

Amenity issues briefing – January 2024

Introduction

Following 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 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 Environment Agency in the locality.

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

Between 18 December 2023 and 18 January 2024, the Environment Agency received 2 reports of flies, 3 reports of noise and 3 reports of odour. One of the fly reports received referred to being impacted by flies last summer. WDC received 5 reports of odour and 1 report of noise.

What action have we taken?

WDC has continued to investigate reports of noise and odour and completed several 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).

On 4 January 2024, we met virtually with the Member of Parliament for Warwick and Leamington, Matt Western, to discuss flies and other amenity issues in the area. The meeting was also attended by 3 community representatives.

Flies

The Environment Agency employed an external entomologist (an expert in the study of insects) who has reviewed documents from both permitted facilities 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 continued to visit PL and FRRM on a regular basis to monitor the progress in reducing the fly population and comply with the conditions of their permits. Since our previous update, the Environment Agency has inspected these sites on 21 December 2023 and 5 January 2024.

The Environment Agency 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 actions the Environment Agency have asked PL and FRRM to implement, but as this information falls within the 28-day challenge period, we will include it in next month's briefing note.

On 21 December, the Environment Agency received a report of flies at a property in Leamington Spa. WDC joined the Environment Agency on a visit to the affected property later that day. The flies found were a different species to those witnessed during inspections at PL and FRRM and appeared to be a very localised issue affecting one property, unrelated to any permitted site.

Odour and noise

During Environment Agency 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 Environment Agency will continue to assess noise and odour during inspections at these permitted sites as part of its routine assessment.

WDC received reports of a strong odour in and around Tachbrook Road, Whitnash on the 20 and 21 December 2023. Complainants initially identified PL as the source but upon investigation the source was found to be a blocked sewer which was causing flooding on the highway. Severn Trent Water attended to clear the blockage and carried out clean up and disinfection of the affected area.

On 22 December WDC received another report of odour at 12:06pm. WDC officers were on site from 12:20pm but did not witness the odour being described either at the complainant's home, the PL site or in the immediate surrounding area. A further odour complaint was received on 3 January at 4:10pm. A WDC officer attended from 4:30 until 5pm but no odour was witnessed on this occasion.

Next steps

The Environment Agency 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. Exempt sites carry out low-risk waste operations, without the need of an Environmental Permit, but must comply with a set of conditions/restrictions. The Environment Agency will monitor progress with the actions and improvements it requires for both PL and FRRM to ensure they are implemented.

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.