

Amenity issues briefing - December 2023

Introduction

Following reports of flies in the Leamington Spa area, concentrated around the Heathcote and Whitnash area, the Environment Agency (EA) 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 past few months, but we have received odour and noise reports about Plasgran Limited (also known as Berry Circular Polymers), a site permitted by the EA in the locality.

We hope our briefing will answer some of your questions. Thank you for taking the time to read this update.

In December, the EA received 1 report of odour and WDC received 5 reports of odour. We have received no reports of flies in the area (up to 18 December 2023).

What action have we taken?

WDC has continued to investigate reports of noise and odour and made a number of reactive and proactive visits to the affected area in response to complaints.

On 24 November WDC received reports of a strong odour affecting the Whitnash area, a number of these identified Plasgran Limited (PL) as the source. WDC officers were on site from 11:30am, at which time reports from complainants were still being received, but no odour was witnessed at the PL site or nearby.

During the evening of 5 December and morning of 6 December five reports of odour were received. WDC officers were on site within an hour of the reports being made on the 6 December, visiting at 10am and again at 11:30am, but no odour was detected at the boundary of the PL site or in the immediate surrounding area. At the location where the latest complaint had been reported a very faint burning smell was detected but the source was believed to be a domestic wood burner.

When reporting incidents to us, please can you be as accurate as possible (as far as is reasonably practicable) as to where the noise or odour is arising from. All reports help build a picture of issues affecting the area, but it can hinder our investigation if a premises is implicated and later found not to be the source.

The EA continue to regulate the 2 permitted sites in the area with the potential to attract flies, PL and Fortress Recycling and Resource Management Limited (FRRM).

PL is a permitted site that produce plastic flakes and pellets, which are used for the production of new products and food packaging. The EA issued PL with an Environmental Permit on 17 April 2023.

FRRM is a permitted site that processes and segregates mixed recyclable waste. The EA issued FRRM with a Standard Rules (SR2015 No 6) Environmental Permit on 9 September 2016.

In addition to those included in the November 2023 update, the main action the EA has requested of PL is to:

customer service line **03708 506 506**

incident hotline **0800 80 70 60**

floodline **03459 88 11 88**

Page 1 of 3

- Improve its existing Pest Management Plan and Odour Management Plan (requested 21 November 2023, in progress). The EA reviewed the updated plans received on 3 November from PL and on 21 November provided PL with feedback on further amendments needed to manage pests and odours on site.

The EA record its inspections on a Compliance Assessment Report (CAR). The permit holder has 28 days from the receipt of a CAR, in which they can challenge any findings within the report. There are additional actions the EA have asked PL to implement, but as this information falls within the 28-day challenge period, we will include it in next month's briefing note.

During EA inspections at PL and FRRM, officers have not perceived any odour or noise to be at levels likely to cause pollution outside the site. The EA will continue to assess noise and odour during inspections at these permitted sites as part of its routine assessment.

The EA and WDC carried out a joint inspection at PL on 29 November 2023 to specifically assess odour and for WDC to better understand potential odour sources on site. At the time of this visit we did not witness any odour at a level considered likely to cause nuisance or give rise to complaints off site. We did note an odour associated with the waste water treatment plant at PL, but this was only smelt on site. We will continue to monitor this to assess any impacts off site.

All drainage from PL is treated on site or tankered off the site for treatment, therefore any run-off from the process/waste will not be travelling through drains in the local area. If you are experiencing any odours from drains in your property, we recommend that you contact Severn Trent Water or an appropriate contractor to inspect your drains.

Next steps

The EA will continue to inspect 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. The EA will monitor progress with the actions and improvements it requires for both PL and FRRM to ensure they are implemented.

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

Roles and responsibilities

The EA has provisions under the Environmental Permitting Regulations (2016) to regulate sites permitted by the EA. 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, WDC's ability to take legal action against an EA 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 EA permitted sites to the 24-hour EA incident hotline on **0800 80 70 60**. Your reports help build a picture of the issue, inform our investigation and allow the EA 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.

Although fly reporting has reduced during the cooler months, the EA will continue to regulate PL and FRRM and ensure all measures are taken by the operator to prepare for future hotter months.

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 created 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 also provide 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 Sydni Centre, Cottage Square, Sydenham.

Please do not remove these paper copies from the buildings.