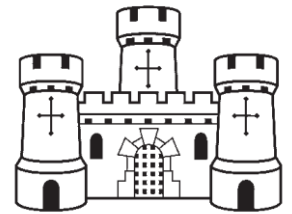


Public Document Pack

Date of meeting Monday, 26th February, 2024
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham - 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Health, Wellbeing & Environment Scrutiny Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF PREVIOUS MEETING** (Pages 3 - 6)
To consider the Minutes of the last meeting of the Committee.
- 4 UPDATE FROM CABINET ON ITEMS RAISED BY THE COMMITTEE**
- 5 WALLEYS QUARRY ODOUR ISSUES** (Pages 7 - 52)
- 6 YOUTH HEALTH & WELLBEING AND PLAY PROVISION** (Pages 53 - 58)
Presentation by Carl Inskip-Ward School Games Organiser & Community Leisure Manager, Chesterton Community Sports College
- 7 REVIEW OF THE 850 CELEBRATION YEAR** (Pages 59 - 66)
- 8 BIODIVERSITY AND TREE MANAGEMENT PLAN** (Pages 67 - 72)
- 9 DISTRICT AND BOROUGH HEALTH SCRUTINY ACTIVITY** (Pages 73 - 78)
To receive feedback from members of this committee who attended the meetings of the Healthy Staffordshire Select Committee
- 10 WORK PROGRAMME** (Pages 79 - 82)
- 11 PUBLIC QUESTION TIME**

Any member of the public wishing to submit a question must serve two clear days' notice, in writing, of any such question to the Borough Council.

12 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972.

13 DATE OF NEXT MEETING

Members: Councillors Adcock (Vice-Chair), Barker MBE, Brown, Crisp, Dymond, S Jones, Northcott, Reece, Richards, Wilkes (Chair) and Wright

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorum: The meeting quorum for Scrutiny Committees is 4 of the 11 members.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Bryan	D Jones
	Burnett-Faulkner	Parker
	Edginton-Plunkett	J Tagg
	Fox-Hewitt	S White
	Holland	

If you are unable to attend this meeting and wish to appoint a Substitute to attend on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

Agenda Item 3

Health, Wellbeing & Environment Scrutiny Committee - 27/11/23

HEALTH, WELLBEING & ENVIRONMENT SCRUTINY COMMITTEE

Monday, 27th November, 2023

Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Ian Wilkes (Chair)

Councillors:	Adcock	Dymond	Reece
	Brown	S Jones	Richards
	Crisp	Northcott	Wright

Apologies: Councillor(s) Barker MBE

Substitutes: Councillor John Tagg

Officers:	Nesta Barker	Service Director - Regulatory Services
	Andrew Bird	Service Director - Sustainable Environment
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Michelle Hopper	Mobile Multi-Functional Manager
	Craig Jordan	Service Director - Planning

Also in attendance:	Councillor David Hutchison	Portfolio Holder - Sustainable Environment
	Councillor Stephen Sweeney	Deputy Leader of the Council and Portfolio Holder - Finance, Town Centres and Growth

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

Cllr Northcott declared a non-pecuniary interest relevant to item 5 as Staffordshire County Council Cabinet Member for Public Health and Integrated Care Safeguarding.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the previous meeting held on 7th September 2023 be agreed as true and accurate record subject to Cllr Richards attendance being recorded.

4. **UPDATE FROM CABINET ON ITEMS RAISED BY THE COMMITTEE**

There were no updates required from Cabinet members.

5. STAFFORDSHIRE HEALTH & CARE OVERVIEW & SCRUTINY

Resolved: That the update received from Staffordshire County Council Health & Care Overview & Scrutiny Committee be noted.

6. WALLEYS QUARRY ODOUR ISSUES

The Service Director for Regulatory Services went through the latest report on Walleys Quarry odour issues as presented to Cabinet in November.

Members asked questions and responses were provided as follows:

- Cllr Adcock enquired about the reliability of the devices used by the Council to measure air quality. – These had been used over a period of 12 months and were good to provide back-up data to compare with what people had been observing and official figures.
- Cllr Brown asked about long term effects to residents' health. – The UK Health Security Agency recently updated their health advice which could be found on the Council's website.

Resolved: That the contents of the update report be noted.

[Watch the debate here](#)

7. NEWCASTLE TOWN CENTRE - COMMUNITY SAFETY PARTNERSHIP

The Deputy Leader introduced the report on the Community Safety Partnership which he found encouraging and a good example of all the agencies in Newcastle coming together to improve the town centre.

The Mobile Multi-Functional Manager went through the report.

Cllr Reece asked about street medics and if there was any data available yet on whether or not this had had an impact. – Indeed there was, shared with the County Council and the NHS towards getting additional funding so that the service could be prolonged post December.

Cllr Adcock welcomed the results and wished to pass on his thanks onto the volunteers involved. Cllr Northcott was also positive, adding that he was looking forward to seeing the CCTV implementation in place.

The Deputy Leader commented on how pleasant and friendly the town centre now felt when going out at night.

Resolved: That the report be received.

[Watch the debate here](#)

8. REVIEW OF ENVIRONMENT STRATEGY & ROAD MAP TO NET ZERO

The Service Director for Sustainable Environment presented the report on the Review of Environment Strategy & Road Map to Net Zero which was brought to Cabinet in October.

Members asked questions and responses were provided as follows:

- Cllr asked about community centres and why they hadn't been included. – They were separate from the Council which net zero goal was for its own operation to carry out its statutory services. The community centres had been surveyed in a similar fashion and the Council could certainly support those structures going forward.
- Cllr Brown expressed concerns over the Minimising Waste objective and wondered if this may imply removing bins at street level when people were using them for domestic waste. – There was no such policy at the Council and antisocial behaviour were addressed liaising with the Mobile Multi-Functional team.
- Cllr Adcock wondered about the carbon offsetting and whether this was based on how many trees were planted or how many trees were expected to reach maturity. – This was calculated based on trees maturity and a management plan to achieve this objective would be built into the Sustainable Environment Strategy moving forward.

The Service Director for Sustainable Environment added that the plan was to bring back to Cabinet the new Sustainable Environment Strategy around April 2024 and members were invited to share suggestions of what they wished to be looked at.

Members commented as follows:

- Cllr Northcott asked about the risks of adopting certain technologies and notably whether the Council would want to go all electric or wait to see what the market would bring with hydrogen first. – The approach was to stick with HVO fuels for the time being and upgrade later when new technologies would be available to bring the emission to net zero with heavy good hydrogen vehicles being considered.
- The Chair asked whether the urban tree planting strategy would consider vegetation other than trees such as algae and bamboo. – These could be looked at indeed. Net Zero could not be achieved by just decarbonising and offsetting would need to be a priority when it came to open spaces.

Resolved: That the report be noted.

[Watch the meeting here](#)

9. **WORK PROGRAMME**

Members reiterated requests for the following items to be added to the work programme:

- Childhood Obesity and Leisure Centre Activities;
- NHS Dentistry Provision;
- Tennis – Resurfacing of ad hoc piecemeal courts.

The Biodiversity and Tree Management plan would be coming to the February meeting and an update would be requested from the Service Director for Regulatory

Health, Wellbeing & Environment Scrutiny Committee - 27/11/23

Services regarding the A53 / Bus Gate. It was also confirmed that Walley's Quarry would be a standing item for future meetings.

The Chair indicated that additional items requested if taken forward may not all be covered off this municipal year and may need to go to future meetings.

Resolved: That the work programme be received.

[Watch the debate here](#)

10. **PUBLIC QUESTION TIME**

There were no questions from members of the public.

11. **URGENT BUSINESS**

There was no urgent business.

12. **DATE OF NEXT MEETING**

Resolved: That the next meeting be held on 26th February 2024.

**Councillor Ian Wilkes
Chair**

Meeting concluded at 8.08 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
SUPPLEMENTARY REPORT TO HEALTH, WELLBEING, AND ENVIRONMENT
SCRUTINY COMMITTEE**

26 February 2024

Report Title: Walleys Quarry – Actions Arising from Full Council

Submitted by: Chief Executive

Portfolios: Sustainable Environment; One Council, People & Partnerships

Ward(s) affected: All

Purpose of the Report

This report informs the Scrutiny Committee of a recent decision by Full Council and enables to Committee to take the necessary steps to deliver the work specified by Council.

Recommendation

That Committee:

- 1. Establish, a Task & Finish group to examine the ongoing odour issues associated with Walleys Quarry with the terms of reference and format as set out in this report and the Chair seek permission from the other scrutiny chairs to open up membership from across all three scrutiny committees for this task and finish group;**
- 2. Delegate to a Scoping Meeting of the Task and Finish group the election of a chair and the determination arrangements for the conduct of the inquiry, including timing, inputs, and final report preparation;**
- 3. Submit, a report to Cabinet and Council setting out the inquiry findings and recommendations.**

Reasons

Odour issues from Walleys Quarry continue to be a major concern for the community. Council has determined that the Scrutiny Committees shall undertake a further examination of the issue, to include hearing from the local community and other stakeholders. The recommendations give effect to this Council direction.

1. Background

- 1.1** For a number of years, parts of the borough have suffered from foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd, part of the RED Industries group of companies. The Environment Agency (EA) is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator

fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.

- 1.2 The Council has consistently called for a Public Inquiry into the handling of the Walleys Quarry issue. The latest letter from the Waste Minister relating to this is attached.
- 1.3 The history of this issue, and the Council's involvement with it, is well documented in monthly reports to Cabinet and regular reports to both Scrutiny and Full Council. Following a deterioration in air quality in the winter of 2023/24, resulting in a significant increase in complaints, a Special Council meeting was convened on 14 February 2024 to debate the matter.
- 1.4 At the February 2024 Special Council, a resolution was passed which included the following specific task for the Council's three Scrutiny Committees:
 - *That Full Council ask the relevant Scrutiny Committees to hold a public hearing, to receive impact statements from residents, stakeholders, including businesses, the operator, Staffordshire County Council, the operator, and local health bodies.*

2. Issues

- 2.1 The Council resolution above reflects the broad impact of the odour issues, encompassing as it does the work of all three of the Council's Scrutiny Committees. It is proposed therefore to undertake this review via all three committees working collaboratively.
- 2.2 The tried and tested format for scrutiny work such as this, is through creation of a Task & Finish group which will form to conduct the inquiry and then disband. The previous Walleys Quarry scrutiny group was made up of five Councillors. Given the Council resolution anticipated the involvement of all of the scrutiny committees, it is proposed to increase this to seven members (4 Conservative and 3 Labour, with nominations being sought via Group leaders, with substitutes allowed).
- 2.3 For this inquiry it is proposed that the Task and Finish Group be rebranded as a "Committee of Inquiry", and be specifically tasked to address three strands of inquiry which reflecting the debate at Full Council:
 - What is the impact of the ongoing odour issue;
 - What needs to be done next, and by whom, to bring about resolution;
 - What, if any, opportunities have been missed to resolve this issue sooner.
- 2.4 In terms of format, it is proposed that the Committee of Inquiry:
 - Sit for a concentrated period (eg 1 full day or 2 half days) to receive and scrutinise evidence from a range of stakeholders;
 - Meet in public, and its proceedings live-streamed;
 - At the conclusion of the Inquiry, prepare a report detailing its findings and recommendations, for the consideration of each of the three Scrutiny Committees, Cabinet and Council;

- Consider other potential audiences for its report (eg relevant Secretary of State, Office of Environmental Protection, etc)

2.5 The Committee of Inquiry should seek to receive input from a range of perspectives, and balance consideration of these perspectives in arriving at its conclusions and recommendations. Scrutiny can invite participation from any quarter, but cannot require attendance or contribution other than from within the Council. This exercise may seek to include written submissions from some stakeholders.

2.6 The Committee of Inquiry might seek input from, inter alia:

- Members of the local community
- Members of the Walleys Quarry Liaison Committee
- Council officers & members
- Staffordshire County Council
- Experts in Landfill Gas Management
- Environment Agency
- Walleys Quarry Ltd
- UK Health Security Agency
- Local health bodies
- Keele University
- Local schools
- Local businesses and business bodies

2.7 In order to progress this exercise with due haste, it is proposed that once Group leaders have confirmed the membership of the Committee of Inquiry, the Committee hold a Scoping meeting to:

- Elect a Chair;
- Finalise an invitation list;
- Finalise the format for its evidence gathering sessions;
- Consider whether there are particular skill sets or community links which it would be useful to co-opt onto the Committee of Inquiry as non-voting members.

3. Recommendation

3.1 That Committee

- Establish, a Task & Finish group to examine the ongoing odour issues associated with Walleys Quarry with the terms of reference and format as set out in this report and the Chair seek permission from the other scrutiny chairs to open up membership from across all three scrutiny committees for this task and finish group;
- Delegate to a Scoping Meeting of the Task and Finish group the election of a chair and the determination arrangements for the conduct of the inquiry, including timing, inputs, and final report preparation;
- Submit, a report to Cabinet and Council setting out the inquiry findings and recommendations.

4. Reasons

4.1 These recommendations allow the three Scrutiny Committees to address the task set by Council with all due haste.

5. Options Considered

5.1 Consideration was given to having this exercise undertaken by a single Scrutiny committee. The scope of the Walleys Quarry impact is so broad that this was not deemed appropriate.

6. Legal and Statutory Implications

6.1 Scrutiny Committees have a remit to conduct inquiries into any matter which is of concern to the local community, and are afforded considerable flexibility in terms of how they discharge their remit.

6.2 At the February Special Council it was resolved that, *“the Council continues to focus its energies on resolving foul odour from Walleys Quarry Landfill within its Abatement Notice powers as a priority and asks the Monitoring Officer, with appropriate legal support, to assess the most effective route, including Judicial Review, to securing an end to the community’s suffering and that the Monitoring Officer’s advice is referred to the relevant Scrutiny Committees for consideration prior to consideration by Cabinet and Full Council”*. A further update in this regard will be supplied to the Task and Finish Group/ “Committee of Enquiry” as soon as this additional legal advice has been obtained.

7. Equality Impact Assessment

7.1 There are no equality impacts directly arising from this report.

8. Financial and Resource Implications

8.1 There are no significant finance implications arising directly from this report.

9. Major Risks & Mitigation

9.1 There are no significant risks arising directly from this report.

10. UN Sustainable Development Goals (UNSDG)





Department for Environment Food & Rural Affairs

Robbie Moore MP
Parliamentary Under Secretary of State for
Environment, Food & Rural Affairs

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Cllr Simon Tagg
Leader
Newcastle Under Lyme Borough Council
Castle House, Barracks Road
Newcastle under Lyme, ST5 1BL
Angela.Hodkinson@newcastle-staffs.gov.uk

Our ref: PO2024/02133/EP

February 2024

Dear Cllr Tagg,

Thank you for your letter of 21 December to the Prime Minister about Walleys Quarry landfill site. I am replying as the Minister responsible for this policy area.

I am very much aware of the recent history of Walleys Quarry and the problems experienced by the local community. I know that the community will be concerned by the hydrogen sulphide (H₂S) emission levels over recent weeks and the difficult conditions they have experienced. I am in regular contact with Philip Duffy, Chief Executive of the Environment Agency (EA), to ensure all measures within their power are being exhausted to secure a positive outcome.

The error with the H₂S monitoring data collected by the Mobile Monitoring Facilities is regrettable and is something for which the EA has publicly apologised. On discovery of this issue the EA acted swiftly, openly and transparently and continues to do so.

It remains the case that it is only the H₂S data which is affected. The issue, and its effect on the H₂S data, was not evident during a previous external audit or periodic calibration. I am satisfied that the EA has completed its investigation into the H₂S analyser calibration issue in accordance with international standards and that it has determined the root cause and identified corrective actions. Given the way other studies, which are generally carried out over a much shorter period, have used H₂S monitoring data from the same analysers, there are no similar concerns in respect of other sites.

The EA has kept local authority partners and the local community informed through the Strategic Coordinating Group and the EA's Engagement Head Quarters website respectively.

The expert technical assistance for the EA previously referred to has taken the form an independent peer review group, chaired by Defra's Chief Scientific Adviser. This group was established to provide a fully independent view of the EA's proposals to adjust the historic H₂S data.

Since October 2023 the group has been assessing the method that the EA has developed, which could allow for the adjustment of historic H₂S data around Walleys Quarry. The group's findings are expected to be finalised imminently. The EA will need time to consider its findings carefully, but I expect it to tell you and the public more as soon as it can.

The EA has continued to robustly regulate Walleys Quarry, performing frequent unannounced and announced inspections. Where it has identified permit non-compliances the EA has required action at pace from Walleys Quarry Ltd (WQL). Where WQL has not completed actions in a timely manner, the EA has escalated its enforcement response, including serving a fourth Enforcement Notice in October 2023. WQL complied with that Notice, which was therefore withdrawn in January 2024. The EA has visually confirmed that WQL has installed all the necessary temporary capping works indicated in the notice.

The EA is also working to secure improvements in operating techniques documents, including the Odour Management Plan, and Landfill Gas Management Plan. Newcastle-under-Lyme Borough Council accepted that these plans represented the best practicable means of WQL addressing odour nuisance in October 2022.

The recent conditions for the community are unacceptable and all efforts are focussed on ensuring this is addressed. However, it is also recognised that the EA's regulatory strategy has resulted in notable improvements since February 2021, corroborated through regulatory, partner and community feedback, monitoring evidence and engineering improvements on site. The current situation is not representative of the EA's effort or success. Prior to December 2023, when the temporary increase in levels of H₂S outside the site began, there had been a significant period of sustained improvement.

In addition to requiring WQL to act in relation to emissions from the internal flanks, the EA has required the company to do more to manage the uncapped operational area of the landfill, which is also understood to be a source of fugitive emissions of landfill gas. Recent very wet weather has slowed progress with some of this remedial action.

The EA has informed WQL that it expects to see a reverse of the recent trends and has assured me that it continues, and will continue to, consider all appropriate regulatory action and powers to resolve the situation.

Both I and the EA remain committed to resolving the issues impacting the community of Newcastle-under-Lyme and all options are being considered.

With kind regards,

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Robbie Moore', with a horizontal line underneath the name.

ROBBIE MOORE MP

Parliamentary Under Secretary of State for Environment, Food & Rural Affairs

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO COUNCIL

14 February 2024

Report Title: Walleys Quarry – Odour Issues

Submitted by: Chief Executive

Portfolios: Sustainable Environment; One Council, People & Partnerships

Ward(s) affected: All

<p><u>Purpose of the Report</u></p> <p>To update Council on the latest position regarding the foul odours in the Borough associated with Walleys Quarry and provide background information for discussion.</p>
<p><u>Recommendation</u></p> <p>Council is recommended to:</p> <p>1. Note the contents of this update report.</p>
<p><u>Reasons</u></p> <p>To ensure Council is kept updated on the ongoing work regarding the odours associated with Walleys Quarry landfill.</p>

1. Background

- 1.1. For a number of years, parts of the borough have suffered from foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd, part of the RED Industries group of companies. The Environment Agency (EA) is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.
- 1.2. In March 2021, Council held an extraordinary meeting to receive the report of the Economy, Environment and Place Scrutiny Committee review into the Walleys Quarry issues, and to debate a motion demanding the immediate suspension of operations and acceptance of waste at the Walleys Quarry Landfill site.
- 1.3. Following extensive work, officers determined that the odours from the Walleys Quarry site amounted to a Statutory Nuisance and, on 13 August 2021, served an Abatement Notice on Walleys Quarry Ltd. (WQL). Following an appeal by Walleys Quarry Ltd, and a successful mediation process, His Honour District Judge Grego

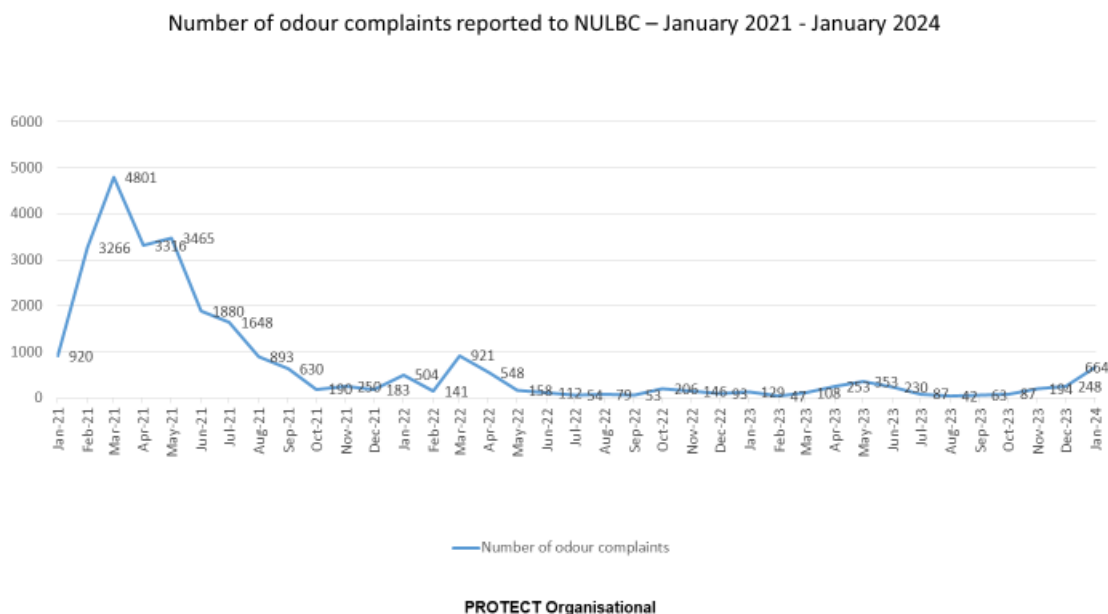
approved the settlement that the parties had reached and issued a court order upholding the Abatement Notice and dismissing WQL's appeal on 6 October 2022.

- 1.4.** Since the Council meeting in March 2021 Cabinet has received a report on Walleys Quarry odour issues at each meeting, typically detailing the number of complaints to the Council and to the Environment Agency in the preceding month, together with the air quality data from each of the Mobile Monitoring Facilities (MMF) (most recent 6/2/24). Council has been kept informed of the Walleys Quarry issues, with opportunity to comment or raise questions, at each meeting through the Leader Statement (most recent 24/1/24). At its meeting in April 2023, Council received a report regarding the situation at the end of the five-month period allowed under the Abatement Notice for compliance to be secured.
- 1.5.** The Council's activity regarding Walleys Quarry falls broadly into three realms:
- Championing community concerns and using the Council's limited enforcement powers to secure an Abatement Notice against Walleys Quarry Ltd to prevent a recurrence of the nuisance which led to the serving of that notice. This has also involved maintaining an ongoing dialogue with Walleys Quarry Ltd and the conduct of odour assessments responding to clusters of complaints to both provide visible support to residents and to build a body of evidence should a prosecution under the Abatement Notice become necessary. Issues relating to the Abatement Notice are addressed in Section 6 below.
 - Senior officer engagement with a multi-agency Strategic Coordinating Group (SCG) which has been meeting regularly to co-ordinate activity regarding the issue. At regular intervals during the operation of the SCG senior political leaders across agencies have met with members of the SCG to discuss and challenge their approach and progress.
 - Politically challenging the lead regulator and the government to use all available powers to address the issues. Issues relating to political challenge are addressed in Section 7 below.

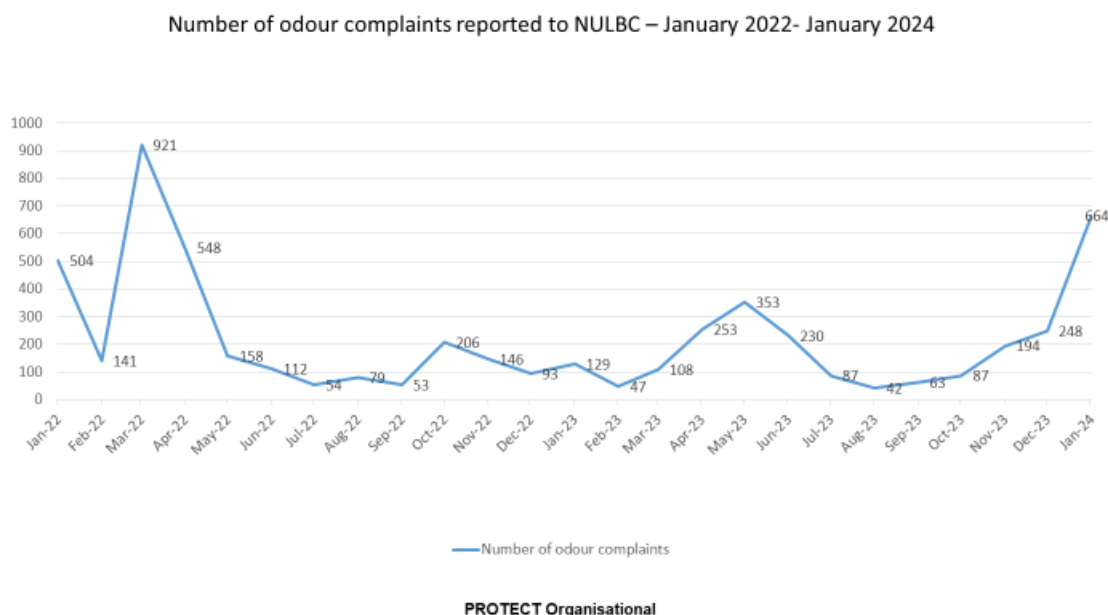
2. Complaint Data

- 2.1.** The Council encourages residents to report to them when they experience the Walleys Quarry odours. Appendix 1 to this report provides complaint numbers to the Council since January 2021. Members should be aware that some residents will report to one or other of the agencies, and some will report simultaneously to both agencies. Over time, the complaint numbers correlate fairly strongly with the data from the MMFs, with complaints rising as Hydrogen Sulphide (H₂S) increases.
- 2.2.** Graph 1 below presents the profile of complaints since January 2022 and shows a significant reduction in complaints over time, with complaints beginning to rise again in the winter of 2023/24. Graph 2 below presents the complaint data since January 2022, and shows more clearly the peaks and troughs of complaints.

Graph 1 - NuLBC Complaints Jan 2021- Jan 2024



Graph 2 – NuLBC Complaints Jan 2022-Jan 2024

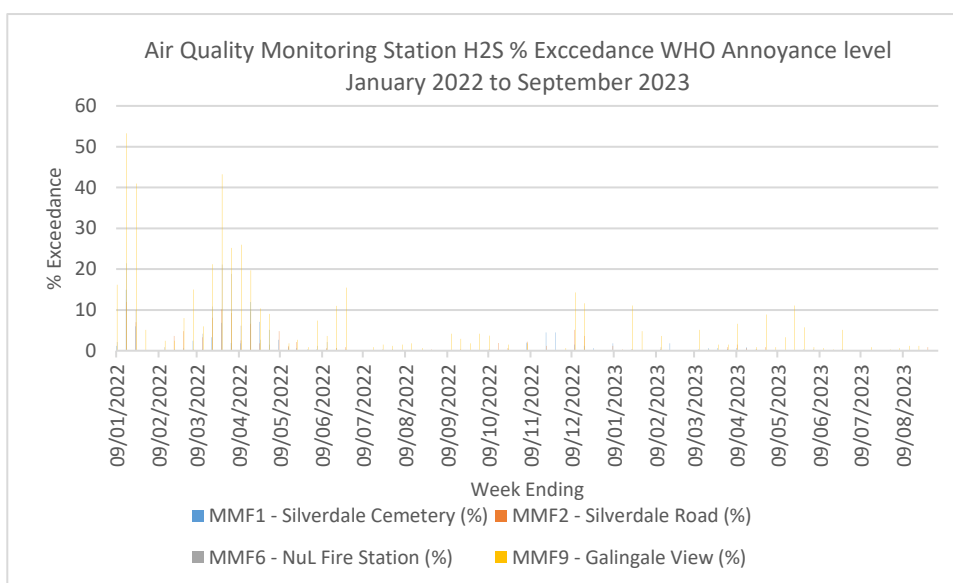


3. Air Quality

3.1. The Council, Staffordshire County Council, and the Environment Agency have jointly funded a campaign of air quality monitoring utilising three static air monitoring stations. The Environment Agency manage and operate these air quality monitoring

stations. Data from these stations has been routinely published weekly by the Environment Agency.

- 3.2.** Hydrogen sulphide levels have previously been reported and reviewed as part of the regular reports to Cabinet. On 5 October, the Environment Agency provided an update, alerting the community to a problem with the reliability of the Hydrogen Sulphide (H₂S) monitoring data collected at the monitoring stations. This update is available at the following link [Latest News | Engage Environment Agency \(engagementhq.com\)](https://www.engagementhq.com)
- 3.3.** The error with data collection has been rectified, however one impact of the error is that there is no longer a reliable data set over the whole monitoring period. Work is ongoing within the Environment Agency to establish whether the old data set can be corrected to provide comparability. The data is presented in Graph 3 below as, while the data itself may be under stated, the trend remains instructive.



- 3.4.** The data routinely reported has been the proportion of the time periods where H₂S levels were above the World health Organisation (WHO) Odour Annoyance guideline level of 7ug/m³.
- 3.5.** The table below is comprised of data collected since the error was rectified, and shows, on a weekly basis, the proportion of the time periods where H₂S levels were above the WHO Odour Annoyance guideline of 7ug/m³.

Time Period	Percentage of time the location recorded hydrogen sulphide concentrations above the WHO annoyance guideline level		
	MMF1 (%)	MMF 2 (%)	MMF 9 (%)
1 September – 17 September 2023			9.3
18 September – 24 September 2023			0.6
25 September – 01 October 2023			0.3
02 October – 08 October 2023			0
09 October – 15 October 2023			9.4
16 October – 22 October 2023	0.9	0	7.8
23 October – 29 October 2023	13.7	3.0	10.4

30 October – 5 November 2023	7.8	0.6	NR
6 November – 12 November 2023	8.9	1.5	5.6
13 November – 19 November 2023	6.9	0.6	3
20 November – 26 November 2023	3.3	2.9	14.33
27 November – 3 December 2023	14.9	7.4	26.2
4 December – 10 December 2023	21.4	3.0	10.2
11 December – 17 December 2023	13.4	2.68	8.33
18 December – 24 December 2023	0	0	0.6
25 December- 31 December 2023	23.21	0.3	1.9
01 January – 07 January 2024	16.9	8.7	17.7
08 January – 14 January 2024	0		5.0
15 January – 21 January 2024	17.4		18.4
22 January – 28 January 2024	37.8		11.6

- 3.6. As can be seen, there have been weeks where the annoyance threshold has been exceeded for up to a third of the week.

4. Health Risk Assessment

- 4.1. The UK Health Security Agency (UKHSA) has worked closely with colleagues on the SCG. They review data collected from the MMF equipment and use this to create a regularly updated Health Risk Assessment.
- 4.2. One issue emerging from the error in data collection has been that the UKHSA Health Risk Assessments prior to September 2023 can no longer be relied upon as they are based on erroneous data. However, their most recent Risk Assessment, based on accurate data, and dated December 2023 states:
- i. *Any new hydrogen sulphide certified data (collected by the EA from September 2023 onwards) cannot currently be connected or compared to historic hydrogen sulphide data in UKHSA's future risk assessments to assess long-term exposure. Furthermore, as the situation currently stands, UKHSA will only be able to consider current exposures with this new rectified dataset from September 2023 onwards. As such, human health risk assessments for hydrogen sulphide data collected from September 2023 onwards will be regarded as entirely new risk assessments.*
 - ii. *This issue does not affect other ambient air quality pollutants measured at Walleys Quarry Limited and UKHSA will continue to assess these pollutants.*
 - iii. *Hydrogen sulphide is an odorous chemical; the human nose is very sensitive to odours. The concentrations of hydrogen sulphide in December 2023 were above the World Health Organization (WHO) odour annoyance guideline value for a significant percentage of the time at one of the monitoring sites (MMF1) and a considerable percentage of the time at the other two sites (MMF2 and MMF9). Exceedances of the odour annoyance guideline value may result in headache, nausea, dizziness, watery eyes, stuffy nose, irritated throat, cough or wheeze, sleep problems and stress. At hydrogen sulphide concentrations below the WHO odour annoyance guideline value, odour may still be present, however as concentrations fall to lower levels it is anticipated that the strength of any odour should also reduce. The more time spent above the guideline, the greater the likelihood of symptoms being experienced and impacting on people's health and wellbeing.*

- iv. ***The hydrogen sulphide data for December 2023 shows continuing low-level exposure to the population around the landfill site. Two MMF sites (MMF1 and MMF9) show a monthly average concentration in December above the long-term (lifetime) health based guidance value. The other site (MMF2) shows a monthly average concentration below this guidance value.***
- v. *UKHSA recommends that all appropriate measures continue to be taken to reduce the off site odours from the landfill site, to reduce the health impacts experienced in the local community.*

4.3. Members will be aware that odours off site increased since this risk assessment was completed. However, one consistency in UKHSA advice has been ‘*The risk of long-term health problems is likely to be small but cannot be excluded at this stage. UKHSA is aware that some people continue to experience short-term health effects.*’
‘*UKHSA recommends that all appropriate measures continue to be taken to reduce the off-site odours from the landfill site, to reduce the health impacts experienced in the local community.*’

5. Enforcement Action

- 5.1. The Environment Agency, as the lead regulator for the Walleys Quarry site has an intensive regulatory programme in place, with frequent visits (planned and unannounced) through which they assess compliance with the Environmental Permit under which the site operates.
- 5.2. The EA convert permit breaches into a points system and then add the points from each breach to calculate an annual total of non-compliance points. Based on the cumulative score over a calendar year, the EA place a site into one of six compliance bands A to F.
- 5.3. The site was assessed to be in Compliance Band F in 2021 and 2022. The total CCS points and the compliance band for 2023 also puts the site into Band F, but there are still outstanding appeal processes which may alter the final score or band.

Year	CCS Points	Compliance band
2017	28	C
2018	16	C
2019	36.2	D
2020	56	D
2021	166.5	F
2022	176.2	F
2023	156.7	F

- 5.4. Compliance Band F is a compliance rating calculated by the Environment Agency. The compliance rating for an operator is based on their compliance record from January to December the previous year. An operator's compliance record affect whether they pay a subsistence charge that is higher or lower than the base charge.
- 5.5. Band F (150+ non-compliance points) means a 300% increase on the subsistence charge. Sites in compliance bands F must significantly improve in order to achieve permit compliance. These sites are more likely to have their permit revoked unless there is substantial evidence that they are working towards achieving compliance in a timely manner.
- 5.6. Where there is a failure to comply with or contravene a permit condition the Environment Agency can consider enforcement options that may include issuing enforcement notice(s), a warning, a formal caution or instigate a prosecution.
- 5.7. The EA has the power to issue a closure notice if they are satisfied that there is a risk of serious long-term pollution or persistent non-compliance with permit conditions that suggest that an operator is not competent to manage the activity. The Environment Agency has stated that this would only be issued as a last resort having exhausted all other enforcement options.
- 5.8. In a recent public statement the Environment Agency has indicated that this has not been ruled out (<https://engageenvironmentagency.uk.engagementhq.com/latest-news-1/widgets/74343/videos/4478>). This represents an apparent shift in the Environment Agency narrative regarding the site as previously their position had been that the operator was "working towards compliance".

6. Enforcement Action by the Council

- 6.1. As outlined above, the Council has in place an Abatement Notice in relation to Walleys Quarry. The Abatement Notice was secured by the Council following a successful mediation process involving the Council and Walleys Quarry Ltd. The notice requires:

Walleys Quarry Ltd to:

 - Abate the nuisance;
 - Prohibits Walleys Quarry Ltd from causing, permitting or otherwise allowing the recurrence of the nuisance.
- 6.2. The Council continues to monitor odour occurrences in the local community, drawing on complaint data and weather forecasts to target officer odour tours and assessments, which are then compared to data from the MMF equipment and the Council's own handheld Jerome air quality monitors.
- 6.3. Any action by the Council to enforce the Abatement Notice would be taken in line with the Council's Enforcement Policy. This would determine what action the Council would take, and whether that would be formal or informal. Enforcement is usually considered sequentially but should the circumstances or nature of the breach be such, escalation direct to prosecution is possible. Critically, the Council would need to obtain the consent of the Secretary of State before it is able to prosecute an offence of breaching an abatement notice, as the site is permitted by the Environment Agency.
- 6.4. Any successful prosecution to enforce the Abatement Notice would need to satisfy a court, **beyond all reasonable doubt** on two issues:

- That a Statutory Nuisance existed due to activities at Walleys Quarry;
 - That at the time of the statutory nuisance, Walleys Quarry Ltd. was NOT utilising Best Practical Means in the management of its operations.
- 6.5. The ongoing dialogue with Walleys Quarry Ltd is important in the context of potential enforcement action in that it affords opportunity to challenge, explore and understand activity by the operator to seek to address the issue. The arrangement also affords a structure within which the sequential approach can be progressed. For example, following the increase in odours during the spring of 2023, officers met with Walleys Quarry Ltd to explore their understanding of any likely drivers for this incident.
- 6.6. Following the increase in odours in November and December, officers wrote to Walleys Quarry Ltd providing an analysis of complaints, odour assessments and underlying data, with a request for a formal response by 31st January. A response was received on 31st January detailing actions being taken on site to address the issues. This comprises the following areas:
- Internal waste flanks and surfaces which is actioned through ongoing temporary capping and specifically following engineering works to the facility to install 5 new, full-depth leachate wells and permanent capping of an area to the southeast of the facility, which although not at height could be completed ahead of schedule.
 - Operational area which is actioned through landfill gas extraction from operational areas through installation of vertical, temporary horizontal and pin wells.
 - Gas collection which is actioned through completion of sector review relating to gas balancing, with a change agreed with EA of up to 25% balance gas. The aim of increasing the percentage balance gas concentration is to potential increase gas flow.
 - Expert review which has been agreed and commission by WQL and NuLBC to review all aspects of gas capture, collection and treatment at the facility, along with review of critical policies and procedures. The objective is to identify any areas which may positively impact gas control and advise upon their practical application.
 - Landfill Gas Management which is actioned through the implementation of the Landfill Gas Management Plan and review of the Gas Utilisation Plant and associated infrastructure.

Best Practicable Means (BPM)

- 6.7. Critical to any enforcement action is the issue of BPM. The Environmental Protection Act 1990 states under section 79(9) that in the 'best practicable means' test the following provisions apply:
- **practicable** means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications;
 - the **means** to be employed include the design, installation maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures;
 - the BPM test is to apply only so far as compatible with any duty imposed by law and only so far as compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances.

- **local conditions and circumstances** i.e. has the operator of the site taken into account the close proximity of residential and commercial properties, the topographical features of the site, and the impact of weather conditions;
- **the current state of technical knowledge** which would include current guidance/ industry standard(s), conditions of the environmental permit, industry standard operational plans e.g. Odour Management Plan, Landfill Gas Management Plan, Landfill Gas Risk Assessment, Leachate Management Plan, Capping and Phasing Plan;
- **the financial implications** - which would consider the potential financial impact of the works to eliminate or reduce the odour abatement works, and whether the best practical solution was undertaken to resolve the nuisance or if better options could have been explored. BPM does not anticipate actions regardless of the cost, rather that the cost must be proportionate.
- **design of the site** including predictive software modelling, installation of the infrastructure of gas wells, gas pipelines, knock out pots, Gas Utilisation Plant, leachate wells and pipework, storage and balancing tanks, leachate treatment plant, temporary and permanent capping;
- **maintenance of plant and machinery** i.e. planned maintenance and reactive work;
- **manner and periods of operation of plant and machinery** including filling the site in a systematic manner to minimise the area of the working face (Phasing Plan) and management of surface water to minimise penetration and leachate production, and
- **design construction and maintenance of buildings and structures.**

It should be noted that the BPM **test** only applies to normal operation and not in response to an emergency or unforeseen event.

- 6.8.** At the time the Abatement Notice was confirmed, the Council accepted that the plans in place at that time for the management of odour at Walleys Quarry amounted to Best Practical Means. It was also agreed that these would evolve with the site's development. It is evident that ongoing, consistent, good management at the landfill site is key to controlling off-site odour. This involves not only having appropriate plans and methods of work, but also ensuring that these are fully applied.
- 6.9.** If the Council were to instigate a prosecution for failure to comply with the Abatement Notice, it would be imprudent to do so unless the Council was clear from information available to it that the landfill operator was no longer using best practicable means to prevent, or to counteract the effects of, the smell nuisance.
- 6.10.** The sanction which would flow from a successful enforcement prosecution for failure to comply with an abatement notice would include:
- A lump sum fine (amount set by the court);
 - Further fines for each day of non-compliance (also set by the court);
- 6.11.** Councils can also take action to stop or restrict the nuisance by:
- Carrying out works and making the business given the notice pay for them (this can include seizure and confiscation of equipment);
 - Applying to the High Court for an injunction (if a prosecution is not adequate).

- 6.12. The implications of an unsuccessful prosecution would include:
- Establishing that the odour evidence available does not amount to a statutory nuisance;
 - Establishing a BPM defence and therefore the acceptance that the off- site odour is adequately controlled from the landfill site;
 - Financial implications resulting from an award of costs (own and other parties);
 - Precedence established for any future proceedings in relation to odour nuisance;
 - Community disquiet.

7. Pressure from NuLBC

- 7.1. The Borough Council has actively engaged politically in challenging the lead regulator and the government to use all available powers to address the issues. These engagements are summarised below:

March 2021:

- Letter from the leader of the Council to the then Prime Minister, Rt Hon Boris Johnston MP, seeking an independent investigation into the regulatory performance of the Environment Agency in their handling of the permit for Walleys Quarry Landfill site.
- Letter from Chief Executive to the Environment Agency seeking, inter alia, suspension of the permit;
- Letter from Chief Executive to the then Secretary of State for Environment, Food and Rural Affairs, Rt Hon George Eustice MP, seeking an independent investigation into the regulatory performance of the Environment Agency in their handling of the permit.

April 2021:

- Letters from the Chief Executive to Environment Agency, Staffordshire County Council, Public Health England (now UK-Health Security Agency) and Red Industries Ltd advising of the Council's Scrutiny recommendations and requesting their progress.

May 2021:

- Letter from the Chief Executive to the then Parliamentary Under Secretary of State at the Department for Environment, Food & Rural Affairs, Rebecca Pow MP, again requesting a full review of the regulatory performance of the Environment Agency regarding Walleys Quarry.

February 2022:

- Letter from the Chief Executive to the then Chief Executive of the Environment Agency, Sir James Bevan, formalising a complaint that the Environment Agency's regulatory approach to the Walleys Quarry site has been ineffective and woefully slow to deliver for the residents of the Borough and seeking the delivery of a clear, time-bound, and effective plan to bring the odour pollution from the site to an end.

March 2022:

- Letter from the Leader of the Council to Aaron Bell MP seeking support in escalating the complaint against the Environment Agency to the Parliamentary and Health Service Ombudsman.

October 2023:

- Joint Letter from the leader of the Council and the Leader of Staffordshire County Council to the then Secretary of State for Environment, Food and Rural Affairs, Rt Hon Therese Coffey MP, seeking a full, independent public inquiry into the effectiveness of the Environment Agency.

December 2023:

- Letter from the Leader of the Council to the Prime Minister, the Right Honourable Rishi Sunak MP and the Secretary of State for Environment, Food and Rural Affairs, Steven Barclay MP, reiterating the request for a Public Inquiry into the Walleys Quarry issue.

7.2. Copies of the latest two letters are appended to this report.

8. Judicial Review (JR) Process

- 8.1. JR is a challenge to the *way in which a decision has been made*. It is not really concerned with the conclusions of that process and whether those were 'right', as long as the law has been correctly applied and the right procedures have been followed.
- 8.2. The EA and the Secretary of State (HM Govt.) both qualify as bodies, the decisions of which may be subject to Judicial Review.
- 8.3. If a JR is successful, the court will not substitute what it thinks is the 'correct' decision. This may mean that the public body will be able to make the same decision again, so long as it does so in a lawful way. Appeal, complaint, or ombudsman processes may, in certain circumstances provide alternative routes to remedy.
- 8.4. The court's view is that litigation should be a last resort. If alternative procedures are available, offer more or less the same solution and have not been used, a judge can refuse to hear a judicial review or refuse to grant a remedy. In the circumstances of Walleys Quarry redress via complaint, and ombudsman have both been sought by the Council without success. Judicial Reviews raised by members of the community have also been unsuccessful.

The Application Procedure

- 8.5. A JR claim form must be filed promptly and in any event not later than three months after the grounds upon which the claim is based first arose (CPR 54.1 (1)). The process around progressing a JR involves three stages:
- **Step 1 - The letter before claim** – This is an opportunity to persuade the public body, at a no-cost-risk stage, to consider the grievance and put the matter right rather than face having its decision or action judicially reviewed.
 - **Step 2 – The permission stage** - This allows the court to filter cases by deciding which should be allowed to go to a full hearing. The permission stage is decided on the basis of a written claim and will involve a fairly brief look at the case to decide whether there is an arguable case; and the case has been brought promptly or if any delay can be justified.
 - **Step 3 - The full judicial review hearing.** If permission to proceed is granted, when all parties are ready, and when the court has time available, the case is listed for a full hearing at which argument by both sides is heard by the court.

Cost of Judicial Review

8.6. Officers have sought advice on the potential costs associated with Judicial Review in order to assist member deliberation. This will be provided at the Council meeting if required, but initial estimate is that a reserve of at least £1M in relation to JR would be prudent, to account for potential cost awards in the event that either were unsuccessful. If a decision is taken to pursue JR then there is likely to be a requirement for the recruitment of additional resources in the legal team e.g. a legal project officer and external solicitors to ensure all legal documentation is in order.

9. **Proposal**

9.1. **Council is recommended to note the contents of this update report.**

10. **Reasons for Proposed Solution**

10.1. To ensure Council is kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry landfill.

11. **Options Considered**

11.1. n/a

12. **Legal and Statutory Implications**

12.1. Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:

- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
- The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health or a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether a statutory nuisance exists.

13. **Equality Impact Assessment**

13.1. The work of the Council in this regard recognises that the foul odours in the area may impact on some groups more than others. The work is focussed on minimising this impact as soon as possible.

14. Financial and Resource Implications

14.1. There are no resource implications arising directly from this report, however it should be noted that as part of the 2024/25 budget setting process, a further £200k has been added to the Walley's Quarry Reserve. This results in the Walley's Quarry Reserve balance being £300k as at 1 April 2024.

15. Major Risks

15.1. A GRACE risk assessment has been completed including the following main risks:

- Failure to achieve a reduction in odour levels;
- Community dissatisfaction at odour levels;
- The ability to take enforcement action against abatement notice;
- Failure to evidence a breach of the abatement notice;
- Secretary of State refuses permission to undertake prosecution proceedings.

15.2. Controls have been identified and implemented in order to control these risks; the main controls include:

- Provisions in settlement agreement ensures greater transparency for public;
- Provisions in settlement agreement ensures regular meetings with Walleys Quarry which enable issues to be discussed;
- Dedicated officer resource for Walleys Quarry work has been secured;
- Continued air quality monitoring provision;
- Robust procedure for investigating complaints with experienced officers;
- Specialist expert advice maintained;
- Multi-Agency partnership working continues.

16. UN Sustainable Development Goals (UNSDG)



17. Key Decision Information

12.1 As an update report, this is not a Key Decision.

18. Earlier Cabinet/Committee Resolutions

13.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21 April 2021, 9th June 2021, 7th July 2021, 21st July 2021, 8th September 2021, 13th October 2021, 3rd November

2021, 17th November, 1st December 2021, 12th January 2022, 2nd February 2022, 23rd February 2022, 23rd March 2022, 20th April 2022, 7th June 2022, 19th July 2022, 6th September 2022, 18th October 2022, 8th November 2022, 6th December 2022, 10th January 2023, 7th February 2023, 13th March 2023, 5th April 2023, 6th June 2023, 18th July 2023, 19th September 2023, 17th October 2023, 7th November 2023, 5th December 2023, 16th January 2024, 6th February 2024.

19. List of Appendices

Appendix 1. Historical Complaint data

Appendix 2. Recent Letters regarding Public Inquiry

Appendix 1 – Historic Complaint Numbers

Week Ending	Complaints to NuLBC	Complaints to Environment Agency	Week Ending	Complaints to NuLBC	Complaints to Environment Agency
2022			25-Sep	14	79
09-Jan	73	352	02-Oct	13	58
16-Jan	258	1045	09-Oct	42	102
23-Jan	134	651	16-Oct	52	165
30-Jan	25	139	23-Oct	73	186
06-Feb	16	64	30-Oct	30	82
13-Feb	31	120	06-Nov	27	116
20-Feb	49	166	13-Nov	23	86
27-Feb	40	264	20-Nov	60	113
06-Mar	118	571	27-Nov	2	70
13-Mar	72	285	04-Dec	19	47
20-Mar	224	1126	11-Dec	43	163
27-Mar	412	1848	18-Dec	22	114
03-Apr	243	1072	25-Dec	12	45
10-Apr	132	895	2023		
17-Apr	156	752	01-Jan	11	39
24-Apr	65	310	08-Jan	12	32
01-May	49	213	15-Jan	13	25
08-May	39	193	22-Jan	47	118
15-May	35	160	29-Jan	51	149
21-May	43	134	05-Feb	13	66
29-May	20	81	12-Feb	26	115
05-Jun	27	169	19-Feb	7	39
12-Jun	42	234	26-Feb	3	15
19-Jun	25	263	05-Mar	7	13
26-Jun	28	208	12-Mar	12	74
02-Jul	9	54	19-Mar	23	63
09-Jul	4	34	26-Mar	19	56
16-Jul	14	72	02-Apr	51	103
23-Jul	21	52	09-Apr	45	152
30-Jul	12	93	16-Apr	11	64
06-Aug	22	124	23-Apr	48	101
13-Aug	32	133	30-Apr	148	278
21-Aug	11	79	07-May	50	150
28-Aug	12	89	14-May	53	164
04-Sep	10	30	21-May	147	320
11-Sep	9	64	28-May	90	210
18-Sep	13	83	04-Jun	24	43

Week Ending	Complaints to NuLBC	Complaints to Environment Agency
11-Jun	19	75
18-Jun	76	154
25-Jun	80	170
02-Jul	40	99
09-Jul	18	46
16-Jul	20	54
23-Jul	15	73
30-Jul	28	97
06-Aug	21	67
13-Aug	7	30
20-Aug	10	44
27-Aug	8	38
03-Sep	11	59
10-Sept	26	71
17-Sept	12	72
24-Sept	8	31
01-Oct	8	26
08-Oct	8	37
15-Oct	29	64
22-Oct	22	81
29-Oct	26	115
05-Nov	5	15
12-Nov	40	123
19-Nov	35	119
26-Nov	36	135
3-Dec	115	265
10-Dec	83	151
17-Dec	48	180
24-Dec	28	79
31-Dec	44	129
2024		
07-Jan	236	627
14-Jan	76	268
21-Jan	270	824
28-Jan	86	261

Councillor Simon Tagg, Leader

Our ref:

Your ref:

Date: 21 December 2023



The Right Honourable Rishi Sunak MP, Prime Minister
CC: Steven Barclay MP, Secretary of State for
Environment, Food & Rural Affairs &
Aaron Bell MP

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

By e-mail only:

rishi.sunak.mp@parliament.uk

stephen.barclay.mp@parliament.uk & aaron.bell.mp@parliament.uk

Dear Prime Minister

Environment Agency Regulation of Walleys Quarry, Newcastle under Lyme

I refer to the letter received from Rt Hon Rebecca Pow MP dated 6th November, copy attached.

I appreciate that neither you nor the new Secretary of State have been previously involved in this matter, which relates to noxious odours caused by Hydrogen Sulphide (H₂S) emanating from an Environment Agency regulated landfill site (Walleys Quarry). The local community have suffered from appalling conditions for many years, with a marked upturn in problems since February 2021. By way of context, in 2021 this site generated more complaints to the Environment Agency than all other Agency regulated sites in England combined and has been the subject of Judicial Review. In the face of the Environment Agency's failure to use its regulatory powers to address the issue, it fell to my Council to use its limited powers to secure an Abatement Notice against the site operator in 2022 – something which should not have been necessary had the primary regulator been acting effectively.

In October 2023 Cllr Alan White, Leader of Staffordshire County Council, and I wrote to Ms Pow when it became known that the air quality data which the Environment Agency had been collecting and publishing for a number of years was flawed and could not be relied upon. Our Councils had long expressed concern about the effectiveness of the Agency's regulation of this site and this debacle was the final straw, leading us to call for a public inquiry.

With respect, the response received is wholly inadequate and misrepresents the reality of the situation. Ms. Pow maintains that she has confidence in the Environment Agency and in its regulation of the site, "the fact that the situation there has improved significantly" and that our request for a public inquiry is not "necessary".

Unfortunately, these statements are erroneous and refuted by this Council.

The noxious odour emanating from this site remains the single most complained about issue by residents of this Borough. The lived experience as evidenced by many of our residents clearly shows that the noxious odour is still a very real problem and far from being resolved. The Agency's own air quality data shows that this winter the community have continued to be exposed to H₂S levels which are routinely above the recognised "annoyance threshold". Given that this reflects the product of almost three full years of regulation EA, it cannot reflect performance in which any of us should consider acceptable for our communities.

Cont'd

Our local MP Aaron Bell has also been tirelessly raising the issues of Walleys Quarry with the Environment Agency and Government Ministers over a long period.

At a recent meeting of this Council, our elected members unanimously disagreed with the conclusions of Ms. Pow. In fact, a motion to admonish the Minister and Environment Agency for failing to support this Council's request for a public inquiry was resolved. Subsequently Cabinet agreed to escalate the matter to the Prime Minister.

Ms Pow says she knows how important it is to have confidence in the measurements of hydrogen sulphide at Walleys Quarry taken by the EA, but such confidence is clearly misplaced. Furthermore, her claimed confidence in the EA appears to be contradicted by DEFRA's decision that its officials need to provide "expert technical assistance" to the EA on this matter.

I am therefore writing on behalf of my Council to request you to reconsider your decision and commence a public inquiry into this matter. For the avoidance of doubt, our elected members have no confidence in the Environment Agency and consider that a public inquiry is not just necessary, but essential. We are confident that if so minded, such an inquiry could be managed in such a way which to as avoid any conflict with any other legal processes initiated by the Environment Agency in relation to the site.

Finally, I would invite you to meet with representatives of this Council and myself as a matter of urgency to discuss our ongoing concerns and those of our residents regarding this matter.

Yours sincerely

A handwritten signature in black ink that reads "Simon Tagg". The signature is written in a cursive style with a long, sweeping tail on the letter 'g'.

Councillor Simon Tagg
Leader

simon.tagg@newcastle-staffs.gov.uk

Rt Hon Therese Coffey MP
Secretary of State for Environment, Food
and Rural Affairs
2 Marsham Street
London
SW1P 4DF

My Ref: AW / TK 105

Your Ref:

Date: 10 October 2023

Dear Secretary of State

Call for Public Inquiry – Environment Agency Monitoring and Regulation of Walleys Quarry Landfill Site, Newcastle-under-Lyme

As you know from your visit earlier this year, Walleys Quarry Landfill site in Newcastle-under-Lyme has caused severe distress to nearby residents for many years. People have reported acute physical symptoms from the noxious odours and emissions of hydrogen sulphide and methane. They have also repeatedly complained to the Environment Agency (EA), and both Staffordshire County Council and Newcastle-under-Lyme Borough Council about the impact on their mental health and wellbeing.

Public concern about the site has been expressed by various protests, local campaigns, questions in the House of Commons by local MPs, legal actions and more recently BBC investigations. We have also hosted visits by numerous Government ministers to the area so that the impact of the odours on local people could be experienced first-hand.

Therefore, the announcement last week by the Environment Agency that the air quality monitoring equipment around Walleys Quarry had not been calibrated correctly, and that the data collected since 2017 is both incorrect and unable to be rectified, is both shocking and appalling. This flawed data was consistently used to reassure the community and partner agencies that there was nothing to see here, despite what local people were telling us.

For several years, the local community and partners, including our two councils, have expressed deep misgivings about the regulatory performance of the EA. Prior to learning of this failing, both the community's and our faith in the Agency was low. It is now at rock bottom. We have repeatedly raised our concerns with the EA themselves, with Defra, and with the Prime Minister's Office about the

effectiveness of both the EA and the regulatory framework they are operating within. Time and time again, these concerns have been rebuffed, often with reliance on that incorrect data as evidence of progress.

We therefore simply cannot fathom how this issue was not uncovered sooner, and how hydrogen sulphide emissions have been underreported, at times in the region of 70%. Consequently, around six years of data, and all the public health advice issued using that data is now either incorrect or highly questionable.

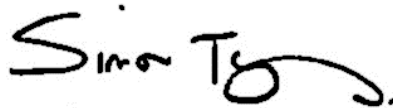
People in Newcastle-under-Lyme have already suffered enough; these data failures add insult to injury. We believe that the only way to answer these pressing questions is the establishment of a full, independent public inquiry into the effectiveness of the Environment Agency. The remit of the inquiry must be broad enough to investigate not just the collection of data and its validation, audit, and reporting, but also the way in which landfill sites are managed, regulated and how redress for breaches is made. We know that Aaron Bell MP is also urging for a public inquiry. Until there is proper transparency and accountability, the Walleys Quarry issue will never be truly resolved.

We look forward to hearing from you at the earliest opportunity.

Yours sincerely



Alan White
Leader
Staffordshire County Council



Simon Tagg
Leader
Newcastle under Lyme Borough Council

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

06 February 2024

Report Title: Walleys Quarry – Odour Issues

Submitted by: Chief Executive

Portfolios: Sustainable Environment; One Council, People & Partnerships

Ward(s) affected: All

<p><u>Purpose of the Report</u></p> <p>To update Cabinet on the latest position regarding the problematic odours in the Borough associated with Walleys Quarry.</p>	<p><u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><u>Recommendation</u></p> <p>Cabinet is recommended to:</p> <p>1. Note the contents of this update report.</p>	
<p><u>Reasons</u></p> <p>To ensure Cabinet is kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry landfill.</p>	

1. Background

- 1.1 For a number of years, parts of the borough have suffered from foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd, part of the RED Industries group of companies. The Environment Agency (EA) is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.
- 1.2 In March 2021, Council held an extraordinary meeting to receive the report of the Economy, Environment and Place Scrutiny Committee review into the Walleys Quarry issues, and to debate a motion demanding the immediate suspension of operations and acceptance of waste at the Walleys Quarry Landfill site.
- 1.3 Following extensive work, officers determined that the odours from the Walleys Quarry site amounted to a Statutory Nuisance and, on 13 August 2021, served an Abatement Notice on Walleys Quarry Ltd. (WQL). Following an appeal by Walleys Quarry Ltd, and a successful mediation process, His Honour District Judge Gregg

approved the settlement that the parties had reached and issued a court order upholding the Abatement Notice and dismissing WQL's appeal on 6 October 2022.

- 1.4** The Council continues to assess the prevalence of odours off site. If there are further instances of statutory nuisance identified which amount to a breach of the Abatement Notice, the Council's Enforcement Policy will guide the process to be followed [Reference: [Environmental Health enforcement policy – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](http://newcastle-staffs.gov.uk)]. This would determine what action the Council would take, and whether that would be formal or informal. Enforcement is usually considered sequentially but should the circumstances or nature of the breach be such, escalation direct to prosecution is possible. The Council would need to obtain the consent of the Secretary of State before it is able to prosecute an offence of breaching an abatement notice, as the site is permitted by the Environment Agency.
- 1.5** Officers maintain an ongoing dialogue with Walleys Quarry Ltd, and with other agencies involved with the issue. Cabinet has received monthly updates on the issues relating to the odours, and Council has also been regularly updated.

2. Complaint Data

- 2.1** Below is a schedule of complaints received by the Council and by the Environment Agency over the last 3 months, on a weekly basis. Historical complaint data is attached to this report as Appendix 1.

	Complaints to NuLBC	Complaints to Environment Agency
November 2023		
06/11/23- 12/11/23	40	123
13/11/23- 19/11/23	35	119
20/11/23- 26/11/23	36	135
27/11/23 - 03/12/23	115	265
December 2023		
4/12/23- 10/12/23	83	151
11/12/23- 17/12/23	48	180
18/12/23 -24/12/23	28	79
25/12/23-31/12/23	44	129
January 2024		
01/01/24 - 07/01/24	236	627
08/01/24 - 14/01/24	76	268
15/01/24 - 21/01/24	270	824
22/01/24- 28/01/24	86	261

- 2.2** Officers highlight any odour events where 10 or more odour complaints have been recorded. There have been 22 odour events in the month of January, which is a significant increase in the number of odour events compared to previous months.
- 01 January to 08 January (8 consecutive days)
 - 11 January

- 13 to 19 January (7 consecutive days)
- 24 January to 26 January (3 consecutive days)
- 29 to 31 January (3 consecutive days)

The overall trend is for “spikes” in complaints when odours are prevalent. The highest number of complaints reported to the Council was on Thursday 18 January 2024 at 142 complaints.

2.3 NULBC Odour Assessments

Officers have undertaken odour assessments during normal working hours and out of hours. The monitoring has been reactive to odour complaints and proactive where low odour dispersion is predicted.

The type of monitoring includes spot assessments (instantaneous assessments) and assessments made over a 5-minute period where the odour intensity is recorded every 10 seconds.

This report focuses on the 5-minute odour assessments.

35 odour assessments were undertaken on 9 separate dates in January. 29 assessments detected landfill related odour. 24 out of 29 assessments detected distinct or strong landfill related odour on:

- 03 January
- 04 January
- 05 January
- 06 January
- 07 January
- 12 January
- 15 January
- 18 January

Mobile Air Quality Monitoring (using Jerome monitor)

- 2.4** Officers have monitored the levels of hydrogen sulphide within the community using the mobile Jerome monitor. The highest level of hydrogen sulphide recorded was 345ppb at Cemetery Road on 15/01/24 at 22:36.

NULBC Actions

- 2.5** It is disappointing to report that over this winter period there has been a deterioration in the odour conditions from Walleys Quarry as shown in the data reported. This has continued into January.
- 2.6** Officers are awaiting the rectified air quality data for January published by the EA to compare the data against the findings from Officer assessments and the Jerome air quality data.
- 2.7** Following the Council's request to Walleys Quarry Limited to review the upturn in November and December odour, they have provided areas of risk for fugitive emissions, along with the actions taken by WQL in these areas. This comprises the following areas:
- Internal waste flanks and surfaces which is actioned through ongoing temporary capping and specifically following engineering works to the facility to install 5 new,

full-depth leachate wells and permanent capping of an area to the southeast of the facility, which although not at height could be completed ahead of schedule.

- Operational area which is actioned through landfill gas extraction from operational areas through installation of vertical, temporary horizontal and pin wells (see 3.8).
- Gas collection which is actioned through completion of sector review relating to gas balancing, with a change agreed with EA of up to 25% balance gas. The aim of increasing the percentage balance gas concentration is to potential increase gas flow.
- Expert review which has been agreed and commission by WQL and NuLBC to review all aspects of gas capture, collection and treatment at the facility, along with review of critical policies and procedures. The objective is to identify any areas which may positively impact gas control and advise upon their practical application.
- Landfill Gas Management which is actioned through the implementation of the Landfill Gas Management Plan and review of the Gas Utilisation Plant and associated infrastructure.

2.8 A further request is being made to Walleys Quarry for their investigation findings for the January odour events and any remedial action taken or planned.

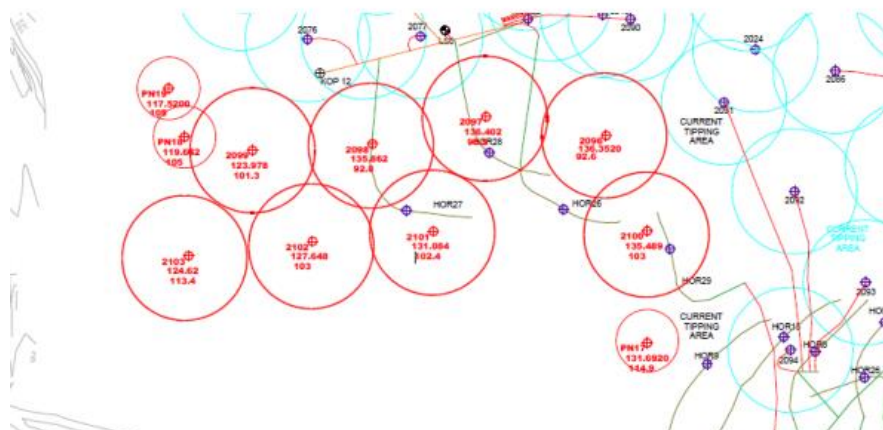
2.9 Officer monitoring and assessments will continue to be undertaken in February, both in and out of office working hours to continue monitoring and to respond to the issues raised.

2.10 Council will be receiving an update report at the meeting on 14 February in relation to the recent increase in odour.

Walleys Quarry Update

2.11 Walleys Quarry Limited issued a press statement on 15 January 2024 as follows:

“As part of its ongoing commitment to the development of the Walleys Quarry facility and to ensure we maintain our position in respect of compliance, Walleys Quarry Ltd (WQL) will be undertaking the installation of up to 8 vertical wells in newly deposited waste within the operational areas of the facility. These works, scheduled to commence 15 January 2024 will be undertaken through the process of Construction Quality Assurance (CQA), whereby the specification and installation of the new infrastructure is subject to review and approval by the Environment Agency. These substantial works demonstrate the ongoing commitment of WQL and its partners to the development of the landfill and specifically the landfill gas extraction and control system, a process guided by the Landfill Gas Management Plan and aligned with the principles of Best Available Technique (BAT) - which forms the fundamental principles of WQL’s management systems, policies and procedures. It is not anticipated that the works will lead to any off-site impacts”.



3. Air Quality & Health

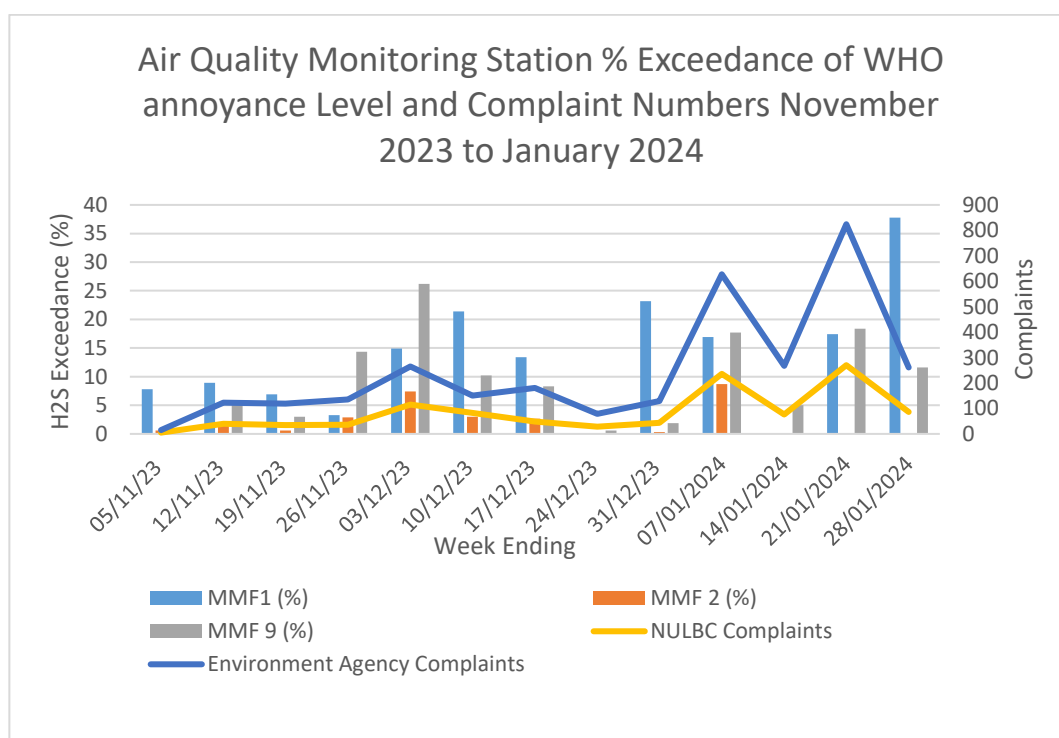
- 3.1** The Council, Staffordshire County Council, and the Environment Agency have jointly funded a campaign of air quality monitoring utilising three static air monitoring stations. The Environment Agency manage and operate these air quality monitoring stations. Data from these stations has been routinely published weekly by the Environment Agency.
- 3.2** Hydrogen sulphide levels have previously been reported and reviewed as part of this report and a full data set provided in Appendices. On 5 October, the Environment Agency provided an update, alerting the community to a problem with the reliability of the Hydrogen Sulphide (H₂S) monitoring data collected at the monitoring stations. This update is available at the following link [Latest News | Engage Environment Agency \(engagementhq.com\)](https://www.engagementhq.com/news/latest-news/engagementhq-com-latest-news-h2s-monitoring-data-reliability)
- 3.3** On 19 October 2023, the EA calibrated the H₂S analysers in MMF1 and MMF2. The EA have sufficient confidence in the raw data recorded for the week commencing 16 October 2023 to allow the EA to restart publishing data from MMF1 and MMF2. The latest H₂S data is set out in the table below, defining the proportion of the time periods where H₂S levels were above the WHO Odour Annoyance guideline of 7ug/m³.
- 3.4** The latest H₂S data is set out in the table below, defining the proportion of the time periods where H₂S levels were above the WHO Odour Annoyance guideline of 7ug/m³.

Time Period	Percentage of time the location recorded hydrogen sulphide concentrations above the WHO annoyance guideline level		
	MMF1 (%)	MMF 2 (%)	MMF 9 (%)
02 October – 08 October 2023			0
09 October – 15 October 2023			9.4
16 October – 22 October 2023	0.9	0	7.8

23 October – 29 October 2023	13.7	3.0	10.4
30 October – 5 November 2023	7.8	0.6	NR
6 November – 12 November 2023	8.9	1.5	5.6
13 November – 19 November 2023	6.9	0.6	3
20 November – 26 November 2023	3.3	2.9	14.33
27 November – 3 December 2023	14.9	7.4	26.2
4 December – 10 December 2023	21.4	3.0	10.2
11 December – 17 December 2023	13.4	2.68	8.33
18 December – 24 December 2023	0	0	0.6
25 December- 31 December 2023	23.21	0.3	1.9
01 January – 07 January 2024	16.9	8.7	17.7
08 January – 14 January 2024	0		5.0
15 January – 21 January 2024	17.4		18.4
22 January – 28 January 2024	37.8		11.6

NR= not reported

- 3.5** The complaint data and weekly % exceedance of the WHO annoyance level have been combined and is shown on the graph below. This shows good correlation between the two, apart from the week ending 31st December and 28 January where complaints are much lower than the H2S exceedance level at MMF1.



- 3.6** The EA have been required to remove the Mobile Monitoring Facility (MMF) 2 from the Silverdale Pumping Station in mid-January 2024 due to construction works beyond their control. MMF 2 was removed week commencing 8 January 2024.

- 3.7** On 19 January the EA updated on the issue with H2S data being recorded by the analysers and that the degree of uncertainty.

- We have developed a method that could allow us to adjust historic H2S data. This method is the subject of an independent peer review. We anticipate that the group’s findings will be finalised by the end of January 2024. We are regularly updating partners and the local community on this issue.
- We have engaged an independent third party accredited by the United Kingdom Accreditation Service (UKAS) to audit our 3 MMFs in the vicinity of Walleys Quarry. The audit will begin once they have obtained the necessary H2S calibration gas, which is not easily available commercially. This means there may be a short delay.

3.8 EA Officers conducted a site inspection on Wednesday 24 January 2024. “During the inspection they established that Walleys Quarry Ltd (WQL) had carried out works to reduce uncontrolled emissions from the operational area (tipping face), which were required following an inspection on 13 December 2023.

The works consist of:

- 8 vertical, deep gas wells which have been connected to the landfill gas management system.
- 3 pin wells that will be connected to the landfill gas management system by 28 January 2024.
- 2 horizontal gas wells along the southern boundary.
- A further horizontal well, which is due to be installed by 28 January 2024.

In addition, temporary clay capping is being installed on the top of Phase 4 and Phase 5, and on the western facing flank of Phase 6. Nine pin wells are being installed along the northern boundary of the site”.

Environment Agency Regulatory and Enforcement Action

- 3.9** The Environment Agency has continued to provide updates on their regulatory activity on the Walleys Quarry Landfill and can be accessed here: <https://engageenvironmentagency.uk.engagementhq.com/hub-page/walleys-quarry-landfill>
- 3.10** These updates reflect regular EA officer presence at the site to review progress with the Contain Capture Destroy strategy. The Compliance Assessment Reports (published on the [EA website](#)) provide further details of the site visits undertaken.
- 3.11** The following table provides a summary of the published CAR (Compliance Assessment Report) forms since the last Cabinet report:

Date of Report	Date issued	CAR reference	Assessment	Compliance Score
30/11/23	14/12/23	DP3734D C/0484162	Site inspection (unannounced)	0

Key Performance Data

- 3.12** Through the settlement agreement both Walleys Quarry Ltd and the Council have developed key performance indicators in relation to relevant data from each organisation. These key performance indicators are shown in Appendix 2 and 3.
- 3.13** The data from the Council covers the period from November 2023 to January 2024, and provides complaint numbers and officer assessments.

3.14 The data from Walleys Quarry Limited provides data on waste acceptance, odour management, landfill operations, landfill gas management, leachate management and information relating to the EA regulator as the primary regulator of the site. The KPI data and explanatory notes for December are contained in Appendix 3. The KPI data for January is awaited and will be uploaded later as an addition to Appendix 3.

4. Proposal

4.1 Cabinet is recommended to:

- Note the contents of this update report.

5. Reasons for Proposed Solution

5.1 To ensure Cabinet is kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry landfill and to keep under review opportunities to further action.

6. Options Considered

6.1 To provide regular updates to Cabinet.

7. Legal and Statutory Implications

7.1 Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:

- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
- The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health or a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether a statutory nuisance exists.
- Where a statutory nuisance is identified or considered likely to arise or recur, section 80 of the Act requires that an abatement notice is served on those responsible for the nuisance. The abatement notice can either prohibit or restrict the nuisance and may require works to be undertaken by a specified date(s).
- It is then a criminal offence to breach the terms of the abatement notice. Because the site is regulated by the Environment Agency under an Environmental Permit, the council would need to obtain the consent of the Secretary of State before it is able to prosecute any offence of breaching the abatement notice.

- The Act provides powers in respect of a breach. If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, they shall be guilty of an offence. If this is on industrial, trade or business premises shall be liable on conviction to an unlimited fine. It is a defence that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

8. Equality Impact Assessment

- 8.1 The work of the Council in this regard recognises that the problematic odours in the area may impact on some groups more than others. The work is focussed on minimising this impact as soon as possible.

9. Financial and Resource Implications

- 9.1 Dedicated officer resource has been allocated to continue the Council's work regarding Walleys Quarry Landfill.
- 9.2 From April 2023 there is £100k reserved for legal action associated with Walley Quarry landfill site. In the event that formal action is required, a separate report will be brought to full Council to approve additional funds.

10. Major Risks

- 10.1 A GRACE risk assessment has been completed including the following main risks:
- Failure to achieve a reduction in odour levels;
 - Community dissatisfaction at odour levels;
 - The ability to take enforcement action against abatement notice;
 - Failure to evidence a breach of the abatement notice;
 - Secretary of State refuses permission to undertake prosecution proceedings.
- 10.2 Controls have been identified and implemented in order to control these risks; the main controls include:
- Provisions in settlement agreement ensures greater transparency for public;
 - Provisions in settlement agreement ensures regular meetings with Walleys Quarry which enable issues to be discussed;
 - Dedicated officer resource for Walleys Quarry work has been secured;
 - Continued air quality monitoring provision;
 - Robust procedure for investigating complaints with experienced officers;
 - Specialist expert advice maintained;
 - Multi-Agency partnership working continues.

11. UN Sustainable Development Goals (UNSDG)





12. Key Decision Information

12.1 As an update report, this is not a Key Decision.

13. Earlier Cabinet/Committee Resolutions

13.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21 April 2021, 9th June 2021, 7th July 2021, 21st July 2021, 8th September 2021, 13th October 2021, 3rd November 2021, 17th November, 1st December 2021, 12th January 2022, 2nd February 2022, 23rd February 2022, 23rd March 2022, 20th April 2022, 7th June 2022, 19th July 2022, 6th September 2022, 18th October 2022, 8th November 2022, 6th December 2022, 10th January 2023, 7th February 2023, 13th March 2023, 5th April 2023, 6th June 2023, 18th July 2023, 19th September 2023, 17th October 2023, 7th November 2023, 5th December 2023, 16th January 2024.

14. List of Appendices

- 14.1 Appendix 1. Historical Complaint data
- 14.2 Appendix 2. NUL Key Performance Data
- 14.3 Appendix 3. WQL Key Performance Data

Appendix 1 – Historic Complaint Numbers

Week Ending	Complaints to NuLBC	Complaints to Environment Agency	Week Ending	Complaints to NuLBC	Complaints to Environment Agency
2022			25-Sep	14	79
09-Jan	73	352	02-Oct	13	58
16-Jan	258	1045	09-Oct	42	102
23-Jan	134	651	16-Oct	52	165
30-Jan	25	139	23-Oct	73	186
06-Feb	16	64	30-Oct	30	82
13-Feb	31	120	06-Nov	27	116
20-Feb	49	166	13-Nov	23	86
27-Feb	40	264	20-Nov	60	113
06-Mar	118	571	27-Nov	2	70
13-Mar	72	285	04-Dec	19	47
20-Mar	224	1126	11-Dec	43	163
27-Mar	412	1848	18-Dec	22	114
03-Apr	243	1072	25-Dec	12	45
10-Apr	132	895	2023		
17-Apr	156	752	01-Jan	11	39
24-Apr	65	310	08-Jan	12	32
01-May	49	213	15-Jan	13	25
08-May	39	193	22-Jan	47	118
15-May	35	160	29-Jan	51	149
21-May	43	134	05-Feb	13	66
29-May	20	81	12-Feb	26	115
05-Jun	27	169	19-Feb	7	39
12-Jun	42	234	26-Feb	3	15
19-Jun	25	263	05-Mar	7	13
26-Jun	28	208	12-Mar	12	74
02-Jul	9	54	19-Mar	23	63
09-Jul	4	34	26-Mar	19	56
16-Jul	14	72	02-Apr	51	103
23-Jul	21	52	09-Apr	45	152
30-Jul	12	93	16-Apr	11	64
06-Aug	22	124	23-Apr	48	101
13-Aug	32	133	30-Apr	148	278
21-Aug	11	79	07-May	50	150
28-Aug	12	89	14-May	53	164
04-Sep	10	30	21-May	147	320
11-Sep	9	64	28-May	90	210
18-Sep	13	83	04-Jun	24	43

Week Ending	Complaints to NuLBC	Complaints to Environment Agency
11-Jun	19	75
18-Jun	76	154
25-Jun	80	170
02-Jul	40	99
09-Jul	18	46
16-Jul	20	54
23-Jul	15	73
30-Jul	28	97
06-Aug	21	67
13-Aug	7	30
20-Aug	10	44
27-Aug	8	38
03-Sep	11	59
10-Sept	26	71
17-Sept	12	72
24-Sept	8	31
01-Oct	8	26
08-Oct	8	37
15-Oct	29	64
22-Oct	22	81
29-Oct	26	115
05-Nov	5	15
12-Nov	40	123
19-Nov	35	119
26-Nov	36	135
3-Dec	115	265
10-Dec	83	151
17-Dec	48	180
24-Dec	28	79
31-Dec	44	129
2024		
07-Jan	236	627
14-Jan	76	268
21-Jan	270	824
28-Jan	86	261

Appendix 2 – NUL Key Performance Indicators

NULBC		Information	Measurement	MMF	November 2023	December 2023	January 2024
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number		194 Number of unique properties reporting complaints = 82 Rating 0 = 0 complaints Rating 1 = 1 complaints Rating 2 = 4 complaints Rating 3 = 32 complaints Rating 4 = 31 complaints (16%) Rating 5 = 55 complaints (28.4%) Rating 6 = 71 complaints (36.6%) % of complaints reporting odour entering the property = 162 (83.5%) % of complaints reporting health effects = 143 (73.7%)	248 Number of unique properties reporting complaints = 112 Rating 0 = 0 complaints Rating 1 = 1 complaints Rating 2 = 4 complaints Rating 3 = 33 complaints Rating 4 = 45 complaints (18.1%) Rating 5 = 72 complaints (29.0%) Rating 6 = 93 complaints (37.5%) % of complaints reporting odour entering the property = 187 (75.4%) % of complaints reporting health effects = 184 (74.2%)	736 Number of unique properties reporting complaints = 319 Rating 0 = 1 complaints Rating 1 = 1 complaints Rating 2 = 8 complaints Rating 3 = 72 complaints Rating 4 = 111 complaints (15.1%) Rating 5 = 208 complaints (28.3%) Rating 6 = 335 complaints (45.5%) % of complaints reporting odour entering the property = 574 (78%) % of complaints reporting health effects = 516 (70.1%)
KPI 2		Complaints reported (daytime 07:00-23:00)	Number		169	219	625
KPI 3		Complaints reported (night-time 23:00-07:00)	Number		25	29	111
KPI 4		Highest number of complaints during the period	Date (number of complaints)		29/11/23 (36 complaints)	05/12/23 (27 complaints)	18/01/24 (142 complaints)

KPI 5	AIR QUALITY	Percentage exceedance Odour Annoyance Guideline (Hydrogen Sulphide 30-minute average)	%	MMF1	12	22	Awaited
				MMF2	2	3.2	Awaited
				MMF9	12	8	Awaited
KPI 6		Monthly Average H ₂ S	ug/m3 over the month	MMF1	3.0	4.7	Awaited
				MMF2	1.6	1.5	Awaited
				MMF9	4.7	4.3	Awaited
KPI 7	H ₂ S PEAK LEVEL	Level measured over a 5-minute period Date & Time	ug/m3	MMF1	42.55 ug/m3 (04/11/23 @ 04:45)	159.33 ug/m3 (11/12/23 @ 21:25)	Awaited
				MMF2	56.12 ug/m3 (11/11/23 @ 15:40)	108.85 ug/m3 (11/12/2023 @ 17:00)	Awaited
				MMF9	151.31 ug/m3 (30/11/23 @ 06:40)	417.25 ug/m3 (05/12/23 @ 20:00)	Awaited
KPI 8	OFFICER ASSESSMENTS	Odour Rating - Officer odour assessment (5 minute)	Max Odour Rating		7 odour assessments 7 odour assessments detected landfill related odour of which 3 assessments had a maximum rating of 3 (16/11/23 & 30/11/23)	27 assessments 11 assessments detected landfill related odour of which 3 assessments had a maximum rating of 4 (05/12/23, 13/12/23 & 13/12/23)	35 assessments 29 assessments detected landfill related odour of which 17 assessments had a maximum rating of 4 (03/01/24, 05/01/24, 06/01/24, 07/01/24, 12/01/24, 18/01/24)

WALLEYS QUARRY KPI REPORT



Date of Report: December 2024				
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 1	WASTE ACCEPTANCE	Non-conformance raised with waste operator	CCS score(s) including summary and actions.	0 Non-conformance raised with operator. 0 CCS scores received
KPI 2		No of loads inspected.	each	1036 loads received. 1036 loads inspected.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 3	ODOUR MANAGEMENT	Non-conformance raised with waste operator	CCS score(s) including summary and actions.	0 Non-conformance raised with operator. 0 CCS scores received. 0 non conformances identified.
KPI 4		No of odour tours No of odour tours where odour detected off site		47 tours 3 external odours.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 5	ACTIVE TIPPING AREA	Operational Surface area total	m ³	127,066 m ²
KPI 6		Active tipping area	m ³	25,668 m ²
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 7	CAPPING OF OPERATION AREA	Temporary capping	m ³	Temporary Capping 29,985m,2 (24 %) Permanent Capping 55,700m2 (44 %) Total Capped area 85,685 m2 (67%)
		Permanent capping	m ³	
Landfill Operations		Information	Measurement	
KPI 8	LANDFILL GAS MANAGEMENT	Surface & Gas infrastructure emission surveys	Number of remaining matters open in the month	0
KPI 9		Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm	2,000 ppm – recorded from CLP H2S GUP input data

WALLEYS QUARRY KPI REPORT



KPI 10	LANDFILL GAS MANAGEMENT	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,058 m3/hr - averaged across period
KPI 11	LANDFILL GAS MANAGEMENT	Appendix A LGMP Gas Management Plan (live document)	Progress including summary and actions	See explanatory notes
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 12	LEACHATE MANAGEMENT ACTION PLAN	Actions (13 actions)	Progress including summary and actions	See explanatory notes.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 13	PRIMARY REGULATOR	Compliance Assessments Visits	Number undertaken for which CAR form issued to operator	One visit within the period: 13 th December DP3734DC/0485800 2 x C2 Scored 62 points.
KPI 14	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	1 regulatory compliance assessments undertaken which resulted in a compliance assessment score – see explanatory notes.
KPI 15	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where no CCS score is raised with operator, including summary and actions	0 regulatory compliance assessments undertaken which resulted in 0 compliance assessment scores

Date of Explanatory Notes: December 2023

KPI 1 and KPI 2 Waste Acceptance

No non-conformances have been received from the regulator within the period.

1036 loads inspected within the period, with 0 loads rejected.

KPI 3 and KPI 4 Odour Management

No non-conformances have been received from the regulator within the month, with four site regulatory inspections/reviews undertaken. CAR reports for site visits confirm 1 offsite odour detected by Environment Agency officers. This was not reported to WQL contemporaneously with the observation. The Agency assessments cover a wide scope of permit conditions including engineering, containment, operational activities, landfill gas management, odour and pest management.

47 odour tours conducted by WQL, with 44 reflecting no odours experienced. Contemporaneously with these odour tours, checks on the gas collection and treatment infrastructure, site engineering and operations and local weather factors were reviewed to ensure all appropriate actions were being undertaken. No non-conformances were identified during these times. And all appropriate actions were being taken.

KPI 5 and 6 Active Tipping Area

The overall current landfill 127,066m². The active area is confined to Cell 2. The current active area remains contained and measures some 25,668m². This is aligned with the approved capping and phasing plan, as agreed with the Environment Agency. The active operational area is progressively covered during the day to minimise the time that fresh waste remains uncovered. This is in line with best practice and our operating techniques. We retain healthy stockpiles of cover material to facilitate this progressive covering.

KPI 7 Temporary Capping

Currently, 29,985m² of the surface area of the facility is temporarily capped, either using a high specification, low permeability engineering clay. This is in line with the capping and phasing plan for the facility, as agreed with the Environment Agency and an increase on the previous period. Maintenance works continue to clay capped areas in line with the agreed (by the Environment Agency) CQA (Construction Quality Assurance) specifications.

Permanent Capping

Relating to permanent capping, 55,700m² of the surface area of the facility is capped, by the installation of a low permeability geomembrane. This is in line with the capping and phasing plan for the facility, as agreed with the Environment Agency with all permanent capping works being conducted under the process of Construction Quality Assurance (CQA). Subsequently, on completion of the

permanent capping works, cover soils continue to be imported to the facility as part of the site restoration process.

KPI 8 - 10 Landfill gas management

WQL continues to undertake the extensive regime of surface emission surveys, as agreed with the Environment Agency. A FID survey was conducted in September 2023.

The concentration of H₂S at the facility remains within expected limits and in January, averaging 2000ppm at the Gas Utilisation Plant (GUP), as measured by CLP Envirogas Ltd and representing a reduction on the previous period.

The volume of gas captured at the facility remains within expected limits, at 3,058m³/hr, comparable with the previous period. The flow rate has remained high and consistent across the period. WQL continue to review this position and drive the gas management contractor, CLP Envirogas Ltd, to ensure that gas collection is continually reviewed to assess relevant developments that can be made.

KPI 11 Landfill Gas Management - Landfill Gas Management Plan

The LFGMP continues to be developed by WQL and adopted by CLP Envirogas Ltd. From Appendix A of this document, three actions remain open and in progress, namely:

Site Specific Balancing Plan – this is being developed by WQL, in conjunction with the Environment Agency and CLP Envirogas Ltd. A draft has been received and is being reviewed, prior to agreement and submission to the Environment Agency.

Regular monitoring, requested by the Environment Agency of CLP Envirogas Ltd continues and is likely to remain in place.

Installation of horizontal wells in active operational areas continues as the site develops, in line with the approved LFGMP.

The LFGMP has been reviewed and issued to the Environment Agency, with comments received from the regulator on 2 June 2023 following the submission on 15 January 2023. The draft LFGMP has been discussed with NuLBC and was submitted to the Environment Agency on 14 August 2023 for approval, with further comments received 6 October. A meeting to discuss the LFGMP was undertaken on 18 October 2023 with the EA, with a further submission made 22 January 2023. Discussions have been held with the EA to facilitate approval of the LFGMP. Further comments received by WQL for consideration, which should see approval of the plan.

The EA guidance relating to landfill operations has been updated and varies significantly in key areas. This has the potential to impact the approval of the LFGMP amongst other plans submitted to the EA by WQL which it is seeking approval. A request to clarify the position and the potential on-impact has been made to the EA.

KPI 12 Leachate Management Plan

In relation to the LMP, an addition 5 leachate wells have been successfully installed into the WQ facility. These have been installed utilising steel casing, increasing the robustness of the installed infrastructure to settlement and compaction of waste. replacement leachate wells at the facility.

A pump-trial plan, agree to be conducted as part of the LMP submission has been agree with the EA and will be commenced through Q1 2024.

KPI 13- 15

13 December 2023 – CAR report 0485800

General site visit undertaken. Two CCS2 compliance scores received:

2.4.1 – Management System & Operating procedures

3.3.1 – Odour

An odour was alleged to have been detected by the EA on 11 December 2023, adjacent to the site. This was not communicated to WQL until CAR report received 21 December 2023. No odour was observed by the EA on the visit to WQ on 13 December 2023, although the EA observation from 11 December is reflected within CAR 0485800.

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School Sport in Newcastle under Lyme

Carl Inskip-Ward – Chesterton Community Sports College

School Games Organiser

School Sport Manager

Sport Centre Manager @ CCSC

Primary Swimming Manager @ CCSC

School Games

- Funded by Depart of Culture, Media & Sport - no budget for events
- Engage schools in school sport activities and competitions
- Target non sporty & SEN children
- Engage children in leadership
- Children help to plan an inclusive calendar of events
- Encourage schools to have an inclusive approach to PE & school sport
- Support schools to have a 30 active minutes offer for all pupils
- Engage & support schools in Gamesmark Award

School Sport Manager

- Coordinate all school sport competitions for primary and secondary schools
- Schools pay a fee towards my time and cover costs (venue hire and medals)
- Calendar for sporty children:
 - Cross Country
 - Football & Netball Leagues
 - Rugby
 - Rounders
 - Athletics
 - Basketball
 - Volleyball
 - Cricket

Partners

- To help with the delivery of the school sport calendar, we have a number of key partners and stakeholders:
 - Keele University (facilities)
 - Newcastle College
 - Newcastle Town Netball Club
 - Newcastle Town Football Club
 - Newcastle Rugby Club
 - Audley Cricket Club
 - Leycett Cricket Club
 - Bignall End Cricket Club
 - Porthill Cricket Club
 - Stoke City Football Club

Sports Centre & Primary Swimming Manager @ CCSC

- Manage community usage of school sports facilities
 - Swimming Pool
 - 3 G Astro
 - Sports Hall
- Co-ordinate the primary swimming lessons and transport

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO HEALTH, WELLBEING & ENVIRONMENT SCRUTINY COMMITTEE**

26th February 2024

Report Title: Review of the 850 celebration year

Submitted by: Service Director – Commercial Delivery

Portfolios: Portfolio Holder - Leisure, Culture and Heritage

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To provide members of the Scrutiny Committee with information on the achievements of the 850 year celebration year.	
<u>Recommendation</u>	
That Scrutiny Committee reviews the achievements and feeds back any comments to the Portfolio Holder for Leisure, Culture and Heritage.	
<u>Reasons</u>	
In 2023 the Borough celebrated 850 years since the Royal Charter and to celebrate the Council and our partners ran a variety of cultural events.	

1. Background

- 1.1 In 2023 Newcastle-under-Lyme celebrated the 850th anniversary of the signing of its founding charter in 1173. The year was packed with events and activities run both by the Council and our partners.
- 1.2 The Council is grateful to a range of partners and sponsors that supported the year and without whom the range of activities would not have been achieved.

2. Issues

- 2.1 Our Charters
 - 2.1.1 Exhibition boards, a replica of the lost charter and other essential equipment was purchased to support the “the Lost Charter” and “Fascinating Folk of Newcastle” exhibitions which ran Saturday 29 April- 30 June 2023. These purchases also provide an ongoing legacy for the museum.
 - 2.1.2 Seven of the museums historic charters have been conserved and re-displayed utilising a Shared Prosperity Fund grant, to ensure they survive and can be

enjoyed by future generations. They were unveiled at a sponsor gala event on Monday 11 December 2023. Studio time has been reserved for the digitisation of the charters early 2024 so they can be enjoyed from home as well as in the museum, and printed copies can be ordered.

2.2 Cultural Offer

2.2.1 One of the key outcomes and legacies has been raising awareness and enjoyment in the cultural offer in Newcastle. The year has enabled the Council and our partners to promote a wide range of activities, some of which have been the core business whereas others have been the specialist specifically undertaken for the 850 year. They enabled new and existing visitors to take part.

2.2.2 It is estimated that 21,700 people visited the two exhibitions “The Lost Charter” and “Fascinating Folk” 29 April 2023-30 June 2023. This is a 15% improvement on engagement numbers on our exhibition programme in the same period in 2022 was 18,470 (exceeding the project’s target of a 10% increase).

Surveys showed that visiting the museum and/or taking part in an event resulted in:

- 86% saying they had a greater understanding of their community, its history and people
- 78% saying they felt proud to live in Newcastle as a result of their experience
- 82% saying it made them feel happier
- 77% saying it made them feel more connected to their community

2.2.3 A selection of quotes received from the Community feedback are listed below:

- “The variety in the Museum has brought it to life; Art exhibitions, the Tearoom, shop and social activities give it a real buzz. Beautiful grounds and wildlife habitat makes it a beautiful environment to be in.”
- “I came to see the film about women in Staffordshire. It was really good and I will definitely come to see more of the films. I live next to Brampton and this is my first time visiting!”
- “My first visit for many years, it was lovely going back in time, even just for a moment.”
- “I enjoyed the spinning workshop, it was enjoyable skill to learn and fascinating learning the background knowledge.”
- “Fantastic performance from the Baker Street Belles. Very well organised.”
- “It’s made me realise Newcastle is more than just a place to drive through on the way to somewhere else... all this makes me quite sad I don’t actually live in Newcastle”

2.3 Events

2.3.1 The Brampton Museum has had a programme of 47 talks, film shows and concerts, which were enjoyed by 5,600 residents, while three special exhibitions

showcasing the people who have made this borough great, attracted over 44,000 visitors.

Month	Theme	Talks/Events/Activities at the Museum, events elsewhere in italics
January	The 850 launch	Community launch and talk
February	Newcastle People of the World	Talk and film show
March	Business and Industry	Talk and film show; celebration of women maker's pottery market, additional women's history talk, <i>Mayor's Ball and Newcastle Heroes' awards</i>
April	Literature	Talk and film show, stand-up poetry event, exhibition opening events
May	Military	Talk and film show, heritage themed Jazz and Blues festival performance, <i>Dancing through time performances at Newcastle college.</i>
June	Big Celebration & Performing Arts	Talk and film show, Celebrate Newcastle Medieval day with 3,200 visitors, Schools castle display, <i>Astley Homecoming, Armed Forces Day.</i>
July	Sports	Talk and film show, launch of Knotty100 exhibition with film show and 1920s music at Brampton Museum, <i>850 themed market, town centre history walk.</i>
August	Heroes of the Borough	Talk and film show, <i>850 information stall at Betley show, History tour of war graves.</i>
September	Rights and Protests	Talk and film show, Pride in Castle picnic, First Chris Malkin Memorial Lecture
October	Art	Talk and film show, showing of the Colour Room feature film, artist talk by Neil Brownsword, <i>Mayors Ball</i>
November	Science and Engineering	Talk and film show, Remembrance Day live music, Markets book launch,
December	Local Heroes	Talk and film show, live festive music

Events such as the Tri-Services Day, Astley's Homecoming, the Jazz and Blues weekend and a themed market brought new audiences to Newcastle town centre.

- 2.3.2 The 850th anniversary inspired our Britain in Bloom team to new heights. Not only did we win our 21st consecutive Small City Gold award, but we were also crowned 'best of the best', picking up the national award.
- 2.3.3 The anniversary also inspired other local organisations to use the anniversary to achieve their own goals, including the Newcastle Scouts who undertook 850 acts of kindness, and our own staff, who collectively walked 850 miles to improve health and well-being.
- 2.3.4 The 'About Time' celebratory show at Newcastle College's Performing Arts centre and medieval dances at 'Celebrate Newcastle' have fostered a continuing interest in learning about heritage through the medium of dance and performance.
- 2.3.5 The New Vic Theatre reprised an excellent production of Astley's Astounding Adventures, charting the rise of Philip Astley, Newcastle born father of modern circus. Across its 26 performances between 23 September and 21 October 2023, 8,350 people attended the theatre to see the show, of which 17% of bookers were first-time attenders to the New Vic – a really positive result for a production celebrating the heritage of our local area. When surveyed following the performance, 42% of respondents who saw the play commented that they felt '*an increased sense of pride in the town now*'.
- 2.3.6 The production attracted national and local press coverage, including a 4 star review in The Stage (national paper), reviews in the local media and TV coverage. BBC Midlands Today aired a piece which included interviews with the Mayor of Newcastle-under-Lyme Cllr Simon White, Managing Director of the New Vic Fiona Wallace, and cast members Nicholas Richardson and Danielle Bird, plus a clip from the production itself.
- 2.3.7 Schools were invited to join in a programme of 850 heritage days and a competition for classes and youth groups to make a Castle, leading to a display at the museum. Participating schools were visited by the Mayor and presented with a celebratory plate.
- 2.3.8 Keele University are continuing their legacy with a school residential events for local schools in June, whereby students will investigate green homes, sustainable innovation and sphere coding.
- 2.4 Volunteers hours
- 2.4.1 The project involved the museum's existing team of 30+ volunteers, offered one 3-month placement for a Keele University History Student and recruited additional volunteers through the Platinum Jubilee big help out (May 23). This funding covered refreshment and travel expenses to ensure no potential volunteers were excluded.
- The Museum saw over 850 hours contributed at the museum site (855 to be exact)
 - The Museum saw 15% increase in visitors over this period
- 2.4.2 The museum's achievements were recognised in 2023 with the Enjoy Staffordshire highly commended award for accessible and inclusive tourism.

2.5 A green legacy

2.5.1 To celebrate the 850 year the Council with support of the major sponsors has also commissioned the planting of 850 Lyme Trees. These will continue to grow, capturing carbon to support healthy habitats and where residents benefit from a green environment. Further tree planting has also taken place and more is planned for March 2024, continuing this green legacy.

2.6 Tribute to the late Queen Victoria and Elizabeth II

2.6.1 In recognition of the charter status and Royal recognition the 850 team sought to provide long-term lasting memorials based at Queens Gardens.

2.6.2 An artist and specialist tiling manufacturer were commissioned to install tiling within the Queens Gardens subway barrel. The artwork portrays the life of the late Queens, their favourite dogs and flowers; Lily of the Valley and King Charles Spaniel for Queen Victoria and the Violets and Corgi for Queen Elizabeth.

2.6.3 As part of the 850 year artist Andrew Edwards designed a statue of the late Queen based on her visit to Newcastle in 1973 as part of the 800th anniversary celebrations. A maquette was available throughout the year with publicity on the plans and viewing at the Museum. Plans are now being made to commission the statue within the gardens.

2.7 Merchandise

2.7.1 The year started with the production of an 850 calendar purchased by many from the Museum, showing a mix of photos across the years or key places and events.

2.7.2 Commemorative plates and mugs were available for those interested in having their own memorabilia of the celebratory year. A limited number were produced and give special value to those remembering the celebratory year.

2.7.3 As part of the 850 support was given to the production of books covering the history of the market and the fascinating folk of Newcastle, these are available to purchase in the museum. There is also an 850 charter and celebration booklet in the final stages of production which will also be available for purchase from the museum.

2.8 Recognition of local heroes

2.8.1 The 850 year was the inaugural 'Local Hero Awards', these saw three local people recognised for their contributions to our community nominated by residents in three categories; young hero, community champion and lifetime achievement. All three were featured in the museum's children's trail in December.

2.8.2 These will now become an annual event recognising the contribution that local people make to our community. For 2024 plans are in place to hold the Local Heros Awards in April in conjunction with the Major.

2.9 Time Capsule

2.9.1 The artefacts and memories of the 850 year have been saved and a time capsule has been made with the intention that it is saved until at least 2073. Plans are in place to burrow the time capsule in the Brampton park during March.

2.10 Chris Malkin Memorial Lecture

2.10.1 The first Chris Malkin Memorial Lecture was held September 2023 as part of the Heritage Open Days Festival. The 2024 Memorial Lecture took place at Brampton Museum on Thursday 25 January, launching their annual series of talks.

3. Recommendation

3.1 That Committee reviews the achievements and feeds back any comments to the Portfolio Holder for Leisure, Culture and Heritage.

4. Reasons

4.1 In 2023 the Borough celebrated 850 years since the Royal Charter and to celebrate the Council and our partners ran a variety of cultural events.

5. Options Considered

5.1 The type and scale of the events ran throughout the year was defined by the partners that wished to be part of the celebrations by either running an event themselves or in partnership with the Council, or by being a direct sponsor. In 2022 the Council wrote to a wide range of organisations in the Borough to ask them to be part of the celebration and to raise awareness of the sponsorship options.

6. Legal and Statutory Implications

6.1 There was no requirement for the Council to operate any of the events or activities.

7. Equality Impact Assessment

7.1 There were no targeted events, wherever possible the aim was to make them accessible to all members of the community and organisations operating in the Borough.

8. Financial and Resource Implications

8.1 The total budget for the 850 events and activities was based on £48,600 of which the Council contributed £25,000. The majority of the funding was from sponsorship, three levels of sponsorship was awarded from Gold, Silver and Bronze. Sponsorship also included £900 from 3 businesses for the Hero's Awards.

9. Major Risks & Mitigation

6.1 There are no major risks arising from this report.

10. UN Sustainable Development Goals (UNSDG)

10.1 The 850 events and activities contributed to the following goals:



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 6th December 2022 Cabinet approved the plans and sponsorship opportunities.

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 None.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO HEALTH, WELLBEING & ENVIRONMENT SCRUTINY COMMITTEE**

26 February 2024

Report Title: **Tree and Biodiversity Management Plan**

Submitted by: Service Director – Sustainable Environment

Portfolios: Sustainable Environment

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To inform the Health, Wellbeing and Environment Scrutiny Committee (HW&E) on the development of the Councils Tree and Biodiversity Plan and its implementation.	
<u>Recommendation</u>	
That HW&E Scrutiny Committee:	
That the report is noted, and any comments and or recommendations by the committee are provided to the Portfolio Holder for Sustainable Environment	
<u>Reasons</u>	
Effective management of the Councils existing and future tree stock is vital in ensure risk is minimised, and contributes positively to the Councils and Boroughs Carbon reduction targets. Having an effective Management Plan, formally adopted, and reviewed and updated as necessary is vital in providing assurance that the Councils tree stock is adequately managed.	

1. Background

1.1 The Council adopted its Sustainable Environment Strategy (SES) in December 2020. The Strategy is a landmark document that sets out the Council's commitment to the sustainable environmental future of the Borough and is an over-arching strategy, under which a range of other linked and related plans and initiatives sit.

1.2 There are 4 Priority Outcomes associated with the Strategy as follows:

- Reduce the reliance on the use of fossil fuels.

- Reduce carbon and other damaging emissions.
- Minimise waste and increase recycling.
- Offset residual carbon emissions.

- 1.3** As part of the Councils SES protecting and enhancing biodiversity plays a major part in tackling climate change, and since 2018 the Council has focused work programmes such as tree planting, through its urban tree planting strategy, and planting wild flower meadows on land within its ownership.
- 1.4** To date nearly 15,000 trees have been planted in the first four phases of the Urban Tree Planting Strategy.
- 1.5** Biodiversity is a necessity in the Borough as it encompasses the variety and quantity of flora and fauna in the area and the more biodiverse an area is, the more healthy, resilient and more fertile the environment is. A biodiverse Borough therefore increases food security, climate change resilience, clean water, sanitation and many more other societal and environmental needs that are described by the United Nations Sustainable Development Goals. (UN SDG's)

2. Issues and progress to date.

- 2.1** Planting trees and wildflower meadows requires management moving forward, to ensure effective survival rates, and to ensure risks are adequately managed for the future.
- 2.2** One issue the Council has to address is new tree planting survival risk, which is the risk that 10% to 25% of new tree developments may not survive into maturity due to a multitude of factors such as adverse weather and climate, water and nutrient stress and not enough follow up care.
- 2.3** A comprehensive service review into how the Council manages its tree stock was undertaken in 2018, and £30,000 additional expenditure was identified to be incorporated into the Councils arboriculture work programme to effectively and sustainably manage tree work operations. This including procurement of third party contractors to support the Councils own resources in inspection and management of the Councils tree stock.
- 2.4** The Council is now operating its second term contract with Thompsons Tree Care.
- 2.5** The Council has now formulated a Tree and Biodiversity Management plan, which focuses on tree and wildflower meadow planting and how these are managed moving forward.
- 2.6** The objectives of the Tree and Biodiversity Management plan are to:
- Ensure the Council continues to manage and progress required tree work in relation to the Councils current and future tree stock.

- Increase tree inspections within the Borough to reduce the risk of litigation and to ensure felled trees are replaced appropriately.
- Support succession planning for the Councils tree team
- Ensure the Council continues managing and promoting wildflower areas to positively impact the environment
- Maintain and enhance the Councils current tree stock and biodiversity developments
- Ensure the Council is following all biodiversity Net Gain (BNG) and Local Nature Recovery Strategy (LNRS) guidance for new and current developments.

2.7 The Tree and Biodiversity management plan includes a risk and progress tracker which measures and records issues and progress of the current biodiversity operations which have been mapped out into a risk and progress tracker to visualise the current risks and mitigations that have been and are being put in place to reduce that risk.

2.8 The risk and progress tracker uses a Red, Amber Green (RAG) progress tracker, where Green = Progressing Well, Amber = Progressing and Red = Progressing not as quickly as the Council predicted.

2.9 Current progress to date is listed below :

- Hired a new Arboricultural Manager in Streetscene
- Implemented a new software management system (Ezytreev) to identify and manage the councils current and future tree stock of 111,861 trees
- Purchased a mobile Elevated Work Platform Vehicle and Tracked Chipper to reduce risk and inefficiencies
- Planted 14,947 trees over 21 sites since the launch of the Urban Tree planting Strategy (2021)
- Planted 11 'Lindum' wildflower Meadow sites around the Borough with 27 different species of wildflowers
- Sustained regular maintenance and care for tree and wildflower developments in the Borough.

2.10 The tree and biodiversity plan also details how a managed planting scheme for trees and wildflower meadows can create effective Carbon Sequestration, the process of absorbing and storing carbon out of the atmosphere, which will play a significant contribution to the Councils net zero target for its own operations by 2030 and the wider Borough by 2050.

3. Recommendation

3.1 That the report is noted, and any comments and or recommendations by the committee are provided to the Portfolio Holder for Sustainable Environment.

4. Reasons

4.1 Effective management of the Councils existing and future tree stock is vital in ensure risk is minimised, and contributes positively to the Councils and Boroughs Carbon reduction targets. Having an effective Management Plan, which is formally adopted, and can be reviewed and updated as necessary is vital in providing assurance that the Councils tree stock is adequately managed.

5. **Options Considered**

5.1 Do nothing is not an option, the risks associated with not adequately planning for managing the Councils tree stock, are very high.

6. **Legal and Statutory Implications**

6.1 There are no legal or statutory implications arising from this report.

7. **Equality Impact Assessment**

7.1 There are no equality impact issues arising from this report.

8. **Financial and Resource Implications**

8.1 Management of the Councils current and future tree stock is covered as part of the Councils medium term financial system (MTFS), and is fully budgeted for.

9. **Major Risks & Mitigation**

9.1 Not having effective and appropriately resourced management of the Councils tree stock, and monitoring of the condition of trees, puts the Council at significant risk.

9.2 The Councils Tree and Biodiversity Management Plan sets out how the Council will manage and adequately resource the management of its tree stock, which can and will be subject to review and development moving forward.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 The Tree and Biodiversity Management Plan supports a number of the UNSD Goals, and supports the Councils plan in becoming net zero for its own operations by 2030, and the wider Borough by 2050.



11. Key Decision Information

11.1 The report is not a key decision.

12. Earlier Cabinet/Committee Resolutions

12.1 None

13. List of Appendices

13.1 Tree and Biodiversity Management Plan – please click on the link below:

<https://www.newcastle-staffs.gov.uk/downloads/file/2139/tree-and-biodiversity-management-plan>

14. Background Papers

14.1 None

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Local Members Interest
N/A

Health and Care Overview and Scrutiny Committee – Monday 29 January 2024

District and Borough Health Scrutiny Activity

Recommendation

I recommend that:

1. The report be received, and consideration be given to any matters arising from the Health Scrutiny activity being undertaken by the Staffordshire District and Borough Councils, as necessary.

Summary

1. The Committee receives updates at each meeting to consider any matters arising from the Health Scrutiny activity being undertaken by the Staffordshire District and Borough Councils.

Background

2. The Health and Social Care Act 2001 confers on local authorities with social services functions powers to undertake scrutiny of health matters. The County Council currently have responsibility for social services functions but, to manage health scrutiny more effectively, they have agreed with the eight District/Borough Councils in the County to operate joint working arrangements.
3. Each District/Borough Council has a committee in which holds the remit for health and wellbeing scrutiny matters and matters that have a specifically local theme. The Health and Care Overview and Scrutiny Committee will continue to deal with matters that impact on the whole or large parts of the County and that require wider debate across Staffordshire.
4. District and Borough Councils each have a representative from the County Council Health and Care Overview and Scrutiny Committee as a member of the relevant committee with remit for health scrutiny matters. The County Councillors will update the District and Borough Councils on matters considered by the Health and Care Overview and Scrutiny Committee. A summary of matters considered by this committee is circulated to District and Borough Councils for information.

5. It is anticipated that the District and Borough Councillors who are members of this committee will present the update of matters considered at the District and Borough committees to the Health and Care Overview and Scrutiny Committee.
6. The following is a summary of the health scrutiny activity which has been undertaken at the District/Borough Council level since the last meeting of the Health and Care Overview and Scrutiny Committee on 28 November 2022.

Cannock Chase District Council

Members of the Council's Health, Wellbeing & The Community Scrutiny Committee last met on 18 September, when members received presentations from the Council's Environmental Health & Public Protection Service, including:

- Food, Health & Safety at Work & Infection Control
- Environmental Protection & Public Health
- Licensing
- Private Sector Housing
- Housing Adaptations and Disabled Facilities Grants

Members were informed how this service makes a significant contribution to addressing wider determinants of health in the District, and reducing health inequalities.

Members were advised of the recent review of the Council's Smoke Control Areas and introduction of fixed penalties for households and narrowboats emitting smoke;

Members were also advised of the recent review of the Council's Taxi and Private Hire Policy, since adopted by Council, which contains key milestones to phase out vehicles powered only by petrol and diesel, so improving air quality through reduced emissions of particulates and oxides of nitrogen.

East Staffordshire Borough Council

The Scrutiny Health and Well Being Committee met on 12th September 2023

Date next meeting: 12 December 2023.

Lichfield District Council

Lichfield District Council's Overview and Scrutiny Committee met on 14 November 2023.

Date of next meeting: 30 November 2023 & 19 December 2023.

Newcastle-under-Lyme Borough Council

The Committee met on 27 November, 2023 and the following matters were considered:

- The regular reports from the County Health and Care Overview and Scrutiny Committee and the Police, Fire and Crime Panel and notes of a meeting with the Integrated Care Board were considered.
- The Committee considered the latest report to Cabinet on odour issues at Walleys Quarry.
- The Committee Considered a report on Newcastle Town Centre – Community Safety Partnership
- The Committee considered a review of the Environment Strategy and the Road Map to Net Zero
- The Work Programme was discussed and Members requested that the following items be added to the Work Programme:

-Childhood Obesity and Leisure centre Activities.

-NHS Dentistry Provision

-Resurfacing of tennis courts (where there are no more than two courts)

The next meeting will be held on Monday, 26 February, 2024

South Staffordshire District Council

South Staffordshire Councils Wellbeing Select Committee last met on 10th October 2023. The following matters were considered.

Air Quality

A presentation was delivered by the Team Manager Environmental Health Protection & Licensing (South Staffordshire Council) on Air Quality, covering how Air quality has improved over recent decades; however, it continues to be an environmental risk to public health with children, the elderly and the already vulnerable most affected.

South Staffordshire's previous reviews and assessments have proved sufficient evidence to be satisfied that the Council's area is only likely to see exceedances of the NO₂ annual mean objective. This was further confirmed in April 2019 when the council commissioned Air Quality Consultants to carry out a review of air quality across the district. This work confirmed that the district's air quality is good, but did flag two

areas of concern, along the A449 in Penkridge and within Huntington where additional air quality monitoring tubes were located. These have since shown demonstrated NO₂ levels well below objective.

The Environmental Targets (fine particulate matter) (England) Regulations 2023 set targets under this framework for fine particulate matter (PM2.5). The two targets, both to be met by 2040 are:

Annual mean concentrations of PM2.5 to be 10 µg m⁻³ or lower
Population exposure to PM2.5 to be reduced by 35% compared to 2018 levels

The two targets are designed to work together to drive actions that both reduce concentrations where it is highest and reduce the pollution. Work in South Staffordshire will take place during 2024 to again model air quality across the district with the latest information and data, and then develop a measurement and improvement plan if required focused on the new air quality strategy.

Community Safety Partnership Action Plan

The Council's Community Wellbeing and Partnership Officer and the Deputy commander from the South Staffordshire Policing team provided an update on actions against the newly refreshed Community Safety Partnership Action Plan 2023-2026.

- Theft from Motor Vehicles reduced by 12% (past 12 months to end of Aug)
- Instances of anti-social behaviour have reduced by 32% (past 12 months to end of Aug)

Date of next meeting Tuesday 5th December 2023

- Health Inequalities funding and South Staffordshire Health & Wellbeing partnership action plan
- Healthwatch Staffordshire update

Stafford Borough Council

Stafford Borough Council's Community Wellbeing Scrutiny Committee met on 5 September 2023 and 16 November 2023:

5 September 2023

Members considered the annual report of Freedom Leisure. Performance for Quarter 1 was also discussed.

Councillor Edgeller had previously been asked if there were any age restrictions for Crisis Centre at St George's Hospital - she gave an update to Members on this.

16 November 2023

Annual report from Veolia - commented upon assisted collections within the Borough.

Air Quality - the Borough falls within the Defra guidelines.

Visit to Alleyne's Academy in Stone where there is a successful boxing group for young people suffering from trauma.

Housing Plus have allotments on 4 sites with vacancies.

There will be a Homes Plus presentation on 16 January meeting.

There will be a Task and Finish Group at some point in the future regarding food waste collections.

Members would like a presentation from Samaritans / Andy Mans Club regarding suicide prevention.

13. Staffordshire Moorlands District Council

The Council's Health and Wellbeing Committee is due to meet on 6 December 2023.

Items for consideration will be:

- Better Health Staffordshire Presentation
- Update from the Chair (Health & Care O&S Committee 13 Nov 2023, West Midlands Ambulance Service Performance)

14. Tamworth Borough Council

Safeguarding Children and Adults at risk of abuse report

No specific Health related discussion

Housing Strategy Wellbeing Update (including an update from Beat the Cold)

The Committee received an update from the Safer Communities and Home Manager and the Development Manager for Beat the Cold whose presentations included the following information to the Committee:

Beat the Cold is a unique Staffordshire based fuel poverty charity.

Work with people on how to be more efficient with your energy, how to use energy for health.

Priority 3: ECO4 Flex - referrals can come in via the NHS and those do not have to meet standard criteria under these circumstances.

The next meeting will be held on 28th November 2023.

Link to Strategic Plan

7. Scrutiny work programmes are aligned to the ambitions and delivery of the principles, priorities, and outcomes of the Staffordshire Corporate Plan.

Link to Other Overview and Scrutiny Activity

8. The update reports provide overview of scrutiny activity across Borough and Districts, shares good practice, and highlights emerging concerns which inform work programmes for Health and Care Overview and Scrutiny Committees across Staffordshire.

List of Background Documents/Appendices:

Council	District/ Borough Representative on CC	County Council Representative on DC/BC
Cannock Chase	Cllr David Williams	Cllr Phil Hewitt
East Staffordshire	Cllr Monica Holton	Cllr Philip Atkins
Lichfield	Cllr Leona Leung	Cllr Janice Sylvester-Hall
Newcastle	Cllr Ian Wilkes	Cllr Ian Wilkes
South Staffordshire	Cllr Val Chapman	Cllr Kath Perry
Stafford BC	Cllr Ann Edgeller	Cllr Ann Edgeller
Staffordshire Moorlands	Cllr John Jones	Cllr Keith Flunder
Tamworth	Cllr Chris Bain	Cllr Thomas Jay

Contact Details

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HEALTH, WELLBEING AND ENVIRONMENT SCRUTINY COMMITTEE



Work Programme 2023/24

Chair

Cllr I. Wilkes

Vice-Chair

Cllr R. Adcock

Members

Cllrs L. Barker, J. Brown, N. Crisp, S. Dymond, S. Jones, P. Northcott, P. Reece, L. Richards, R. Wright

Scrutiny Champion

Craig Jordan

Portfolio Holders within the Committee's remit

Cllr Gill Heesom – Community Safety and Well Being

Cllr Craig Skelding – Leisure, Culture and Heritage

Cllr David Hutchison – Sustainable Environment

This committee scrutinises policies, strategies and initiatives that are intended to improve health and wellbeing outcomes for the people who work and live in the borough. It scrutinises things such as leisure, open space and cultural provision, crime and antisocial behaviour, homelessness, health and other behaviours or environmental factors that affect health and well-being.

This Work Programme is set and reviewed at quarterly meetings of the Scrutiny Management Group. The Chair and Vice Chair also meet regularly with the Portfolio Holders to discuss this Work Programme. There is an opportunity for committee Members to discuss the Work Programme at each committee meeting. Part D of the Council's [Constitution](#) governs the scrutiny process.

For more information on the Committee or its work Programme please contact the Democratic Services:

✚ Geoff Durham at geoff.durham@newcastle-staffs.gov.uk or on (01782) 742222

✚ Alexandra Bond at alexandra.bond@newcastle-staffs.gov.uk or on (01782) 742211

Planned Items

DATE OF MEETING	ITEM	NOTES
26 February 2024	<ul style="list-style-type: none"> • Childhood Obesity and Leisure Centre Activities • Review of 850 Celebrations • Walleys Quarry Update • Biodiversity and Tree Management plan 	Lead Officer: Craig Jordan Lead Officer: Joanne Halliday Lead Officer: Nesta Barker Lead Officer: Andrew Bird

Task/Finish Groups		
<ul style="list-style-type: none"> • Joint Scrutiny Working Group – Integrated Care Hubs 		
Special Meeting		
<ul style="list-style-type: none"> • A53/Bus Gate – Final Business Case – joint meeting with E&P Scrutiny when appropriate 		
Additional Items Requested		
<ul style="list-style-type: none"> • NHS Dentistry Provisions 		
Items Deferred to the Next Financial year		
<ul style="list-style-type: none"> • Chief Fire Officer Update (Contact: Glynn Luznyj) • Animal Welfare Charter (Lead Officer: Roger Tait) 		

Previous Items

DATE OF MEETING	ITEM	NOTES
23 rd June 2022	<ul style="list-style-type: none"> • Sustainable Environment Strategy Annual Report • Walley's Quarry – health impacts 	

	<ul style="list-style-type: none"> • Police and Crime Panel • Staffordshire Health and Care Overview and Scrutiny Committee digest • Integrated Care Board 	
5 September 2022	<ul style="list-style-type: none"> • Police Update – Commander and DCI John Owen • Walley’s Quarry update • Recycling and Waste Services Update • Police and Crime Panel • Staffordshire Health and Care Overview and Scrutiny Committee digest • Integrated Care Board • Air Quality Ministerial Direction 	<ul style="list-style-type: none"> • Raised at Council 6 July 2022
28 November 2022	<ul style="list-style-type: none"> • Tri-Services • Review of Tennis Provision • Use of grazing animals • Walley’s Quarry 	<ul style="list-style-type: none"> • Requested by the committee
6 March 2023	<ul style="list-style-type: none"> • Urban Tree Planting Programme • Chief Fire Officer • Walleys Quarry Update • Clough Hall Park Community Garden 	<p>The CFO to give an overview of what the fire service was providing in the Borough i.e.: services, training and community provision.</p> <p>Simon Beckett to give presentation on his proposals</p>
14 June 2023	<ul style="list-style-type: none"> • Police Commander – review of the new policing model • Modular Housing 	<p>Update on meeting held in September 2022 - Requested by the committee (attendance</p>

	<ul style="list-style-type: none"> • Walleys Quarry Update 	<p>confirmed). Steve North Wolverhampton MBC to (remotely) give an overview of a project delivered in Wolverhampton. Zoom link needs sending to Steve.North@wolverhamptonhomes.org.uk Officer: Nesta Barker</p>
7 September 2023	<ul style="list-style-type: none"> • Homelessness – review of new arrangements • Allotments – review of current provision and plans • Walleys Quarry Update • Chief Fire Officer – Andrew Bourne • Cycle routes/lane provision • Modular Housing 	<p>Officer: Nesta Barker The CFO to give an overview of what the fire service was providing in the Borough i.e.: services, training and community provision. To be SCC presentation (current provision, existing plans for improvement and potential future developments/funding). Wolverhampton Homes</p>
27 November 2023	<ul style="list-style-type: none"> • Town Centre Safe Spaces/ Community Safety/ASB • Walleys Quarry Update • Sustainable Environment Strategy Annual Report 	<p>Officer: Nesta Barker Annual review</p>

Last updated on 16th February 2024