the public, the Guidance holds that Agency officers will personally need to perceive odour outside the boundary and also to determine that the odour is caused by a particular site before recording a breach of a permit condition. However, they do not need to detect odours at the exact location of the original reporter; and will consider the likely impact of odour they detect on individuals in the nearby community, including people who may be more sensitive or vulnerable. The judgment of individual Agency officers and their ties to the local community will therefore be particularly important.

What constitutes “appropriate measures” for odour control – which will often include BAT – is a flexible standard requiring measures that are proportionate to the risk of pollution; and that are also relevant to, and cost-effective at, an individual site.

A satisfactory odour management plan (OMP) is essential where the Agency considers that the activity on site presents a high risk of causing odour pollution and should be submitted with an application for an environmental permit.

The Guidance includes information on how to write a satisfactory OMP; what it must include; how OMPs are approved by the Agency; and how the Agency undertakes inspections if there have been serious odour pollution incidents. If odour pollution is happening and you are not taking appropriate measures, you may be breaching your permit condition, which is a criminal offence. Operators should ensure that future iterations of their OMP are reviewed against the Guidance.

### 3. Appropriate Measures for Odour Management

The basic odour control measures for any regulated activity include applying comprehensive and cost-effective odour control measures to manage the site effectively and efficiently, and having more controls if there are risk factors, such as people visiting, living or working close to potentially odorous sites.

Using appropriate measures requires a proportionate and balanced approach that is not more costly than necessary; does not compromise one environmental outcome for another; and allows for effective site operations.

Some of the more measured wording in relation to appropriate measures from the Previous Guidance has not carried over to the Guidance, for example:

- “Where odour is detectable, it may or may not cause offence and our response will depend upon the degree of pollution and the cost and practicability of any remedial measures.” (P.9 of the Previous Guidance)
- “Technology and BAT/appropriate measures are constantly changing. You should use the latest and most effective control measures available for your industry sector. You should base your decisions on the appropriate measures for your industry, taking costs and benefits into account. However, it is unlikely that we would expect you to upgrade your equipment just because better plant comes along, as long as your existing measures are proving effective.” (P.10 of Previous Guidance).

The Guidance sets out the Agency’s position on controlling materials on site; procedures for receiving materials, including additional requirements for how to receive waste; inventory controls; housekeeping, managing vehicles and containers; process controls; evaporation controls; containment and abatement measures; engineering and performance monitoring; enhanced dispersion; and how to minimise community impact.

### 4. Assessing Odorous Emissions

Permit holders will usually be required to monitor odorous emissions to comply with their permit and to follow their OMP. They will need to understand the character, chemistry, variability, volume and concentration of the odour in order to work out if odour pollution is caused by specific site activities; make odour control decisions; assess the efficiency and performance of odour abatement; use appropriate measures; comply with emission limits; and focus attention on sources with the greatest potential to cause odour pollution.

The Guidance recognises that monitoring odorous emissions can be expensive and time consuming. It sets out various methods for ensuring compliance, such as olfactory monitoring of emissions at source; instrument (surrogate) monitoring; chemical speciation; and flow rates. As with odour control methods, the monitoring required to meet regulatory requirements must be necessary and proportionate to the risk of odour pollution.

The Guidance makes clear that operators “cannot [use sniff testing] to conclude that there is minimal or no odour potential from emissions”, which was not a point made in the sniff test section of the Previous Guidance.

### 5. Assessing the Impact of Odour

In a significant departure from the Previous Guidance that will be of interest to operators, the Guidance states that the “only direct way to assess if people have experienced offence to their sense of smell is through reports from people who have been affected”; and that “it is not necessary for Agency officers to perceive odours personally in order to classify odour pollution incidents.” This adds a layer of complexity to the Agency’s long-standing recognition that within any community there will be people with different sensitivities to odour – some people will interpret a particular odour as intense, offensive and unacceptable, while others will perceive it as unremarkable or not even notice.

Like its predecessor, the Guidance recognises the potential shortcomings in Agency odour assessments, such as sniff testing, which can often be limited by real world conditions such as short assessment times compared to residents, varying emissions, inconsistent dispersion conditions and limited access.

In addition, it reaffirms that those who work on-site may also not be best placed to conduct off-site sniff testing. The Guidance notes that due to adaptation, people who work on-site and are exposed to higher levels of odorous emissions, often for extended periods, will have reduced sensitivity to those odours. This may not be clear to them because their sensitivity to other odours is unaffected.

While previous Agency guidance has recognised the limitations of sniff tests, this Guidance undermines them further, going as far as to say that people “can have a positive emotional connection with their workplace, which may affect their perception of the offensiveness of an odour. People who find certain odours highly offensive are also likely to choose to work in other industries.”

Another new addition in the Guidance is classification by the Agency of odour pollution incidents by severity with reference to a scale:

- Category 1 is for major, serious, persistent or extensive impact or effect on people.
- Category 2 is for significant impact or effect on people.
- Category 3 is for minor or minimal impact or effect on the people.
- Category 4 is where there has been a substantiated incident with no impact.

## 6. Writing an Odour Management Plan

The Guidance confirms that sites with a low odour potential may need comparatively simple and concise OMPs, whereas sites with a high potential for odour pollution will need a detailed and comprehensive OMP, which, it recognises, “can be a major challenge”.

The Agency requires that any OMP “must show commitment to:

- understanding the risks of odour pollution caused by the site’s activities
- using appropriate measures (or BAT), including monitoring and contingencies, to control and minimise odour pollution
- preventing odour pollution, and only where that is not practicable, to minimise it
- always preventing serious pollution
- minimising the risk of odour releasing incidents or accidents by anticipating them and planning accordingly
- documenting odour control measures taken and the performance of those controls”.

The Agency’s (separate) “[Guidance: risk assessment for your environmental permit](#)” was updated in December 2025 and provides general advice on carrying out risk assessments for environmental impacts.

The Guidance includes a number of requirements that must be included in any OMP in relation to dealing with odour emissions, such as:

- **Management of odorous materials** – The OMP should include an inventory of all potentially odorous materials, identifying details of and limits on quantities and storage, and specifying how all parameters will be monitored and recorded.
- **Process controls** – The OMP must state the appropriate measures used to control or destroy odorous chemicals.
- **Emissions to atmosphere** – Monitoring must provide good evidence that emissions are properly managed and that any control measures are working as intended.
- **Engineering assessments** – Permit holders must support the control measures specified in the OMP with professional engineering assessments, which is particularly important for large or complex processes or containment and abatement systems.
- **Dispersion** – The OMP must identify the potential for poor dispersion conditions, such as low wind speeds.
- **On site monitoring** – All monitoring specified in the OMP must clearly relate to enabling and assessing odour control; and permit holders should keep complete monitoring records in a format that can be audited.
- **Odour incident reports** – The OMP must specify how you will investigate odour complaints promptly, which details must be made available to the Agency on request.
- **Odour incident response planning** – The OMP must consider what abnormal operating conditions, emergencies or other incidents might adversely affect the control of odour pollution.
- **Inspection, maintenance and repairs** – The OMP must specify (or refer to) an inspection schedule that aims to discover infrastructure faults in a timely way.

While there is some crossover with the Agency’s expectations for OMPs under Annex 4 of the Previous Guidance, the updated document develops on some of the above areas. For example, while the Previous Guidance required that the OMP demonstrate that “poor dispersion conditions could be identified and dealt with,” the Guidance requires the OMP to show that the operator has “identified the potential for poor dispersion conditions, such as:

- low wind speeds
- cold drainage (adiabatic or katabolic) flows”

It also refers to use of Gaussian modelling to help understand “the relative benefits of alternative dispersion measures, abatement methods and potential patterns of impact on surrounding communities”.

The Guidance requires that permit holders must review the whole OMP at least once a year and that they must make these reviews available to the Agency on request. Certain environmental permits will also require that any revised OMP is submitted to the Agency so that any proposed changes can be considered and approved, for which the Agency may charge a fee.

## Conclusion

Odour is one of the most frequent categories of pollution reported to the Agency; and the new Guidance, although significantly shorter than its predecessor, reinforces the seriousness with which the Agency requires operators of relevant sites to treat the potential impact of odorous emissions on local communities through prevention and careful management. The document should be reviewed in detail to ensure that operators’ documentation and procedures are updated where required.

At the same time, our recent experience suggests that certain law firms are actively recruiting potential claimants for group actions in which the use of conditional fee agreements and after the event (ATE) insurance can minimise the financial risk to participants. Such litigation can be costly, time consuming and difficult to defend, particularly against large groups of local residents who argue that the quality of life within their community was significantly affected by prolonged exposure to offensive odours.

If we can assist with any of the issues in the above article, please do not hesitate to get in touch with us.

## Contacts



### Rob Elvin

Partner, Environmental, Safety & Health  
T +44 161 830 5257  
E [rob.elvin@squirepb.com](mailto:rob.elvin@squirepb.com)



### Mike Caird

Director, Litigation  
T +44 161 830 5243  
E [mike.caird@squirepb.com](mailto:mike.caird@squirepb.com)



### Francesca Puttock

Associate, Environmental, Safety & Health  
T +44 121 222 3215  
E [francesca.puttock@squirepb.com](mailto:francesca.puttock@squirepb.com)