

Amenity issues briefing – March 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 23 February 2024 and 20 March 2024, the Environment Agency received 12 odour reports, including 1 which also mentioned flies, and 1 fly report. WDC have received 46 odour reports and 1 fly report.

What action have we taken?

WDC

WDC has continued to log all complaints received and make visits to the affected area where possible. A large proportion of recent reports have been made during evenings and weekends, when WDC don't routinely have officers available to attend, however reports received during office hours have been responded to as detailed below.

On 23 February WDC received two reports of odour, the second received at 09:36am when officers were already on route to the area. Officers were on site from 09:45am until 11:00am and witness some intermittent odour in the Ashbourne Drive area but this was not at a level considered likely to cause statutory nuisance. The two complainants were contacted during the visit and both reported there was no longer any odour noticeable at their homes.

On 11 March WDC received a report of odour at 13:28pm and an officer attended from 14:00pm. A bin bag type odour was detected in the Poseidon Way area, this was mostly faint and only noticeable from time to time and for short periods. Further monitoring was carried out in Tachbrook Road and the surrounding area where some intermittent cooking smells were the only odour detectable.

On 18 March odour alleged to be emanating from the Plasgran Limited site was reported to WDC at 12:52pm. An officer visited the area from approximately 13:33 and monitored until 14:33. Some odour was detected in Ashbourne Drive and was considered to be more persistent than that observed at previous visits. While monitoring in Tachbrook Road and other residential streets nearby the same odour was noted but it was less intense and more intermittent. The observations by WDC officers have been shared with the Environment Agency.

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. These actions have already begun, and interim deadlines have been agreed. The number of flies present at the PL site fell in February 2024. PL has responded to an increase in fly numbers in March 2024, including spraying waste with insecticide and investigating conditions at the sites which produce the waste it accepts.

Odour

On 23 February 2024 the Environment Agency received a report of odour. Officers attended the local area and detected an odour on Ashbourne Drive, which became intermittent and weaker in residential areas surrounding Tachbrook Road. Officers did not identify the source of the odour.

On 26 February 2024 officers carried out a site inspection of PL and assessed for odour in the local area. Officers did not substantiate odour at levels likely to cause pollution outside the site boundary.

On 5 and 6 March 2024 the Environment Agency received a report of odour, officers attended on both days and did not substantiate an odour at levels likely to cause pollution.

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 PL, which included assessing levels of odour. The Environment Agency is unable to provide any information until it has informed the operator of its findings.

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, 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 progress with the action plan agreed by PL and 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:

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.

Please do not remove these paper copies.

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.

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.