

Amenity issues briefing – May 2024

Introduction

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

A number of these reports have named Plasgran Limited (also known as Berry Circular Polymers) as the source.

What action have we taken?

WDC

Since April, WDC has received 60 reports of odour. These include complaints of predominantly a bin type smell but also chemical/plastic odour, laundry or detergent type smells, sewage odour and occasions where the nature of the odour was not specified. In addition, WDC has received 6 reports of flies and 2 of noise (up to 22 May 2024).

WDC has continued to log complaints received and make visits to the affected area where possible to witness the extent of the problem. It is necessary to gather good quality, robust evidence so that a proper assessment of the problem(s) can be made. The best evidence is that witnessed first-hand at the time of occurrence by an authorised officer. However, despite the numerous complaints and visits, there remains insufficient evidence for the Council to act formally for the existence of a Statutory Nuisance.

Several recent proactive and reactive visits have been carried out as follows:

On 23 April WDC received a report of an unspecified but strong odour in progress at 15:54pm. An officer attended and was on site from 16:30pm. A faint bin type odour was detected in Poseidon Way but was considered unlikely to cause a statutory nuisance, as defined by the Environmental Protection Act 1990.

On 24 April a WDC officer made a proactive visit to the affected area from 16:45pm, the bin type odour typically described by complainants was not detected during this visit.

On 25 April WDC received a report of bin type odour and a burning plastic/chemical smell at 08:55am. An officer attended from 09:10am and detected a faint and intermittent bin type odour as they monitored in the area, this was not at a level considered likely to cause a statutory nuisance.

On 30 April a proactive visit was carried out from 08:40am in the area from which odour reports are typically being received. Only extremely faint and intermittent odour was detected on this occasion, in the Ashbourne Drive area.

A further proactive visit was undertaken on 4 May from 06:15am, monitoring was carried out at a variety of locations from which odour complaints are being received. Some intermittent, bin-type odour was detected in the Tachbrook Road area with similar odour noted to be more persistent in Ashbourne Drive. It was not considered to be at a level likely to cause statutory nuisance at the time of the visit.

With regard to flies, complainants reporting increased fly numbers entering properties have been offered visits and invited to make contact when flies are present so that officers can attempt to visit, observe their impact and record details of fly numbers, type etc which

can then be shared with the Environment Agency. Currently, fly numbers do not appear to be unusual.

Environment Agency

Between 17 April 2024 and 22 May 2024, the Environment Agency received 25 odour reports, 3 of which mentioned flies and 1 also mentioned noise. It also received 8 fly reports and 1 separate noise report.

The Environment Agency has continued to regulate permitted sites in the area with the potential to attract flies.

Flies

On 08 May 2024 the Environment Agency assessed compliance and progress with the steps specified in Plasgran Limited's (PL) action plan. The plan sets out the operational changes PL will make to reduce flies on site and monitor their numbers, in the short and longer-term. We have not shared our findings with the operator yet and cannot make any substantive comment. However, we can say that PL has made positive progress. There has been an increase in the number of flies recorded at the site towards the end of May 2024. We are working with the operator to investigate the cause of this increase and to ensure they are responding quickly and appropriately to reduce these numbers. Fly numbers will fluctuate depending on weather conditions.

The Environment Agency inspected the site operated by Fortress Recycling and Resource Management Limited (FRRM) on 08 May 2024. Flies were present on site. Fly alighting boards and fly traps have been installed by FRRM to help reduce the number of flies on site. We will be sharing our findings and required remedial actions with the operator shortly. We are unable to provide any further information until we have done so.

Odour

On 17 April 2024 the Environment Agency received 2 odour reports. At the footpath on Poseidon Way leading to Tachbrook Road, an officer detected a faint processing waste/factory-type odour. On the same date, an officer also carried out an inspection of the site operated by PL to assess levels of odour. The Environment Agency substantiated the same faint odour on this occasion and the findings of this inspection have been shared with the operator.

On 19 April 2024 the Environment Agency received 2 odour reports. At Poseidon Way officers detected an odour of sweet-smelling waste. At Tachbrook Road officers detected an eggy/waste odour. Officers proceeded to inspect activities at the site operated by PL to assess levels of odour. Officers did not detect similar odour onsite, or any odour likely to cause pollution outside the site boundary. We have shared our findings with PL.

On 22 May 2024 the Environment Agency received 2 odour reports. At the junction of Montgomery Road and Tachbrook Road officers detected a faint sewage/waste odour. Officers proceeded to inspect activities at the site to assess levels of odour. Officers did not detect similar odour onsite, or any odour likely to cause pollution outside the site boundary. We have not yet shared these findings with 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 regulatory work.

Next steps

WDC will continue to respond to complaints received concerning noise or odour and to work with and support the Environment Agency with its ongoing investigations. As the weather warms, we are also particularly keen to understand if there is an unusual growing number of flies in peoples' homes in the area, therefore please report any high levels advising us of how many flies per room and a brief description of them (e.g. common fly, blue bottle etc). We will try to call as many people as we can back, however if there are multiple complaints received from a specific area, we may need to focus our resources on those with the biggest problem.

The Environment Agency will continue to monitor PL's progress with the agreed action plan and any action by FRRM in respect of flies. We 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.

- 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 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 will share incident report details with WDC to enable us to respond in the most effective manner. 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 report any odour or flies to us as soon as practically possible. Please provide as much detail as possible for example, the approximate number of flies that are impacting you and any photographs.

customer service line **03708 506 506**

floodline **03459 88 11 88**

incident hotline **0800 80 70 60**

Page 3 of 4

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.