

Amenity issues briefing – April 2024

Introduction

The Environment Agency and Warwick District Council (WDC) have been working in partnership to investigate reports of flies in the Heathcote and Whitnash area.

Fly reports have reduced since October 2023. However, the Environment Agency has received a number of odour reports linked to a site operated by Plasgran Limited (also known as Berry Circular Polymers).

Between 21 March 2024 and 16 April 2024, the Environment Agency received 22 odour reports, 3 of these reports mentioned noise and 1 also mentioned flies. It also received 1 fly report. WDC received 62 reports of odour and 9 fly reports.

What action have we taken?

WDC

WDC has continued to log all complaints received and make visits to the affected area where possible. A number of proactive visits have been carried out and reports received during our office hours have been responded to as follows:

During 2 April WDC received five reports of odour between 08:18am and 13:30pm. An officer was on site from 10:30am and monitored for an extended period as reports continued to be received while the visit was in progress. Some odour was detected in Ashbourne Drive, Tachbrook Road and Montgomery Road but it was very intermittent and considered unlikely to cause a statutory nuisance, as defined by the Environmental Protection Act 1990.

On 3 April an officer attended at approximately 17:00pm in response to a report of odour affecting the Montgomery Road area. A faint laundry type odour was detected intermittently and the same odour was later observed at Ashbourne Drive where it was more persistent.

On 4 April WDC again received reports of odour affecting Montgomery Road. Officers attended within an hour of the first complaint and further reports were received whilst officers were on site. A bin type odour was detected from time to time as officers were monitoring in the area but this was faint and intermittent. Officers met with complainants during the visit who confirmed the odour had reduced since they had made their reports.

On 5 April further complaints of odour were made to WDC. An officer attended and detected an intermittent bin type odour in Culworth Close and Lockheed Close but this was not at a level considered likely to cause a statutory nuisance.

On 9 April odour alleged to be emanating from the Plasgran Limited (PL) site was reported to WDC at 13:06pm. An officer visited the area from 13:45pm and monitored until 14:20pm. A faint odour was detected from time to time while monitoring in Montgomery Road, Tachbrook Road and the surrounding area.

Environment Agency

The Environment Agency has continued to regulate permitted sites in the area with the potential to attract flies. The main focus of the Environment Agency's recent regulatory action has been Plasgran Limited (PL). There is no update this month regarding Fortress Recycling and Resource Management Limited (FRRM).

Flies

The Environment Agency has received an action plan from PL which sets out the operational changes it will make to monitor numbers and reduce flies on site, in the short and longer-term. Fly alighting boards have been installed, which are proving to be effective at killing flies. Fly traps have also been installed inside and outside the building to kill flies and allow species of flies to be monitored. The number of flies present at the site has slowly declined following a peak in March 2024.

Odour

On 21 March 2024 the Environment Agency received two reports of odour. At the Windmill Pub, an officer detected an unoffensive odour of heated plastics and stagnant water. When both officers returned to the location 20 minutes later, there was no longer an odour. On the same date, officers also carried out an inspection of the site operated by PL, which included assessing levels of odour. The Environment Agency substantiated an odour on this occasion and the findings of this inspection have been shared with the operator.

On 05 April 2024 the Environment Agency received two reports of odour. No odour was detected by an officer during an off-site odour assessment near the permitted facility operated by PL.

The Environment Agency will continue to assess levels of odour during site inspections and share its findings with the operator of the relevant site. The Environment Agency will respond to reported incidents where possible. It is not able to respond to every report it receives, in particular those reported outside of normal working hours, but please be assured that all reports are logged and used to inform its regulatory work.

Next steps

WDC are continuing to make proactive visits and to investigate any complaints received concerning noise, odour or any other matters that could be considered as potential statutory nuisances.

The Environment Agency will monitor PL's progress with the agreed action plan. It will also assess whether operators of any permitted and exempt sites in the area are taking appropriate measures to control odour and flies.

Other sources of information

You can find more information about the action taken to date by the Environment Agency and WDC here: <https://consult.environment-agency.gov.uk/west-midlands/leamington-spa-fly-issues/>

This information page includes copies of all our updates. We will update the page monthly. If this frequency changes, we will let you know.

Paper copies of the updates are available to view in the following local buildings. Please do not remove these paper copies.

customer service line **03708 506 506**

floodline **03459 88 11 88**

incident hotline **0800 80 70 60**

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- Whitnash Civic Centre, Acre Close, Whitnash
- Heathcote Community Centre, Cressida Close, Heathcote
- Brunswick Hub, Shrubland Street, Leamington Spa
- The Sydni Centre, Cottage Square, Sydenham.

Incident reporting

WDC is also keen to identify any possible fly sources and understand more about any issues relating to odour or noise in the area. If you have any information, please contact WDC via its website <https://www.warwickdc.gov.uk/info/20501/pollution> or by emailing Pollution@warwickdc.gov.uk.

You can report any fly issues, odour, or noise linked to Environment Agency permitted sites to the 24-hour Environment Agency incident hotline on **0800 80 70 60**. Your reports help the Environment Agency to investigate whether there have been permit breaches and assess the impact of any amenity issue. We also recommend that you complain to the operator of the permitted site.

We will continue to investigate all reports received and encourage you to provide as much detail as possible for example, the approximate number of flies that are impacting you and any photographs.

Background

Under Part III of the Environmental Protection Act 1990, WDC must investigate complaints about issues that could be considered as a 'statutory nuisance'. Matters that can be considered as potential statutory nuisances include noise, artificial light, and insect infestations from industrial, trade or business premises. If there is an environmental permit, WDC must get the Secretary of State's permission before prosecuting for breach of any abatement notice that it serves.

Under the Environmental Permitting (England and Wales) Regulations 2016 ("2016 Regulations") the Environment Agency has regulatory and enforcement functions for environmental permitting and the protection of the environment from pollution.

- An environmental permit was issued to PL on 18 April 2023. The permit authorises PL to operate a waste treatment facility at Berry Plastics, Unit B Ashbourne Drive, Leamington Spa.
- An environmental permit was issued to FRRM on 09 September 2016. The permit authorises FRRM to operate a waste treatment facility at Insight House, Blick Road, Heathcote Industrial Estate, Warwick.

The Environment Agency advises an operator regarding its obligations under its environmental permit and takes steps which are intended to secure compliance with the conditions. The Environment Agency expects the operator of any permitted site to use appropriate measures to control potential amenity impacts.

Low-risk waste operations can be carried out at exempt sites, which do not require an environmental permit. The operators of exempt sites must comply with specific conditions, specified by the 2016 Regulations.

We will continue to work together to ensure we use the most appropriate powers available to deal with this issue.