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Dear Resident

Environmental Protection Act 1990, Section 79 – nuisance fly investigation

I am writing to you because you are one of a number of residents in Ditchling that have contacted Environmental Health to report an elevated fly population within the area. I am investigating these complaints in an attempt to discover the reason for the fly population and its origin. This letter is intended to provide an answer to some of the questions that have been asked, and to provide an update of the action I have taken to date and the action I will be taking during the coming days. I will endeavour to provide further updates as my investigation progresses.

At the time of writing this letter, complaints have been received from twenty five households in Ditchling. Many of these households are situated in the north east quarter of the village between Lewes Road and North End/Common Lane. Many residents have asked me what the Council can do about the flies, where the flies are coming from and why. I will attempt to answer some of these questions.

What can Lewes District Council do about the flies?

The Environmental Protection Act 1990 section 79 lists 'insects arising from a commercial (i.e. industrial, business or trade) premises' among the regime of nuisances for which powers of enforcement are provided. The Council shall take action by serving an abatement notice on the person responsible, but only where it can be proved that a specific commercial process is resulting in an insect-related nuisance. The person responsible is entitled to appeal against such a notice and any action required of them may be suspended until after the appeal has been heard. Additionally, if the person responsible for the nuisance can demonstrate that they are adopting the best practicable means of controlling the nuisance, the Courts may decide that this constitutes a reasonable defence and no further action shall be taken. It is therefore paramount that any case presented by the Council should be built on robust evidence. It must also be noted that if the flies are not found to be arising from a commercial activity, the Council has no powers, nor any statutory duty, to take any action at all.



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INVESTORS IN PEOPLE

Director
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What can residents do about the flies?

Regrettably, it seems residents can do very little to control flies entering their homes and gardens. Many residents I have visited have bought fly papers, which quickly fill with flies, but these have only a limited effect because populations are quickly replaced. Some residents have invested in fly screens to place within a door opening. These have proved successful in keeping flies out of houses, but they remain present in outside areas.

Where are the flies coming from?

The flies are certainly breeding in the general environment around Ditchling, and indeed throughout the Lewes District, as a result of advantageous environmental conditions following the wet summer. I question whether this is the genuine source of flies local to you because the reports I have received have been concentrated in a small area mainly to the north and east of the Ditchling crossroads. It may be suggested therefore that a localised activity could be implicated with the spike in numbers around Ditchling.

Many residents receiving this letter have alleged or suggested that the fly population has arisen at The Macs' Farm (formerly Fourfields Farm) at Dumbrells Court Road in Ditchling. This is an organic poultry farm which supplies organic eggs to local residents, to supermarkets and to a large distributor. The proximity of this farm to the residents who have contacted us about the flies suggests there may be some association between the farm and the fly population.

There is a possibility that a small population of flies originated from the farm and radiated outwards, to then reproduce naturally in the local environment. Warm, damp weather conditions this year would reasonably have improved fecundity, relative to an 'average' year.

At present I cannot determine whether the flies are wholly arising from the farm, whether they are being attracted to the farm and breeding there, or whether they are being wholly attracted from another source onto the farm in the same way that they are into residential areas. Further investigation may provide a clearer picture.

What action has Environmental Health taken to date?

I have visited all households that contacted me prior to Friday 10 August 2012 and collected a sample of the flies which have been causing the nuisance to residents in order to identify them under a microscope. Of the 7,000 fly species found in the UK, only one species was predominantly found at the households and this has proved on closer inspection to be the Lesser House Fly (*Fannia canicularis*). This species has a distinctive character whereby it is active during the daytime and flies in a rather aimless manner, in groups, beneath light fittings or in shady areas within or around homes and out-buildings. It is a species which has been associated with poultry sheds, but I must stress that this is not an exclusive association and I must be vigilant so as not to be drawn into false conclusions because of the proximity of the Macs Farm.

The Lesser House Fly feeds on damp decaying organic matter such as vegetation, faeces and carrion. A single female may lay up to 2000 eggs in batches of about fifty. Eggs hatch after 24 – 48 hours and larvae (maggots) feed for six days before reaching pupation. Adults emerge from the pupa after a further seven days or so and these adults have a life expectancy of up to three weeks. This means the life-cycle is complete in about four to five weeks and several broods pass during a breeding season. All life stages of the fly will be present at any time. The Lesser House Fly is a vector of a number of pathogens and is associated with myiasis (fly-strike). It can be a serious pest of livestock.

I visited The Macs' Farm on 10 August and, with the farmer, inspected the poultry sheds, which I found to be clean, well-operated and generally free of flies, although elevated numbers of Lesser House Fly were present in outdoor areas. The farmer employs a range of control methods including electric ultra violet traps, 'red-top' chemical liquor (attractant) traps, predatory wasp larvae (which predate on fly larvae) and industrial sticky paper traps. No conventional pesticides are used in order to maintain their organic status. Water is line-fed in order to minimise leakage or splashing (and thus humidity).

The poultry sheds themselves operate for an 80 week period, which corresponds with the life of the flock. At the 'end of flock', the sheds are cleaned out and the litter and droppings removed prior to the arrival of the succeeding flock. During my visit the litter, which is currently 40 weeks old, was dry, friable and of a very low humidity, and I was confident that conditions for fly larvae were hostile.

There was no evidence that conditions within the poultry sheds are giving rise to the population of Lesser House Fly in the local area, although further work needs to be carried out in the outdoor areas in which the hens range.

What are the implications for the farm?

If the flies are proved to be arising from the farm, there are some serious implications to consider, such as surrendering organic status in order to use conventional pesticides..

Organic status is accredited by an organisation called Organic Growers & Farmers following the satisfaction of a set of criteria by the farmer. Certain measures may be taken to control flies, but use of conventional pesticides would result in the removal of organic status.

An organic poultry farmer who is served with an Environmental Health abatement notice would effectively either comply with or breach the notice, assuming that an appeal has been unsuccessful and that the best practicable means, having been employed at the farm, are not considered by the court to be worthy as a defence. To

Scenario 1 – become a free-range farm

A farmer could surrender organic status and convert to a free-range farm incorporating the use of conventional pesticides. This change of business plan would require a smaller flock size per unit of land than an organic farm and a change in supplier(s).

Scenario 2 – become a battery farm

A farmer could surrender organic status and convert to a battery-type farm incorporating the use of conventional pesticides. This change of business plan may allow a similar flock size per unit of land than an organic farm and an obvious change in supplier(s).

Neither of these changes will guarantee a reduction in fly numbers (based on current evidence) and there is a reasonable assumption that a reduction in revenue would result, placing the future viability of the farm into question. While these may not be the only available options, there is a likelihood that the farm's organic status would need to be surrendered in order to comply with an abatement notice. This reinforces the importance of collecting robust evidence to ensure the maximum possible confidence in any conclusions made about the farm.

What will Environmental Health do next?

Based on the evidence I have collected, I cannot at present form a reliable opinion about where the flies have originated and why they are present in such numbers in your area. My next step is to visit the farm again and perform further inspections in the areas I have not already seen. I will do that this week. I am also exploring all possible fly-control methods available to the farmer to establish whether any other practises can be introduced. I will seek advice from relevant authorities involved with poultry farming and fly control in an attempt to obtain information that will help me confidently form an opinion. Finally, I intend to identify the locations of other poultry farms in the area and establish whether or not similar fly nuisances are present in these areas.

I will provide a further update when I have more information to report and I thank you for your tolerance while I continue to investigate your complaint.

Yours sincerely



Steven Teale
Senior Environmental Health Technician
Public Health Team