

Amenity issues briefing – February 2024

Introduction

Following previous reports of flies in the Leamington Spa area, concentrated around the Heathcote and Whitnash area, the Environment Agency and Warwick District Council (WDC) are working in partnership to investigate this issue. We have not yet identified the source of the flies.

Reports of flies has reduced over the winter months, but we have received a small number of odour and noise reports in the area that have been investigated.

Thank you for taking the time to read this update.

What action have we taken?

WDC has continued to investigate reports of noise and odour and to make reactive and proactive visits to the affected area.

The Environment Agency continue to regulate the 2 permitted sites in the area with the potential to attract flies, Plasgran Limited (PL), also known as Berry Circular Polymers, and Fortress Recycling and Resource Management Limited (FRRM). The main ongoing actions the Environment Agency has requested are:

FRRM

- comply with its written management system, in particular its restriction on waste storage times

PL

- store out-throws (e.g. metal cans, paper, labels, non-plastic packaging) from the sorting process in the building or in dedicated bays
- improve its existing Odour Management Plan

Flies

As mentioned in our January update, the Environment Agency employed an external entomologist (an expert in the study of insects) who reviewed documents from both PL and FRRM and conducted in person inspections on 17 January 2024. The entomologist did not identify any evidence of breeding at the sites but has provided the operators with further measures to investigate and implement, to reduce and monitor flies on site in preparation for warmer weather periods.

The Environment Agency has requested PL to incorporate the recommendations provided by the entomologist in an updated Pest Management Plan by 1 March 2024 and FRRM to produce an action plan detailing how and when it will implement the recommendations.

The Environment Agency will enforce any agreed deadlines and effective fly management methods in preparation for warmer weather periods.

Odour and noise

Between 18 January 2024 and 22 February 2024, the Environment Agency received 1 report of noise and 11 reports of odour. WDC received 3 reports of odour.

The Environment Agency has not substantiated any noise or odour from PL but will continue to ensure compliance with the conditions of its environmental permit during inspections.

Although the Environment Agency appreciate that these occasions may have caused concern for local residents, unfortunately it is not able to respond to every incident it receives, but details are logged and used as intelligence to inform its compliance activity.

On 22 January, WDC received a report of odour affecting Montgomery Road in Whitnash. A WDC officer was on site within 20 minutes and witnessed a very faint and intermittent odour. The odour witnessed on this occasion was not considered to be at level likely to cause nuisance, but further monitoring is ongoing.

At 09:22am on 30 January, WDC received a report of odour from a resident of Tachbrook Road. A WDC officer attended from 10am but no odour was witnessed on this occasion.

A third complaint of odour was received during the afternoon of Sunday 11 February when WDC officers were not on duty. This was responded to on the following Monday morning, but the odour was not reported as being noticeable at that time.

During the evening of Friday 16 February WDC officers were made aware of reports on social media suggesting an odour had been noticeable in the Whitnash area earlier that day, with PL implicated as the source. WDC did not receive any complaints, but an officer attended at 21:40pm. No odour was detected at the boundary of the PL site or in the immediate surrounding area.

Next steps

The Environment Agency will continue with the increased level of regulatory inspections to assess the level of odour, noise and flies at PL and FRRM, as well as any other permitted or exempt site in the area it considers may be a potential source of flies or contributing to the issue.

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.

Roles and responsibilities

The Environment Agency has provisions under the Environmental Permitting Regulations (2016) to regulate sites permitted by the Environment Agency. 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 insects from industrial, trade or business premises. However, WDCs ability to take legal action against an Environment Agency permitted facility is limited. WDC will take over the investigation if a fly breeding site or other amenity issues are identified at non-permitted sites.

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

Incident reporting

Please continue to 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 build a picture of the issue, inform our investigation and allow the Environment Agency to feedback to permitted sites the effect any measures being implemented are having. It is important that you report any fly issues you are experiencing.

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.

We will continue to investigate all reports received.

Future updates

We have an online information page to help share our updates on the fly issue with the wider community. The link to this page is: <https://consult.environment-agency.gov.uk/west-midlands/leamington-spa-fly-issues/>

This update, along with previous updates, can be found on this online information page. We will update this page monthly. If this frequency changes, we will let you know.

We are also providing our latest updates in a briefing note; paper copies of these are available to view in local buildings for people unable to access this online page. These buildings are:

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

Please do not remove these paper copies from the buildings.