

Public Document Pack

Date of meeting Monday, 25th November, 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

OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF PREVIOUS MEETING** (Pages 3 - 8)
To consider the Minutes of the last meeting of the Committee.
- 4 STAFFORDSHIRE HEALTH AND CARE OVERVIEW AND SCRUTINY COMMITTEE** (Pages 9 - 14)
To receive feedback from members of this committee who attended the meetings of the Staffordshire Health & Care Overview & Scrutiny Committee
- 5 WALLEYS QUARRY ODOUR ISSUE** (Pages 15 - 32)
- 6 OPTIONS FOR SCRUTINY REVIEW OF PARKS** (Pages 33 - 38)
- 7 TREE RISK MANAGEMENT STRATEGY** (Pages 39 - 44)
- 8 WORK PROGRAMME** (Pages 45 - 48)
- 9 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.
- 10 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972.
- 11 DATE OF NEXT MEETING**

Members: Councillors Adcock (Chair), Barker MBE, Brown, Crisp, Dymond, Northcott, Reece, Richards, Whieldon, Wilkes (Vice-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	Lewis
	Edginton-Plunkett	Parker
	Fox-Hewitt	Stubbs
	Holland	J Tagg

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 - 16/09/24

HEALTH, WELLBEING & ENVIRONMENT SCRUTINY COMMITTEE

Monday, 16th September, 2024
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Rupert Adcock (Chair)		
Councillors:	Barker MBE Brown Crisp	Dymond Northcott Reece	Richards Whieldon Wilkes
Apologies:	Councillor(s) Wright		
Officers:	Nesta Barker Andrew Bird Michelle Hopper Craig Jordan Roger Tait	Service Director - Regulatory Services Service Director - Sustainable Environment Mobile Multi-Functional Manager Service Director - Planning Service Director - Neighbourhood Delivery	
Also in attendance:	Councillor Gill Heesom Councillor David Hutchison	Portfolio Holder - Community Safety and Wellbeing Portfolio Holder - Sustainable Environment	

1. **APOLOGIES**

Apologies were received as listed above.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the previous meeting held on 3rd June 2024 be agreed as a true and accurate record.

4. **STAFFORDSHIRE HEALTH AND CARE OVERVIEW AND SCRUTINY COMMITTEE**

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

[Watch the debate here](#)

5. WALLEYS QUARRY ODOURS UPDATE

The Service Director for Regulatory Services presented an update on Walleys Quarry Odours as reported to Cabinet on 10th September.

Members submitted questions and responses were provided by the officer.

Cllr Brown enquired about the 28th of August virtual public meeting organised by the Environment Agency and the UK-HSA risk assessment mentioned then. She also wished to know if there were any update on legal action now that permission had been received from the Secretary of State.

– More information and questions arising from the event about the HSA risk assessment and the Environment Agency were to be published on the EA Engage website. The legal action process was continuing as last reported to Cabinet and Council.

Cllr Brown asked if any kind of correlation had been made for days when the levels were steady and no complaints were received.

– Data was collected to try and explain the rise and falls in levels and complaints so that risks can be identified and mitigated going forward.

Cllr Whieldon suggested that the dates where reductions had been noticed seemed to correspond to dates of public enquiry. She also referred to monitoring done by local protest groups and lorries without registration plates coming to the site and leaving without doing a wheel wash meaning the dirt would then be carried onto the roads on long distances.

– Air quality data appears to be consistent with the number of complaints received, i.e. good air quality usually correlated with a low level of complaints. In terms of vehicles going in and out a regulatory regime was indeed in place and the Environment Agency had done some spot checks. Details about specific vehicles could be sent to the officer so that these could be passed on to the relevant enforcing authority.

Cllr Whieldon enquired about the fire incident and expressed concerns about the exercise of freedom of information in relation to the report received.

– There was currently no additional information circulating about the fire. In relation to redactions to Freedom of Information Request, the organisation could restrict information such as relating to individuals which fell under data protection, or some of the legal exemptions for which confidentiality was required.

The Chair asked about the Mobile Monitoring Facilities (MMFs) changes of names and relocations.

– The facilities were now named according to their location and some of them were being transferred. The Silverdale one was supposed to be moved due to construction works being scheduled but these having been delayed the station was now to stay in its current location until a suitable site was found.

Cllr Whieldon wished for assurance that the equipment to measure the emissions were regularly tested.

– The MMFs were operated by the Environment Agency and a process was in place for the calibration of the H2S sensors along with systems and checks to ensure the results were reliable.

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

[Watch the debate here](#)

6. **SUSTAINABLE ENVIRONMENT STRATEGY UPDATE**

The Service Director for Sustainable Environment updated the Committee on the Sustainable Environment Strategy as reported to Cabinet on 4th June.

Members submitted questions and responses were provided by the Service Directors for Sustainable Environment and Planning.

Cllr Reece asked about paragraph 3.7 and engaging with businesses.

– From next year onwards businesses would be required to separate general waste from recycling which was so far done with households only. A proper engagement campaign was due in the beginning of the year. The commercial waste service was also to be refreshed. Communicating effectively with businesses and residents was a challenge. A Facebook page had just been launched and was gaining momentum. Thoughts were finally given to designing a system similar to the food hygiene rating starts which had been hugely successful.

Cllr Whieldon enquired about paragraph 3.10 and whether there was any synergy between the work done around the strategy and the handling of planning applications with regards to fossil fuels, solar panels etc.

– Officers were working closely together for individual planning applications as well as at a larger scale with the emerging Local Plan policies to best address issues such as climate change and CO2 emissions. Once adopted the Local Plan would allow to introduce approaches in line with the Sustainable Environment Strategy.

Cllr Richards wondered about community buildings and external funding.

– These applied to the community centres which were assessed back in 2022. Reports had been issued with recommendations for each building.

Cllr Richards expressed concerns about the fact those buildings owned by the Borough Council were mainly run by volunteers and that the recommendations may fall out of their scope of expertise. This may have an impact on the Council's net zero emission target.

– Buildings not operated by the Council were not included when evaluating the Council's carbon emissions.

Resolved: That the update be received.

[Watch the debate here](#)

7. **NEIGHBOURHOOD DELIVERY TEAM - SCOPE AND PURPOSE**

Health, Wellbeing & Environment Scrutiny Committee - 16/09/24

The Service Director for Neighbourhood Delivery presented the report on the Scope and Purpose of the Neighbourhood Delivery Team (formerly known as Mobile Multi-Functional Team), including a guide for members listing relevant officers and services and how to report issues.

Members submitted questions and responses were provided by the officer.

Cllr Barker enquired about issues relating to the County Council's Street Scene services in relation to shop workers. Cllr Wilkes commented that these should be reported to the County Council. Cllr Barker responded that residents and small businesses would tend not to report things through the available channels and reach out to elected members instead.

– There were indeed several channels available for residents to report issues either through the relevant authorities' website or agencies in charge such as Aspire Housing.

Cllr Brown wondered about fly tipping that wasn't picked up on the land that belonged to the Homes England and if rangers could do anything about it.

– Rangers could indeed pick up a couple of bags of rubbish or broken glass with no need to necessarily investigate who was responsible as well as engaging with the landowner to make them aware of the issue.

Cllr Brown asked whether the reduction of staffing two years ago and the organisation as presented in the report were related.

– They were two different things. One part time member of staff had retired since the team was set up however there was no need to replace him as the team was multi-skilled. Eight persons later on joined the new team following the restructuration.

Cllr Reece referred to another case of household waste fly tipping on private land which was reported and on which no progress had been made, asking if any update could be provided.

– The situation had been monitored with small scale tidying up and the landowner had been identified and reminded of their responsibility to look after the piece of land that was concerned.

Cllr Reece asked how many people were on the waiting list for allotments as well as how many plots were currently untended and if any action was being taken.

– There was a large waiting list and plot inspections were taking place around spring and autumn. The plots were made available again following a process.

Cllr Whieldon enquired about the cars parked on grass verges in which a lot of maintenance efforts and money were put in.

– This was mainly an issue of the County Council Highways, the Borough being responsible for off street parking enforcement in the Councils' car parks.

Resolved: That the guide to the scope and purpose of the Neighbourhood Delivery team be received, and its contents noted.

[Watch the debate here](#)

8. **ANIMAL WELFARE STRATEGY**

The Service Director for Neighbourhood Delivery presented the report on the draft Animal Welfare Strategy in the view of reiterating the commitment to protecting and promoting animal welfare in the borough.

Members submitted questions and responses were provided by the officer.

Cllr Whieldon wished to lobby for the re-introduction of licenses for dogs.

– The suggestion could be taken to Cabinet.

Cllr Dymond expressed doubts about bringing back the requirement for licenses. Instead it should be ensured that chips are updated when dog owners move house.

– The Charter promoted responsible pet ownership which included updating such chips.

The Chair proposed that the third recommendation be taken forward. Cllr Whieldon seconded the proposal.

- Resolved:**
1. That the draft Animal Welfare Charter be received and comments on its content be provided.
 2. That the draft Animal Welfare Charter be forwarded to Cabinet and subsequently to Full Council, for approval and adoption, subject to any proposed amendments.
 3. That other local authorities be canvassed to collectively write to the UK Government urging a ban on the giving of live animals as prizes on public and private land.

[Watch the debate here](#)

9. **WORK PROGRAMME**

The work programme was discussed.

The Chair reported having visited the Fire Station along with Cllrs Whieldon and Lewis. The Chief Fire Officer offered to come in the New Year to give an update especially on the three-person trial.

Cllr Brown raised the issue of the tennis facilities provisions.

Cllr Reece enquired about the A53 Bus gate. An alternative proposal was being submitted to Cabinet and would be brought to the Committee at a later stage.

Cllr Reece also asked about the Homeless Hub at the International House that was discussed at the Planning Committee the previous week.

The Chair recalled that the issue of allotments had also been brought up.

Cllr Richards wished to discuss the state of different parks in the various wards and some strategy to improve the parks moving forward.

Health, Wellbeing & Environment Scrutiny Committee - 16/09/24

The Service Director for Sustainable Environment commented this would go under the grassland management strategy.

The suggestions were noted and would be taken into consideration.

Resolved: That the work programme be received.

[Watch the debate here](#)

10. PUBLIC QUESTION TIME

There were no questions received 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 25th November 2024.

**Councillor Rupert Adcock
Chair**

Meeting concluded at 8.37 pm

Health and Care Overview and Scrutiny Committee – Monday 28 October 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

The Health, Wellbeing and The Community Scrutiny Committee met on 2 July 2024.

Date next meeting: 17 September 2024.

East Staffordshire Borough Council

The Scrutiny Health and Well Being Committee met on 19 March 2024.

Our committee has just concluded a review into exercise provision for young people aged 12-18. Members were pleased to hear of the work going on in East Staffs to tackle health issues and have recommended that the leisure provider (Everyone Active) provide the committee with six monthly updates. In addition, members are recommending that those living in wards that experience higher health inequalities are further incentivised to be active.

Lichfield District Council

Lichfield District Council's Overview and Scrutiny Committee met on 6 June 2024

Date of next meeting: 23 July 2024.

Newcastle-under-Lyme Borough Council

Newcastle-under-Lyme Borough Council's Health, Wellbeing & Environment Scrutiny Committee met on 16 September 2024. The following matters were considered:

Walleys Quarry Odour Issues
Sustainable Environment Strategy Update
Neighbourhood Delivery Team – Scope and Purpose
Animal Welfare Strategy

Date of next meeting: 25 November 2024.

South Staffordshire District Council

South Staffordshire Councils Wellbeing Select Committee last met on Tuesday 11th June 2024. The following matters were considered.

Codsall & Billbrook Cancer Support Group

The support group attended the committee to update on their work and how the approach provided could be a model to be used in other areas of the district. The group provides support for members of the community living with cancer and their family, friends, and carers. The group offers emotional support, information and advice with face-to-face group meetings held every third Friday of the month. Meetings include updates on cancer treatments and talks by health professionals. Therapy sessions, walks and workshops are also offered.

UK Shared Prosperity Funding (UKSPF) Enhancing Health & Wellbeing

Members received a presentation on the progress of two UKSPF funded programmes that are targeting Health & Wellbeing improvements across the district. South Staffordshire has an increasing aged demographic that is becoming less active according to the most recent Sport England Active Lifestyles report. The Council's Health in the Community Programme involves the provision of gentle exercise classes and wellbeing walks. The gentle exercise class programme and wellbeing walks are delivered from community settings and designed to meet the needs of older residents who would otherwise struggle to access provision from one of the Council's four leisure facilities.

The second programme targeting open space improvements is Delivering improvements to open spaces including the replacement of aged infrastructure or the implementation of new infrastructure to improve accessibility, safety and enjoyment of residents using open spaces across South Staffordshire.

Work Programme

The Assistant Director Community Services gave an overview of the committees work programme for 24/25 and requested Members come forward with any additional local Health and Wellbeing issues that can be referred to the committee.

Date of next meeting Tuesday 10th September 2024

- Healthwatch Staffordshire Cross Border Health

- Health and Care Overview and Scrutiny Committee update
- Health Inequalities Funding Update

Stafford Borough Council

Stafford Borough Council's Community Wellbeing Scrutiny Committee met on 26 June 2024. The meeting was preceded by with a presentation by Andy Man's Club. We had a Disabled Facilities Grants presentation followed by a question and answer session.

The next meeting will be 19 September 2024.

Staffordshire Moorlands District Council

The Council's Health and Wellbeing Committee is due to meet on 13 March 2024.

The following items are listed for consideration at this meeting:

- Feedback from the Chair on the Staffordshire County Council Health & Care Overview & Scrutiny Committee
- Cost of Living Update
- Update on Health Inequalities Funding Application

Tamworth Borough Council

The Health and Wellbeing Scrutiny Committee met on 16 July 2024

Date next meeting: 17 September 2024.

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 Amanda Dunnett	Cllr Phil Hewitt
East Staffordshire	Cllr Alison Legg	Cllr Philip Atkins
Lichfield	Cllr Leona Leung	Cllr Janice Silvester-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 Charlotte Atkins
Tamworth	Cllr Chris Bain	Cllr Jason Jones

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

05 November 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 style="text-align: right;"><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. 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 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 \(newcastle-staffs.gov.uk\)](https://www.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 needs 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. Such consent has been obtained.
- 1.5 Members and Officers attend Liaison Meetings to maintain contact 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 from June 2024, reported on a weekly basis. Historical complaint data is attached to this report as Appendix 1.

	Complaints to NuLBC	Complaints to Environment Agency
August 2024		
29/07/24- 04/08/24	61	162
05/08/24-11/08/24	53	143
12/08/24-18/08/24	50	160
19/08/24-25/08/24	35*	185
September 2024		
26/08/24-01/09/24	7	46
02/09/24 -08/09/24	14	42
09/09/24 -15/09/24	25	95
16/09/24 -22/09/24	43	118
23/09/24 -29/09/24	16	53
October 2024		
30/09/24 -06/10/24	52	147
07/10/24 -13/10/24	80	187
14/10/24 - 20/10/24	37	136
21/10/24 - 27/10/24	100	311
November 2024		
28/10/24 -03/11/24	41	

*Revised figure

October 2024

The number of odour events has increased to 12 in the month of October compared to 3 odour events reported in September.:

- Thursday 03 October 2024
- Friday 04 October 2024

- Saturday 05 October 2024
- Monday 07 October 2024
- Thursday 10 October 2024
- Friday 11 October 2024
- Saturday 12 October 2024
- Saturday 19 October 2024
- Monday 21 October 2024
- Tuesday 22 October 2024
- Wednesday 23 October 2024
- Saturday 26 October 2024

2.2 The overall trend is for “spikes” in complaints when odours are prevalent.

NULBC Odour Assessments

2.3 Officers have undertaken odour assessments. 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.

In September,

12 assessments were undertaken over a 5-minute period:

- Each assessment detected landfill related odour.
- 10 of 12 assessments recorded a maximum intensity rating of 4 (strong odour)
- 2 of 12 assessments recorded a maximum intensity rating of 5 (very strong odour).

42 spot assessments were undertaken of which 19 detected landfill related odour ranging from 2 (slight/weak) to 5 (very strong).

NULBC 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 in the community was 35.96ppb on 22 October 2024 at 20:46.

NULBC Actions

2.5 Critically, under the law, whilst odours may exist off site at levels which could be considered a breach of the notice, that breach would be unenforceable (or a defence against creating a statutory nuisance) if the operator can show that Best Practical Means (BPM) are routinely deployed in the management of the site. Whilst the existence or not of BPM can be debated, it would be a court which would determine whether BPM was in place at the time of the breach. That said, prior to entering any formal legal action it is necessary for the Council to formulate a view with regard to this matter, this is ongoing.

2.6 At the core of next steps are two issues – whether the action taken by the Environment Agency as the primary enforcement agency for this site have been successful in remedying the issues; and whether a defence of BPM exists. Where either of these are assessed to be in place it would not be in the public interest for the Council to pursue this matter further.

- 2.7** On 29 July 2024 the Rt Hon Steve Reed OBE MP, Secretary of State Environment, Food and Rural Affairs responded to the Leader’s request for permission to prosecute Walleys Quarry Ltd. under statutory nuisance legislation, confirming that he would grant consent for the prosecution to proceed.
- 2.8** On 30 September 2024 the Chief Executive confirmed an intention to move to legal action, noting “We are moving as quickly as possible in a complex situation. There are very few precedents for taking legal action against an operator regulated by a Government agency, so there is a great deal of legal advice and preparation involved, however I believe we will be ready to take the next step by the end of October.”
- 2.9** On 31 October 2024 the Chief Executive Gordon Mole, Chief Executive of Newcastle-under-Lyme Borough Council, updated by noting “The process is underway now that we have appointed Jeremy Phillips KC and Horatio Waller, both of FTB Chambers, which has a strong reputation in this field. There is a complex, detailed process to be followed and whilst understandably we cannot provide a running commentary on progress we would hope to share the latest position with the public in the next few weeks.”
- 2.10** It is intended that an update report on legal action will be brought to full Council.

Scrutiny- Committee of Inquiry

- 2.11** Following the issuance of letters to enact the recommendations of the Committee of Inquiry, the Chief Executive has written to the Secretary of State for Environment, Food and Rural Affairs to ask that the Department continues to actively consider a public inquiry and to take forward actions within the Committee of Inquiry report, following correspondence from the Minister for Nature to the Leader of the Council, where it was noted that the Government was not minded to hold a Public Inquiry.
- 2.12** The Leader of the Council noted on 31st October 2024 that “We have asked the Government to take action to help our community, but we’re told that ministers have full confidence in the Environment Agency. Unfortunately, I do not share that confidence which is why Newcastle Borough Council is doing all it can, with its limited powers and resources, on behalf of residents to resolve this problem.”

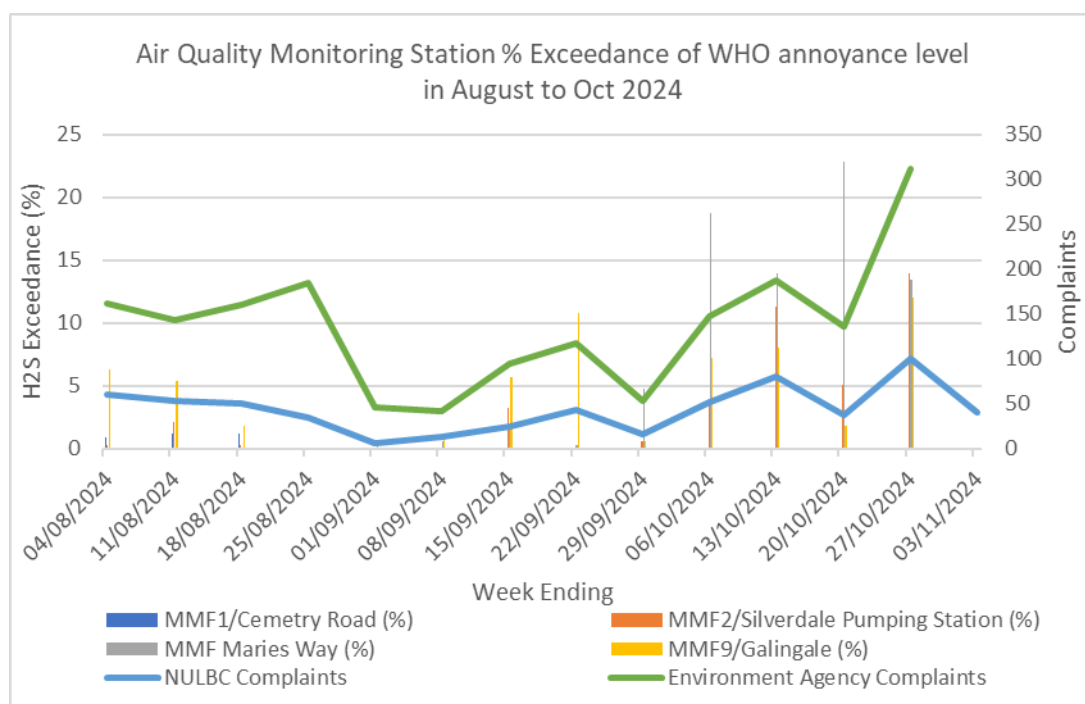
Air Quality:

- 2.13** 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 (EA).
- 2.14** 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. Historic data is available in Appendix 3.

Time Period	MMF1 (%)	MMF 2 (%)	MMF 9 (%)
29 July - 04 August 2024	0.9	0.3	6.3

05 August - 11 August 2024	1.2	2.1	5.4
12 August - 18 August 2024	1.2	0.3	1.8
19 August - 25 August 2024	0	0	0
26 August - 01 September 2024	0	0	0.6
Time Period	MMF Maries Way (%)	MMF Silverdale Pumping Station (%)	MMF Galingale View (%)
02 September - 08 September 2024	0.6	0.0	1.1
09 September - 15 September 2024	1.8	3.3	5.7
16 September - 22 September 2024	0.3	0.0	10.8
23 September - 29 September 2024	4.8	0.6	0.6
30 September - 06 October 2024	18.7	3.6	7.2
07 October - 13 October 2024	14.0	11.3	8.0
14 October - 20 October 2024	22.8	5.09	1.8
21 October - 27 October 2024	13.4	14.0	12.0

2.15 The complaint data and weekly % exceedance of the WHO annoyance level have been combined and is shown on the graph below:



H2S Data Adjustment Method

2.16 On 18 September 2024, the EA following a public meeting with UKHSA on 28 August 2024, published answers to the [Slido questions](#) on the EA [hydrogen sulphide calibration issue](#) web page.

Environment Agency Regulatory and Enforcement Action

2.17 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.engagemthq.com/hub-page/walleys-quarry-landfill>

- 2.18** 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.
- 2.19** 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
03.09.24	12.09.24	DP3734DC/0518924	Site inspection – announced	0
02.10.23	16.10.23	DP3734DC/0476949	Amended and reissued CAR	31

Non-compliance identified in Compliance and Assessment Reports

- 2.20** The EA on 31 October 2024 published an amended and reissued Compliance Assessment Report 0476949 (the CAR).
- 2.21** The CAR records that: “The non-compliance with permit condition 2.4.1 in respect of the Capping and Phasing Plan has been removed because the Environment Agency accepts that the Capping and Phasing Plan was not incorporated as a specified operating technique for the purposes of condition 2.4.1.
- 2.22** References to the estimated completion dates of temporary capping now appear under the heading *Advice and Guidance* in the CAR.
- 2.23** The total CCS score for this CAR remains unchanged as the 2 non-compliances in the original CAR were consolidated to give a single score of 31 CCS points. The amended and re-issued CAR now records 1 non-compliance for condition 2.4.1 with a score of 31 CCS points. The site compliance band for 2023 for Walleys Quarry remains unchanged.

Walleys Quarry update

- 2.24** On 15 October 2024 the Walleys Quarry Liaison Committee was held. The link to the recording of the meeting can be found [here](#) in the latest information for November on the WQL website.
- 2.25** On 25 October 2024 WQL published an information update as follows:

Aligned with the proven record on continual development and investment in the Walleys Quarry (WQ) Facility, Walleys Quarry Ltd (WQL) is currently undertaking several projects across the site. These have been facilitated by the operational infilling of the available void, which has been fundamental in the development of the site to its current position.

Capping:

Earlier in 2024 a significant area of the western flank was temporary capped, utilising a geomembrane media comprised of LLDPE plastic. This material was placed across the western flank, including areas previously capped utilising locally sourced engineering clay. Following this extensive work, the remaining areas of the western

flank, now available for capping due to continued infill of the landfill facility have been subject to further capping. Using the same LLDPE geomembrane, the entire western flank has been capped. At the northern and southern extremities, this temporary capping has been integrated into the existing permanent capping, which covers the eastern half of the WQ facility. The works are now complete.

In addition, the central area of the facility comprising an area of approximately 11,000m² is being subjected to permanent capping. Utilising the same high specification LLPE geomembrane, the works are currently in the process of concluding meaning that the central area of the facility is now fully encapsulated, with the newly installed permanent capping integrated into the areas of capping previously completed in the north, south and eastern quadrants of the facility.

Sidewall Engineering:

In order to complete the basal lining of the Walleys Quarry facility and to allow it to safely continue through the operational phase and into restoration and aftercare, the last remnants of sidewall engineer are being completed to the western edge of the historic quarry wall. The works, which have been impacted by the inclement weather experienced through 2023 and 2024 are focussed on the installation of high-quality, locally sourced engineering clay. This material has an incredibly low permeability and is being constructed under the process of Construction Quality Assurance (CQA) aligned with a specification approved by the Environment Agency. Works continue, and subject to the effects of weather should conclude in 2024.

Landfill Gas Infrastructure:

As the site develops, the infrastructure installed across the facility with the aim of collecting and transferring landfill gas to the on-site Gas Utilisation Plant is also subject to continued development. This process, steered through the Walleys Quarry Landfill Gas Management Plan leads to the continued development of the system and the installation of a series of vertical, horizontal and sacrificial wells into the waste mass to facilitate this gas capture. Utilising negative pressure generated through the Gas Utilisation Plant, landfill gas which is created through the natural degradation of waste whilst in the landfill environment is encouraged from the waste mass to the Gas Utilisation Plant. Here, it is successfully treated through energy recovery to generate electricity which is supplied directly into the grid. Commencing in late October, the latest series of wells will be installed into the current active area, located in the west of the facility. These are installed utilising a drilling rig, to allow for the installation of perforated well casing to be installed, connected and integrated into the system and thus increasing the scope of gas capture at the facility.

“As always, we remain dedicated to working with our community and the regulators to provide a clean, responsible and sustainable operation for Newcastle-under-Lyme”.

Impact Study

2.26 An Impact study, commissioned jointly by a group of public bodies, including Staffordshire County Council, Newcastle-under-Lyme Borough Council, the Environment Agency and UK Health Security Agency, will be carried out by the independent Arcadis Consulting and findings will be published when available.

Key Performance Data

- 2.27 Through the settlement agreement both Walleys Quarry Ltd and the Council have developed key performance indicators in relation to relevant data from each organisation. The key performance indicators are shown in Appendix 2.
- 2.28 The data from the Council covers the period from August 2024 to October 2024 and provides complaint numbers and officer assessments.
- 2.29 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 for September has not been submitted by the operator.

3. **Recommendation**

3.1 **Cabinet is recommended to:**

- Note the contents of this update report.

4. **Reasons for Proposed Solution**

- 4.1 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.

5. **Options Considered**

- 5.1 To provide regular updates to Cabinet.

6. **Legal and Statutory Implications**

- 6.1 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.

7. Equality Impact Assessment

- 7.1** 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.

8. Financial and Resource Implications

- 8.1** Dedicated officer resource has been allocated to continue the Council's work regarding Walleys Quarry Landfill.
- 8.2** From April 2024 there is a £300k reserve for works associated with Walleys Quarry Landfill site. Should further funding be required, up to £300k can be made available through the transfer of useable reserves (£100k from the Borough Growth Fund and £200k from the Budget and Borrowing Support Fund). These funds can be transferred without Council approval.
- 8.3** Should proceedings regarding the breach of the Council's Abatement Notice exceed £600k, a further report will be presented to Council in order to seek approval to utilise funds from the General Fund Reserve.

9. Major Risks

- 9.1** 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;
- 9.2** 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.

10. UN Sustainable Development Goals (UNSDG)



11. One Council

Please confirm that consideration has been given to the following programmes of work:

- One Commercial Council
- One Digital Council
- One Green Council

12. Key Decision Information

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

13. Earlier Cabinet/Committee Resolutions

12.1 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, 14th February 2024, 19th March 2024, 10th April 2024, 4th June 2024, 16th July 2024, 10th September 2024, 25th September 2024.

14. List of Appendices

- 14.1 Appendix 1. Historical Complaint data
- 14.2 Appendix 2. NULBC Key Performance Data
- 14.3 Appendix 3. Percentage exceedance above WHO odour annoyance guideline

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	Week Ending	Complaints to NuLBC	Complaints to Environment Agency
11-Jun	19	75	24-Mar	120	330
18-Jun	76	154	31-Mar	81	254
25-Jun	80	170	07-Apr	56	220
02-Jul	40	99	14-April	17	75
09-Jul	18	46	21-April	32	145
16-Jul	20	54	28-April	55	196
23-Jul	15	73	05-May	41	167
30-Jul	28	97	12-May	75	311
06-Aug	21	67	19-May	76	192
13-Aug	7	30	26-May	89	240
20-Aug	10	44	02-June	75	207
27-Aug	8	38	09-June	38	114
03-Sep	11	59	16-June	50	147
10-Sept	26	71	23-June	67	189
17-Sept	12	72	30-June	117	298
24-Sept	8	31	07-July	45	103
01-Oct	8	26	14-July	52	155
08-Oct	8	37	21-July	118	277
15-Oct	29	64	28-July	93	189
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			
04-Feb	133	416			
11-Feb	382	905			
18-Feb	186	527			

25-Feb	397	1264			
03-Mar	333	990			
10-Mar	218	694			
17-Mar	103	374			

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Appendix 2 – NULBC Key Performance Indicators

NULBC		Information	Measurement	August 2024	September 2024	October 2024
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number	174 * revised Number of unique properties reporting complaints = 95 Rating 0 = 2 complaints Rating 1 = 1 complaints Rating 2 = 1 complaints Rating 3 = 15 complaints Rating 4 = 33 complaints (19.0%) Rating 5 = 49 complaints (28.2%) Rating 6 = 73 complaints (42.0%) % of complaints reporting odour entering the property = 138 (79.3%) % of complaints reporting health effects = 132 (75.9%)	100 Number of unique properties reporting complaints = 50 Rating 0 = 0 complaints Rating 1 = 0 complaints Rating 2 = 3 complaints Rating 3 = 8 complaints Rating 4 = 24 complaints (24%) Rating 5 = 20 complaints (20%) Rating 6 = 45 complaints (45%) % of complaints reporting odour entering the property = 81 (81%) % of complaints reporting health effects = 69 (69%)	290 Number of unique properties reporting complaints = 106 Rating 0 = 0 complaints Rating 1 = 1 complaints Rating 2 = 2 complaints Rating 3 = 12 complaints Rating 4 = 60 complaints (20.7%) Rating 5 = 75 complaints (25.9%) Rating 6 = 140 complaints (48.3%) % of complaints reporting odour entering the property = 225 (77.6%) % of complaints reporting health effects = 240 (82.8%)
KPI 2		Complaints reported (daytime 07:00-23:00)	Number	147	94	254
KPI 3		Complaints reported (night-time 23:00-07:00)	Number	27	6	36
KPI 4		Highest number of complaints during the period	Date (number of complaints)	13/08/24 (16 complaints)	19/09/24 (18 complaints)	26/10/24 (33 complaints)

		Information	Measurement	MMF Reference	August 2024	MMF Location Name	September 2024	October 2024
KPI 5	AIR QUALITY	Percentage exceedance Odour Annoyance Guideline (Hydrogen Sulphide 30-minute average)	%	MMF1	0.8%	MMF Maries Way	2.5%	Awaiting data
				MMF2	0.5%	MMF Silverdale Pumping Station	1.1%	Awaiting data
				MMF9	1.9%	MMF Galingale View	3.6%	Awaiting data
KPI 6		Monthly Average H ₂ S	ug/m3 over the month	MMF1	1.4ug/m3	MMF Maries Way	2.0 ug/m3	Awaiting data
				MMF2	1.0ug/m3	MMF Silverdale Pumping Station	1.2ug/m3	Awaiting data
				MMF9	1.0ug/m3	MMF Galingale View	1.4ug/m3	Awaiting data
KPI 7	H ₂ S PEAK LEVEL	Level measured over a 5-minute period Date & Time	ug/m3	MMF1	26.54ug/m3	MMF Maries Way	22.68ug/m3	Awaiting data
				MMF2	17.16 ug/m3	MMF Silverdale Pumping Station	34.40ug/m3	Awaiting data
				MMF9	33.86 ug/m3	MMF Galingale View	46.58ug/m3	Awaiting data
KPI 8	OFFICER ASSESSMENTS	Odour Rating - Officer odour assessment (5 minute)	Max Odour Rating		2 assessments – max rating 4 on 04/08/24		10 assessments – of which 7 recorded a max rating of 4 on 12/09/24 & 13/09/24	12 assessments - of which 10 recorded a max rating of 4 and 2 recorded a max rating of 5 on 22/10/24

Time Period			
	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
29 January – 04 February 2024	18.6		23.4
05 February – 11 February 2024	20.8		22.6
12 February – 18 February 2024	30.8		9.6
19 February – 25 February 2024	27.4		21.1
26 February – 03 March 2024	33.7		20.1
04 March – 10 March 2024	34		13
11 March – 17 March 2024	17.0		6.0
18 March – 24 March 2024	8	1.8	4.5
25 March – 31 March 2024	37.8	1.8	2.1
01 April - 07 April 2024	15.6	1.2	5.4
08 April – 14 April 2024	10.7	0	4.8
15 April – 21 April 2024	0.9	1.2	7.9
22 April – 28 April 2024	1.8	0	6.7
29 April – 05 May 2024	2.4	0.6	9.0
06 May – 12 May 2024	6.85	0.3	14.3
13 May – 19 May 2024	3.3	0	12.2
20 May – 26 May 2024	1.8	0.6	8.6
27 May – 02 June 2024	5.7	1.2	6.0
03 June – 09 June 2024	0.0	0.0	8.1
10 June – 16 June 2024	0.6	0.0	4.2
17 June – 23 June 2024	0.9	0.6	8.7
24 June – 30 June 2024	0.0	0.3	6.9

01 July - 7 July 2024	0.6	0.0	4.2
08 July - 14 July 2024	0.3	0.0	8.9
15 July - 21 July 2024	7.2	7.5	16.5
22 July - 28 July 2024	2.7	0.0	15.2

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

25 November 2024

Report Title: Options for Scrutiny Review of Parks

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 outline options for the HW&E Scrutiny committee to review elements of the Councils parks and green open space provision.	
<u>Recommendation</u>	
That HW&E Scrutiny:	
<ol style="list-style-type: none"> 1. To receive this report 2. Agree to set up a task and finish group to consider what area of parks and open spaces they wish to review. 	
<u>Reasons</u>	
As part of HW&E scrutiny's work programme, and items members wished to look at moving forward, a suggestion was made and agreed to consider the Councils Parks. This report aims to provide suggestions as to where HW&E scrutiny members may wish to focus their attention, as there are many facets to parks and open spaces which would allow more focused scrutiny.	

1. Background

- 1.1 At its meeting on 16th September 2024, the committee asked to look at the state of different parks within the Borough, and this was added to the committee's future work programme.

- 1.2** As a large land holder in the borough, the Council has a significant number of sites that are maintained as designated parks and additional green open spaces. These include district or strategic parks, neighbourhood parks, sports grounds, semi natural green space including local nature reserves and green corridors, including green routes. The total number of individual sites is in the region of 500.
- 1.3** More specifically, the Council oversees 5 District Parks (The Brampton, Lyme Valley parkway, Wolstanton Marsh and park, Wye Road Park and Bathpool park), 20 neighbourhood parks (such as Arnold Grove, Crackley Recreational Ground Thistleberry Parkway) and a number of Sports Grounds including the Westlands, Wolstanton Park and the Wammy in addition to leased-out sites such as Birchenwood and Roe lane. Local nature reserves include Bradwell Woods, Bates Wood, Pooldam Marshes in addition to 4 green corridors including Newcastle Greenway and Kidsgrove Greenway.
- 1.4** Six of the Councils parks have been awarded Green Flag status, an international quality mark accreditation for parks. Green Flag status is achieved by presenting high quality grounds maintenance and providing a robust 'live' management plan demonstrating achievement and future time bound plans in several areas including building and infrastructure maintenance and investment, biodiversity and environmental sustainability, environmental management, community involvement and marketing and communication, management including risk assessments and costed maintenance costs. Accreditation is awarded following a robust and detailed inspection regime determined by Keep Britain Tidy (KBT) including announced or mystery shopping visits to the sites to test independently or interview relevant officers in relation to all aspects of the judging criteria.
- 1.5** In addition, the Council has 63 playgrounds which require weekly site inspections with running repairs undertaken on a regular basis to predominantly aged play equipment that is uninviting and produces a significant number of complaints annually, in relation to the visual aspect. A small number of playgrounds are repeat vandalism locations which require substantial investment to repair safety surfacing.
- 1.6** In 2022 a review took place of the Councils 2017 Open Space and Green Infrastructure Strategy. These strategies are produced to help recognise the need to make cities, towns and villages more sustainable in response to challenges such as the climate emergency and the ecological crisis. The Councils natural environment and valued greenspace networks have a critical role to play, and over the last few years this has been brought into sharp focus by the unfolding Covid-19 pandemic, which has revealed the value people place on their natural and semi natural greenspace.
- 1.7** The review provided a response to these challenges, and to identify strategic opportunities to deliver potential solutions, as well as to inform a sustainable, considered approach to growth in the borough to 2040.
- 1.8** Connected with this strategy and the Councils Sustainable Environment Strategy (SES) the Council has also produced and implemented its urban

tree planting strategy (now known as the Borough Tree Planting Strategy) and its Grassland Management Strategy, a review of which following its first year of implementation is currently being undertaken.

2. Potential areas for scrutiny

- 2.1** There are a number of areas and potential projects which a member task and finish group could consider looking at the Councils parks and green open space provision.
- 2.2** Building on a report prepared in 2021, the committee could look at how utilisation of parks and open spaces, and historical landmarks could be brought together in designing walking trails which would link the parks green open spaces and historical landmarks together.
- 2.3** Looking at the 2022 open space and green infrastructure strategy review, this could consider the issue of investment and funding opportunities to enhance existing sites.
- 2.4** Members could furthermore review current play park provision, and options for the future.
- 2.5** Members could also give thought to how parks and green open spaces can help the Council in its work to protect and enhance biodiversity.

3. Recommendation

- 3.1** To receive this report and to agree what area of parks the committee wish to scrutinise through a task and finish group.

4. Reasons

- 4.1** Parks and green open spaces are a vital part of the Councils infrastructure and provide positive benefits to enhancing health and wellbeing to citizens and visitors to the borough.
- 4.2** Parks and green open spaces are a key element in the delivery of the Councils SES, with positive benefits in decarbonisation, and enhancing biodiversity.

5. Options Considered

- 5.1** Not applicable to this report.

6. Legal and Statutory Implications

6.1 Not applicable to 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 The current revenue budgets for management and maintenance of the Councils parks and green open spaces is £1,546,450 (2024/25), and £402,420, for the management and maintenance of cemeteries and crematorium grounds.

8.2 There is an ongoing capital programme for repairs and improvements which this year 24/25 equates to £331,145.

9. Major Risks & Mitigation

9.1 There are no risks arising from this report.

10. UN Sustainable Development Goals (UNSDG)

10.1 The Councils parks and green open spaces play a significant role in the Councils SES.



11. Key Decision Information

11.1 The report is not a key decision.

12. Earlier Committee Reports / Resolutions

12.1 Encouraging Greater Use of Parks and Open Spaces report to H&W scrutiny April 2021.

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 HW&E SCRUTINY COMMITTEE**

25 November 2024

Report Title: Tree Risk Management Strategy

Submitted by: Service Director – Sustainable Environment

Portfolios: Sustainable Environment

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	
	Yes x	No
<p>To note the tree risk management strategy as outlined below to ensure the councils increasing and maturing tree stock is managed to an acceptable risk management standard to members of the public, property and buildings.</p> <p>To request that the tree risk management strategy is adopted as policy to provide surety of application</p>		
<u>Recommendation</u>		
<ol style="list-style-type: none"> 1. That Health Wellbeing & Environment Scrutiny Committee note the contents of the report. 2. That Health Wellbeing & Environment Scrutiny Committee ask Cabinet to adopt the Tree Risk Management Strategy as set out in the report. 		
<u>Reasons</u>		
<p>The Tree Risk Management Strategy produced by the council aims to strike a proportionate and balanced approach between the risks and the benefits gained from trees, to make our tree resource as safe and diverse as reasonably practicable. In this way the council will be better placed to demonstrate that it has have fulfilled its Duty of Care and taken all precautions as far as reasonably practicable to avoid risks to the safety of people who use, pass by and neighbour our land.</p>		

1. Background

1.1 Newcastle Borough Council owns approximately 650 hectares of land and cares for over 115,000 trees at 307 sites. The trees in the ownership of the Borough Council are highly valued for their importance to Newcastle's

landscape, wildlife values and benefits that they provide to the urban climate and people of Newcastle. However while there are undeniable benefits to managing significant numbers and varieties of tree stock to multiple locations there is also an ever present risk associated with every single tree in the councils ownership or management.

- 1.2 In 2023 the council purchased a tree management software package, Ezytreev, which has been significant in our being able to plot and manage the council tree stock effectively and enhance our tree intelligence, guiding our approach to directing existing resources into our higher risk trees and tree locations. Additionally, over the past three years, a long-established seasonal arboriculture team has been extended into a year-round service, supported by reassigning an existing staffing resource to an Arboriculture Surveyor post, enabling a much-improved position in relation to developing detailed information on our comprehensive tree stock. Additional surveying support has been achieved by an external contractor providing two days per week surveying capacity, a crucial resource to ensure regular widespread surveying and tree data capture.
- 1.3 Tree failures can cause significant damage and initiate litigation claims against the council. A clear and robust tree risk management strategy and adoption as a policy provides a significant tool in demonstrating the councils reasonable approach to managing its tree stock and guides resources to ensure our approach to surveying and maintaining our high-volume stock in relation to each individual trees location typology, age and health is accounted for and managed consistently.
- 1.4 Throughout the UK there are on average six fatalities which are attributed to falling trees and branches per year. This is generally considered by the Health and Safety Executive to be an acceptable and very low level of overall risk for the population as a whole.

2. **Material Issues**

The tree risk management strategy embraces a practical and manageable process of identifying zone attributes in high to low usage locations and monitoring single trees regardless of location where tree(s) have defects that are of some concern. The programme of tree inspection and management requires a practical approach, whereby resources are directed to areas where there is greatest risk to people and property. It is not possible or practical to inspect every tree.

Designating usage zones to each site relates to the intensity of site use based upon up-to-date site knowledge gained by the council going about its general duties, and the likelihood of people being injured, or buildings or other valued property being damaged in the event of failure of all or part of a tree.

The proposed tree risk management strategy identifies a frequency, method, and timing of inspections. These comprise of Red, Purple, Blue and Brown usage zones introducing a frequency and methodology of inspection associated with the type of assigned usage zone ranging from inspections

between one and two years (determined by location or defects of individual trees) in a Red usage zone through to no inspections required in Brown zones (such as general woodland areas with no formal pathways or clear desire routes)

Post major storm routes which affect part of the borough will be informed by incident recording data and officer knowledge which will be reviewed and recorded every two years. The severity of these storms are likely to have caused structural damage to trees or buildings.

Individual trees which have been identified through programmed surveys or third party reports, in any priority usage zone, where tree defect conditions raise the need to be monitored more regularly than the designated zone in which they stand will be re-inspected on a frequency as determined by the tree defect, these are likely to be trees that are considered important enough because of age, species, location, wildlife or cultural value where defects require monitoring to ensure that the risk that they pose does not become unacceptable. Such trees may require decisive intervention e.g. complete removal, veteranisation or partial removal.

Cable bracing has been used by the council over a number of years enabling trees of high amenity value to be retained with the assistance of cable braces to assist with the retention of tree boughs. Cable braced trees are to be inspected on an enhanced basis – on a rolling programme every two years from ground level and every five years via arial inspections.

Accurate recording of tree survey information held within the Ezytreev management software package is essential to ensure system driven reports to inform on site arboriculture interventions. Information or inspection records will hold information with regards to several areas including usage zones, whole site inspections, individual inspections, post storm inspections and data set trees (cable braced, monitored trees etc)

The proposed strategy identifies the importance of recording incidents where trees fail or drop significant branches to ensure transparency with our health and safety obligations and to ensure an oversight by the council's insurance team.

The council leases several property sites and land. The lease arrangements with regards to responsibilities in relation to tree management is often absent, unclear, or ambiguous. New leases shall explicitly identify where the responsibility for tree safety management lies and the standard to be achieved in managing any trees on land identified within the lease.

Training is being undertaken by identified staff to attain professionally and industry recognised Arboriculture Association accepted level of competency and a level which will withstand scrutiny at a legal level in the event of litigation claims or otherwise. The Arboriculture Manager is also pursuing a degree level qualification to underpin current expertise and to be able to demonstrate a high level of professional competence. While all members of the Arboriculture team have varying degrees of experience in assessing trees further basic tree inspection training is to be sought for all members of the Arboriculture team to undertake post storm damage surveys within a certified qualification environment.

The objective of the risk control measures is to reduce risks to people from trees as far as possible whilst:

- Supporting the council's principle of avoiding pruning and felling of trees unless there is a safety, arboricultural or legal reason or need that can be demonstrated.
- avoiding unnecessary removal or disfigurement of our trees which could cause environmental, wildlife, landscape or cultural harm.
- conserving habitats that are provided by trees especially those that are old and decaying.
- By ensuring minimal tree operations we reduce the amount of carbon that is released back into the environment from those operations and increase the potential of those trees to sequester more carbon.

In the case of arboriculture interventions or remedial actions (including felling, limb removal etc) the environmental, cultural, landscape and habitat value of trees will always be considered when deciding on remedial action. Old trees are often uniquely valuable as habitat for wildlife, and even if the physical condition of the tree is poor, remedial action should only be specified where there is a clearly perceptible risk to life or property. Felling will be regarded as a last resort especially for trees with a high ecological value. Where appropriate the Borough Council will monolith our trees, monolithic trees are widely accepted as being best industry practice as an alternative to felling. The habitat created is of great conservational value.

Where arboriculture interventions are identified the following categories have been adopted and will be adhered to:

- **Immediate.** Trees which pose an urgent and significant risk shall be dealt with immediately on the best advice available.
- **High.** Remedial action prioritised and implemented within 6 months or another specified timeframe.
- **Moderate/High.** Remedial action prioritised and implemented within 9 months or another specified time frame
- **Moderate.** Remedial action prioritised and implemented within 18 months or another specified time frame
- **Low-moderate.** Feature is not judged to be hazardous before next inspection due.
- **Low.** Proactive management

While we have good information with regards to our tree stock it is essential to undertake a proportionate approach to surveying all our tree stock (over 150mm diameter) to ensure our priorities are being adhered. This demonstrates a reasonable approach to managing our tree stock, actively managing risk to residents.

- All of the council sites are to be zoned and surveyed at 20% per year, to enable full compliance with this strategy by September 2029.
- Cable Braced and artificial restraint trees climbed and checked by September 2024.
- Red route review to be completed (September 2025) then biannually.
- Post storm/severe weather routes to be in place by October 2024 to be reviewed biannually (October 2026)
- Leased Sites: Review of leased sites to be completed by October 2027
- TRMS recording system, data to be checked for inaccuracies to ensure that a complete record of the council's tree stock is held in a correct format by July 2029.

- Training is to be delivered at an appropriate level to all inspectors for BTI (Basic Tree Inspection), PTI (Professional Tree Inspection), QTRA and FdSc Arboriculture and Tree Management.

Arboriculture operational activity and managing our tree stock are potentially high risk activities for Newcastle Borough Council. Close operational management and adopting a robust strategy and policy, which is adhered to, significantly reduces the risk to the council and to officers. It is recommended that the service area and implementation of the strategy is audited internally on a three year cycle and externally audited on a five year cycle. Regular auditing can be an effective tool to ensure compliance across a number of areas including health and safety.

3. **Recommendation**

- 3.1 That the tree risk management strategy be noted

4. **Reasons**

- 4.1 Adoption of the tree management strategy to ensure a consistency of management.
4.2 Adoption of the tree management strategy to support the council in relation to any litigation claim or otherwise.

5. **Options Considered**

- 5.1 To develop a Tree Risk Management Strategy that supports the operations of the council.

6. **Legal and Statutory Implications**

Duty of Care and Health and Safety at Work

7. **Equality Impact Assessment**

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

8. **Financial and Resource Implications**

- 8.1 Current tree management and associated operational budgets to be sustained to enable compliance with the strategy.

9. **Major Risks & Mitigation**

- 9.1 Significant risks associated with not having and adhering to the tree risk management strategy.

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

- 10.1 Use of electric equipment where possible and effective planning utilising Eztreev software



11. Key Decision Information

11.1 The report is a key decision due to the heightened exposure to potential litigation claims associated with tree failures.

12. Earlier Cabinet/Committee Resolutions

12.1 None

13. List of Appendices

13.1 None

14. Background Papers

14.1 None

HEALTH, WELLBEING AND ENVIRONMENT SCRUTINY COMMITTEE



Work Programme 2024/25

Chair

Cllr R. Adcock

Vice-Chair

Cllr I. Wilkes

Members

Cllrs L. Barker, J. Brown, N. Crisp, S. Dymond, P. Northcott, P. Reece, L. Richards, J. Whieldon, 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
25 th November 2024	<ul style="list-style-type: none"> • Walleys Quarry Odours Update • State of Parks across the Wards – open space, grassland and green infrastructure strategies including play equipment maintenance and repair as well as the opportunity for a Task & Finish working group • Tree Risk Management Strategy 	Officer: Nesta Barker Officer: Andrew Bird Officer: Andrew Bird
3 rd March 2024	<ul style="list-style-type: none"> • Newcastle Fire Station Performance and Issues • International House – review of operation post planning permission being granted 	Contact: Glynn Luznyj Officer: Gill Taylor

Special Meeting

North Staffordshire Local Air Quality (formerly A53 bus gate) – joint meeting with E&P Scrutiny Committee to be scheduled

Future Items

An update on allotment waiting lists and availability will be provided in the year 2025-26

Other Matters

Information on tennis provision – including maintenance of the facilities will be circulated by officers via email

Previous Items

DATE OF MEETING	ITEM	NOTES
16 th September 2024	<ul style="list-style-type: none">• Walleys Quarry Odours Update• Mobile Multi-Functional Team (MMF) - Scope and Purpose• Animal Welfare Strategy• Sustainable Environment Strategy Update	Officer: Nesta Barker Officer: Roger Tait Officer: Roger Tait Officer: Andrew Bird
3 rd June 2024	<ul style="list-style-type: none">• Walleys Quarry Odours Update• Youth Obesity - J2 Play Provisions• Chief Fire Officer Update	Officer: Nesta Barker Officer Jo Halliday Contact: Glynn Luznyj

Last updated on 17th October 2024

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