Public Document Pack

Date of meeting Thursday, 12th June, 2025

Time 7.00 pm

Venue Astley Room - Castle

Contact Geoff Durham - 742222



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 - 10)

To consider the Minutes of the last meeting of the Committee.

4 DISTRICT AND BOROUGH HEALTH SCRUTINY ACTIVITY

To receive feedback from members who attended the meetings of Staffordshire County Council Health and Care Overview and Scrutiny Committee

5 POLICING ANTISOCIAL BEHAVIOURS IN THE BOROUGH - STAFFORDSHIRE POLICE

A presentation will be provided by Staffordshire Police.

6 WALLEYS QUARRY ODOUR ISSUES

(Pages 11 - 30)

7 WORK PROGRAMME

(Pages 31 - 34)

8 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.

9 URGENT BUSINESS

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

10 DATE OF NEXT MEETING

Contacting the Council: Switchboard 01782 717717 . Text 07800 140048

Email webmaster@newcastle-staffs.gov.uk. www.newcastle-staffs.gov.uk

Members: Councillors Adcock (Chair), Barker MBE, Beeston, Crisp, Dymond, Northcott,

Reece, Richards, Whieldon, Wilkes (Vice-Chair) and Wright

<u>Members of the Council</u>: 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 Johnson

Burnett-Faulkner D Jones
Casey-Hulme Parker
Edginton-Plunkett 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 - 03/03/25

HEALTH, WELLBEING & ENVIRONMENT SCRUTINY COMMITTEE

Monday, 3rd March, 2025 Time of Commencement: 7.00 pm

View the agenda here

Watch the meeting here

Present: Councillor Rupert Adcock (Chair)

Councillors: Barker MBE Northcott Wilkes Brown Reece Wright

Crisp Richards Dymond Whieldon

Officers: Nesta Barker Service Director - Regulatory Services

Michelle Hopper Mobile Multi-Functional Manager

Craig Jordan Service Director - Planning

Gillian Taylor Housing Manager

Also in attendance: Councillor Gill Portfolio Holder - Community Safety

Heesom and Wellbeing

Councillor David Portfolio Holder - Sustainable

Hutchison Environment

1. MINUTE OF SILENCE

A minute of silence was observed for the passing of the Mayor of Newcastle-under-Lyme Cllr Barry Panter.

2. **DECLARATIONS OF INTEREST**

Cllr Northcott declared an interest in relation to his role as Public Health and Integrated Care Cabinet portfolio holder at the County Council.

3. MINUTES OF PREVIOUS MEETING

Cllr Northcott raised a typo in item 7.

The name of the village was Madeley, not Medley.

Resolved: That the minutes of the previous meeting held on 25th November 2025

be agreed as a true and accurate record subject to the name of the

village referred to in item 7 paragraph 3 be corrected.

Watch the debate here

4. **NEWCASTLE FIRE STATION UPDATE & PERFORMANCE**

The Deputy Chief Fire Officer presented an update on the mobilisation of Three Person Crews from on-call stations.

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Cllr Reece asked about road traffic collisions and if the crew would be sufficient to take people out of a car.

The Deputy Chief Fire Officer confirmed that was the case, adding that fire fighters were not going in a burning environment although there was still a level of risks that needed managing especially due to the road.

The crew could stabilise the vehicle, administrate casualty care and manage the glass of the systems in place, close the road and support ambulance calling.

Specific training in relation to road traffic collisions had been implemented and was provided to all on-call firefighters who were also in possession of the right equipment including battery powered lighter gear allowing them to undertake actions such as making cuts to take roofs off to create space.

Cllr Reece enquired about fire alarms activating.

The Deputy Chief Fire Officer advised that the vast majority were false alarms. In the event of a real fire incident the full crew was immediately mobilised.

Cllr Reece wondered about the Olive Branch referral systems.

The Deputy Chief Fire Officer responded that a dedicated team of technicians along with fire crews would come and provide home fire safety visits.

Cllr Whieldon mentioned her visit to the fire station thoroughly looking at all apparatus and talking to members of staff who provided direct transparent answers to all questions raised and should be commended for it.

The Chair who also attended the visit along with Cllr Lewis seconded Cllr Whieldon who added that other members would benefit from visiting the station.

The Deputy Chief Fire Officer acknowledged the kind words which would be passed on to the crew.

The Fire Station Manager provided an overview of the station performance, highlighting the importance of smoke alarms.

Cllr Brown thanked the Fire and Rescue Services for the educational work carried out in terms of fire safety and enquired about the rise of houses in HMOs (houses in multiple occupation) across the country in relation to incidents.

The Deputy Chief Fire Officer advised that there was a special interest when it came to HMOs with crossovers between enforcement and regulation activities from a protection point of view and work was being done in collaboration with landlords.

Cllr Brown commended the Fire and Rescue Service response to the social disorder that had followed the Southport killings tragedy.

Cllr Dymond asked about the contact details of Safe & Well Service.

The Deputy Chief Fire Officer responded that there was a <u>dedicated web page</u> which would be shared with members after the meeting.

Cllr Whieldon wondered if there were any plans in relation to ongoing construction works involving bigger buildings and different style of accommodation.

The Deputy Chief Fire Officer advised that the Fire and Rescue Services were involved as consultees for planning and building regulations. They had also invested and found match funding for the fitting of sprinklers.

The Fire Station Manager added this was included in the training provided to firefighters. The protect department had been involved in identifying the potential issues which had then been passed on to the team. All crews had also been asked to visit the premises to familiarise themselves with where systems were located.

Cllr Heesom thanked the team for the comprehensive overview and update on the three-person crew.

Cllr Reece asked if the Home from Hospital programme had reduced the delay in hospital discharges.

The Deputy Chief Fire Officer confirmed that was the case as independently explored through Chester University.

The Chair wished to commend the initiative which was a great example joined up services that were needed to help relieve the pressure the NHS and care services were currently under.

The Chair also commented on the open day event that took place the previous year and seemed to have gone very well and inspired people.

The Deputy Chief Fire Officer said that similar events would be organised again in the future and thanked members for their kind comments.

Resolved: That the presentation be received.

Watch the debate here

5. DISTRICT AND BOROUGH HEALTH SCRUTINY ACTIVITY

The Chair introduced the District and Borough Health Scrutiny Activity report received from Staffordshire County Council.

Cllr Brown commented that seeing what other districts and boroughs were up to throughout Staffordshire was useful and wondered if what Stafford Borough Council was doing in relation to Health Inequalities could be considered in Newcastle as well.

The Chair noted the suggestion.

Resolved: That the district and borough scrutiny activity report be noted.

Watch the debate here

6. WALLEYS QUARRY - ODOUR ISSUES

The Service Director for Regulatory Services presented the report on Walleys Quarry as presented to Cabinet in February. The complaints figures had improved in the meantime and it was noted that the operator's application in relation to the closure

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notice had been turned down meaning they hadn't been able to restart the importation of waste throughout that period.

Since then Walleys Quarry had entered a liquidation phase and the Environment Agency had confirmed their intention to work the liquidators as well as partner organisations to carry out air quality monitoring.

Cllr Whieldon wished to highlight that while odours and smells were commonly reported, these were indications of toxic gases which were a deeper problem regardless of existing health conditions people may have.

The Service Director for Regulatory Services advised that the legislation was addressing odours which is why the term was being used and the causes of those odours had been identified as a number of different gases including hydrogen sulphides which could be assessed and measured against legal standards. In relation to health advice people were encouraged to contact their GP when suffering the effects of the emissions.

Cllr Brown enquired about the table in paragraph 2.26 of the report and asked if the operator had been keeping up to pace with the actions detailed in the Schedule to the Closure Notice as well as if it had an impact on the drop of incidents reported in February.

The Service Director for Regulatory Services responded that the capping and gas infrastructure works for step 1 had principally been completed and the step 2 benchlike horizontal platforms were now visible. Steps 3 and 4 had also been done and progress were made on steps 5 and 6. Overall and while there had been some delays an improvement of the situation could now be recorded.

Cllr Northcott asked if the drop in February could be attributed to the changes in weather conditions and milder temperatures.

The Service Director for Regulatory Services advised that it was difficult to make such a correlation and time would tell.

Cllr Whieldon enquired about drone footage showing considerable amount of water and what could be air or gas bubbling up at the surface.

The Service Director for Regulatory Services responded that those footage were undertaken by the Environment Agency and the Council was focusing on the offsite impacts on residents within the area. An update would be requested from the Environment Agency.

Cllr Whieldon asked if a copy of those footages was provided to the Council.

The Service Director for Regulatory Services said that updates were available on the Environment Agency website and compliance assessments reports were sent to the Council.

The Chair asked about the methane referred to in the closure notice plan and why the Environment Agency had chosen to make measurements of this particular gas instead of the usual hydrogen sulphides.

The Service Director for Regulatory Services responded that methane was a carrier gas containing other gas including hydrogen sulphides and the regulations about capping were using limit values in terms of methane emissions as a standard.

The Chair wondered if resurgences in odours would be expected once the capping works would be completed.

The Service Director for Regulatory Services suggested this was too early to say but time would tell and an update would be provided.

Cllr Wilkes asked of the water quality was being checked.

The Service Director for Regulatory Services responded that it was and the Environment Agency would provide further details.

Cllr Whieldon expressed doubts about the trustworthiness of both the operator and the Environment Agency when it came to taking actions and the subsequent need to keep a close watch on them.

The Service Director for Regulatory Services confirmed that officers were keeping in touch with the Environment to try and provide this reassurance.

Resolved: That the report be received.

Watch the debate here

7. PARKS SHORT LIFE WORKING GROUP UPDATE

Cllr Whieldon provided a verbal update on the first meeting of the Parks and Open Spaces Task & Finish Working Group, an information gathering exercise. Members had raised questions to which officers would provide responses at the next meeting of the working group scheduled on 24th March.

Resolved: That the update be noted.

Watch the debate here

8. NEWCASTLE TOWN CENTRE COMMUNITY SAFETY PARTNERSHIP

The Mobile Multi-Functional Manager presented the update report on the work that had been delivered by the Community Safety Partnership in Newcastle Town Centre in line with the Community Safety Strategic Assessment and Priorities for 2024-25 and the Civic Pride initiative.

Cllr Brown enquired about the Crime & Policing bill currently going through Parliament in relation to increasing enforcement powers to tackle antisocial behaviours as well as the £200 limit on prosecution for shoplifting which had been lifted.

The Mobile Multi-Functional Manager advised that enforcement was always a useful tool. In regard to shoplifting a lot of engagement was being done with business owners who chose not to report offenses. Applications for criminal behaviours orders had been shown to be successful with a knock on effect on shoplifting itself.

5

Cllr Reece referred to the reduction in serious violences instances and asked if a definition of the terms could be provided.

The Mobile Multi-Functional Manager responded that serious violences encompassed a number of offenses such as violence against a person, violence with a weapon and domestic violence. The Council was working in partnership with establishments where this type of violence had been reported to ensure that any trends were dealt with.

Cllr Reece wondered if data pertaining to those trends could be shared.

The Mobile Multi-Functional Manager said that the data was collated as part of the Safe at Night initiative and fed back to business owners so that they could take proactive measures.

Cllr Reece asked how many Fixed Penalties Notices had been issued to individuals and how many had failed to comply.

The Mobile Multi-Functional Manager responded there was a good compliance rate to those notices. A small number of breaches currently going through the Court process and assurance was given that escalation for failure to comply to those notices was handled swiftly, whether that be to injunctions or through criminal behaviours orders.

Cllr Reece enquired about Street Medics funding until the end of March and the reduction and demand on A&E services.

The Mobile Multi-Functional Manager advised that data suggested a variation of incidences that had been dealt with by Street Medics, which could be shared with members of the Committee. The triage provided for low level injuries had a huge impact on the need to call on ambulances and it was intended that the project be continued for another twelve months and be rolled out on a more regular basis.

Cllr Whieldon expressed her satisfaction at hearing that criminal orders were attached to shoplifting.

The Mobile Multi-Functional Manager commented that shoplifters were usually regular offenders and criminal orders were a good alternative to prison to be exploited.

Resolved:

That the report be received, and the successful outcomes achieved in reducing crime and anti-social behaviour, as well as the work in progress to continue to tackle identified priority issues and promote Civic Pride, be noted.

Watch the debate here

9. **NAVIGATION HOUSE**

The Housing Manager presented the report on the review of operations at Navigation House post planning permission being granted and towards ending rough sleeping in the borough.

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Cllr Wilkes welcomed the report and referred to a similar project carried out in Norway with a 90% success rate, also adding that he had personally witnessed the seriousness with which the Council was following up on cases.

The Housing Manager thanked Cllr Wilkes for his feedback.

Cllr Reece asked how things were progressing regarding finding a suitable service provider and if this would be via a tendering framework.

The Housing Manager advised that the specifications were just being finalised so that a tender could go out.

Cllr Reece wondered if the management would be funded through the Shared Prosperity Fund in addition to the Housing Benefits.

The Housing Manager responded that it was designed to be self-funded so that the project doesn't rely on external, finite resources.

Cllr Reece asked if that meant there would be a service charge for residents.

The Housing Manager replied that there would be a supported accommodation module and the care provided would be supported by the housing benefits process.

Cllr Reece asked if data would be collected on the number of alcohol, drugs and antisocial behaviour related incidents.

The Housing Manager confirmed that activities involving the security of residents would be monitored on site.

Cllr Whieldon welcomed the intention to ensure long term funding and enquired about additional resources available through the Prince of Wales.

The Housing Manager commented that this would typically be investigated by the team, bearing in mind that government, finite funding was bringing vulnerability to long term initiatives.

Resolved:

- 1. That the report be received.
- 2. That a tour of Navigation House be undertaken once the building works would be completed to view the accommodation and review the operating policy.
- 3. That a further site visit be undertaken once the accommodation and operating policy had been ongoing for several months as part of the preparations to submit a planning application to continue after the first 12 months.

Watch the debate here

10. WORK PROGRAMME

The Chair stated that the next meeting would feature update reports on the Parks and Open Spaces Task and Finish Working Group and Walleys Quarry Odours, and suggested that an invitation be extended to Staffordshire Police Commander in relation to antisocial behaviours impacting the environment.

Cllr Brown asked that the roll out of the breakfast clubs in school be considered for scrutiny.

Resolved: That the work programme be updated.

11. PUBLIC QUESTION TIME

There were no questions received from members of the public.

12. URGENT BUSINESS

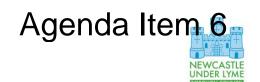
There was no urgent business.

13. **DATE OF NEXT MEETING**

Resolved: That the next meeting be held on the 12th June 2025 at 7pm.

Councillor Rupert Adcock Chair

Meeting concluded at 9.01 pm



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

03 June 2025

Report Title: Walleys Quarry – Odour Issues

Submitted by: Chief Executive

<u>Portfolios</u>: Sustainable Environment; One Council, People & Partnerships

Ward(s) affected: All

Purpose of the Report

Key Decision Yes □ No ⊠

To update Cabinet on the latest position regarding the problematic odours in the Borough associated with Walleys Quarry.

Recommendation

Cabinet is recommended to:

1. Note the contents of this update report.

Reasons

To ensure Cabinet is kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry landfill.

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 which has, until its liquidation been operated by Walleys Quarry Ltd. The Environment Agency (EA) is the lead regulator for permitted landfill 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 11



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 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). 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 have attended 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.
- **1.6** The Council continues to assess the prevalence of odours off site.

2. Complaint Data

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

	Complaints to NuLBC	Complaints to Environment Agency
March 2025	7	42
03/03/25 - 09/03/25	·	
10/03/25 - 16/03/25	14	47
17/03/25 - 23/03/25	4	26
24/03/25 - 30/03/25	5	21
April 2025	0	25
31/03/25 - 6/04/25	O	25
7/04/25 - 13/04/25	15	27
14/04/25 - 20/0425	5	8
21/04/25 - 27/04/25	1	14
May 2025	5	10
28/04/25 - 04/05/25	5	10
05/05/25 - 11/05/25	6	12
12/05/25 -18/05/25	4	11
19/05/25- 25/05/25	1	3
26/05/25 - 01/06/25	2*	Awaiting data

^{*}Figure may alter due to backdated complaints received



2.2 May 2025

- There were no 'odour events' (where 10 or more complaints have been reported) during the month of May
- The highest number of odour complaints was on Saturday 10 May and Monday 12 May with 2 complaints
- The total number of odour complaints in May was 15 complaints

The total number of odour complaints reported each month continues to trend downwards.

NULBC Odour Assessments

2.3 Officers have undertaken odour assessments. 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.

May 2025

In May, 16 spot assessments were undertaken of which 1 detected landfill related odour with an intensity rating of 3 (distinct odour) at Cemetery Road.

NULBC Mobile Air Quality Monitoring (using Jerome monitor)

2.4 There was no hydrogen sulphide monitoring undertaken by Officers during May.

Air Quality

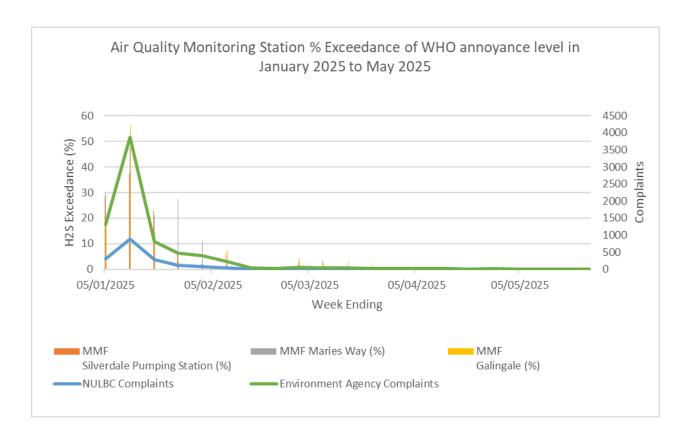
- 2.5 The Council, Staffordshire County Council, and the Environment Agency have jointly funded a campaign of air quality monitoring utilising three static air monitoring stations. The Environment Agency manage and operate these air quality monitoring stations. Data from these stations has been routinely published weekly by the Environment Agency (EA).
- 2.6 The EA air quality data for April 2025 has not to date been published. An update will be provided in the next report.
- 2.7 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 2.

Time Period	MMF Maries Way (%)	MMF Silverdale Pumping Station (%)	MMF Galingale View (%)
03 March - 09 March 2025	0.0	3.3	2.1
10 March -16 March 2025	0.0	0.9	2.9
17 March - 23 March 2025	0.3	0.6	2.4
24 March - 30 March 2025	0.0	0.0	0.0
31 March - 6 April 2025	0.0	0.0	0.0
7 April - 13 April 2025	0.0	0.0	0.0
14 April - 20 April 2025	0.0	0.0	0.0
21 April - 27 April 2025	0.0	0.0	0.0
28 April - 4 May 2025	0.0	0.0	0.0



5 May - 11 May 2025	0.0	0.0	0.0
12 May - 18 May 2025	0.0	0.0	0.0
19 May - 25 May 2025	0.0	0.0	0.0

2.8 The complaint data and weekly % exceedance of the WHO annoyance level for 2025 have been combined and is shown on the graph below:



Environment Agency Regulatory and Enforcement Action

- 2.9 The Environment Agency has continued to provide updates on its regulatory activity on the Walleys Quarry Landfill and can be accessed here:

 https://engageenvironmentagency.uk.engagementhq.com/hub-page/walleys-quarry-landfill
- **2.10** No further Compliance and Assessment Reports have been published on the EA website since the previous Cabinet report.

Frequently Asked Questions

- **2.11** The Environment Agency updated [23 May 2025] their Frequently Asked Questions with questions split into 10 sub-sections:
 - Landfill Regulation and Environmental Permits
 - Odour
 - Air Monitoring and Health
 - Landfill Design
 - Public Register
 - Engagement
 - Investigations



- Hydrogen Sulphide analyser calibration issue
- Closure Notice
- Effect of Walleys Quarry Ltd entering liquidation

Progress with onsite works

2.12 The EA have published the following updates:

2.13 Latest News 14/05/25

'We would like to thank the community for their patience in relation to the steps being taken on the site, following Walleys Quarry Ltd entering into Liquidation and the permit being disclaimed.

Since the last update on 23 April 2025, our contractors have completed the new access track on the western flank of the landfill site. This will allow access to this part of the site for equipment and materials so contractors can remedy numerous capping defects. Materials continue to be brought onto the site for this and other works. The access track may be extended depending on the need.

During the next 4 weeks, further excavations and movements of materials will also be undertaken to progress works within the void area and along the inner western flank.

Odour from the site may increase when pipework is temporarily disconnected and realigned to minimise the risk of accidental damage. Contractors will do their best to minimise any excavation and re-profiling of odorous waste.

In addition, there is no intention to undertake works over the May Bank Holiday weekend, in order to further minimise any local impact.



Construction of an access track by contractors on the western side and crest of Walleys Quarry, in May 2025'

2.14 On a separate note the EA have updated the layout of their Engagement HQ website for Walleys Quarry Landfill Site.



'None of the previous information has been removed but it has been relocated.

You will now find the Background, Our Strategy, Closure Notice, and Permit Compliance pages in our library section under the heading Historic Regulation'.

Walleys Quarry Limited Update- Voluntary Liquidation [28 February 2025]

2.15 No further updates have been uploaded to the filing history for Walleys Quarry Ltd on Companies House.

NuLBC Update

- **2.16** We will offer both the EA and liquidator any support we can within our powers to keep this landfill under control, as it is currently.
- **2.17** We will continue to monitor the data in relation to the landfill.
- **2.18** We will continue to undertake odour monitoring and assessments in the community.
- 2.19 We would ask that should the community be adversely affected by odour that complaints are logged to the EA or ourselves via Report a problem or concern about Walleys Quarry Newcastle-under-Lyme Borough Council.
- 2.20 On 06 May the Council issued a press release to confirm that the legal proceedings against Walleys Quarry Ltd for failing to control emissions from the landfill could no longer proceed now that the business had entered liquidation.

Gordon Mole, Chief Executive of Newcastle-under-Lyme Borough Council, said:

"For legal reasons the action for breaching the Abatement Notice had to be against the site operator. Now that the company no longer exists, the action cannot continue.

It is frustrating that we no longer have the opportunity to see the operator in court but when we initiated the legal action the site was fully operational and generating thousands of complaints from the community.

Although we are not the main regulator for the site, we wanted to do all we could to help residents within our limited powers."

"Pursuing this complex legal action has cost around a third of what it might have done, and there is no doubt that it was the right thing to do.

When we acted on behalf of residents there was no sign or promise of the EA's closure notice being issued, and the day-to-day life of residents blighted by this odour was terrible.

We had to use the limited powers available to us as best we could on behalf of the community."

Key Performance Data

2.21 Through the settlement agreement both Walleys Quarry Ltd and the Council had developed key performance indicators in relation to relevant data from each organisation, only data for NuLBC is available, following Walleys Quarry Ltd liquidation. The NuLBC data is shown in Appendix 3.



2.22 The data from the Council covers the period from March 2025 to May 2025 and provides complaint numbers and officer assessments.

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.

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.



- In 2024, the Council established breaches of the abatement notice. As the Council was not the primary regulatory permission to undertake legal proceeding was sought from the Secretary of State. This permission was received in July 2024, preparation for legal proceedings commenced, with the intention to issue proceedings in late 2024.
- 6.3 This report details both the EA closure notice and subsequent appeal against the closure notice, which the Borough Council was a principal party to present evidence in relation to the statutory odour nuisance.
- **6.4** Walleys Quarry Ltd in February 2025 entered voluntary liquidation.
- 6.5 Upon the liquidation of Walleys Quarry Ltd, the abatement notice and the legal requirements in respect of odours, will cease to be enforceable. As a result, the legal proceedings will not continue.

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 On 20 November 2024 Council approved a further sum of £400k (£250k from the General Fund Reserve, £150k from the Budget and Borrowing Support Fund) for costs associated with action to prosecute, and delegate to the Chief Executive and Section 151 Officer, in consultation with the Portfolio Holders for One Council, People and Performance and Town Centres and Finance, to draw down and remit such funds as and when necessary for this action.
- 8.4 On 25 February 2025 the Council was listed as a creditor in the 'Notice of Statement of Affairs' signed by a Director of Walleys Quarry Ltd. The amount owed to the Council is £132,097.20. This outstanding debt is made up of £102,000 in respect of the legal fees agreed through the mediated settlement in court back in October 2022 relating to the Abatement Notice. The remaining amount relates to outstanding Business Rates.
- 8.5 The Council is now in correspondence with Walleys Quarry liquidators in order to recover these outstanding monies. Updates on this situation will be provided as and when available.

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:
 - 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. <u>UN Sustainable Development Goals (UNSDG)</u>

















11. One Council

11.1	Please confirm that consideration has be	een given to the following programmes of w	ork

One Commercial Council

One Digital Council

The Council will use all available monitoring data and digital tools in making strategic and operational decisions in relation to Walleys Quarry.

One Green Council

The Council is not a user of Walleys Quarry. Within its restricted powers, the Council is committed to ensuring that waste does not cause a nuisance for residents and ultimately wishes to see the end of landfill, with a site that is successful closed, capped off and restored.

12. Key Decision Information

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

13. <u>Earlier Cabinet/Committee Resolutions</u>

13.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21st 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, 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 Dagger



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, 15th October 2024, 5th November 2024, 25th November 2024, 3rd December 2024, 9th January 2025, 4th February 2025, 18th March 2025, 6th May 2025.

14. <u>List of Appendices</u>

- **14.1** Appendix 1. Historical Complaint data
- **14.2** Appendix 2. Percentage exceedance above WHO odour annoyance guideline
- **14.3** Appendix 3. NULBC 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	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-Apr	17	75
09-Jul	18	46	21-Apr	32	145
16-Jul	20	54	28-Apr	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-Jun	75	207
27-Aug	8	38	09-Jun	38	114
03-Sep	11	59	16-Jun	50	147
10-Sept	26	71	23-Jun	67	189
17-Sept	12	72	30-Jun	117	298
24-Sept	8	31	07-Jul	45	103
24-Зері 01-Осt	8	26	14-Jul	52	155
08-Oct	8	37	21-Juy	118	277
	29	64	28-Jul	93	189
15-Oct 22-Oct	22	81	04-Aug	61	162
22-0ct 29-0ct	26	115	11-Aug	53	143
	5	15	18-Aug	50	160
05-Nov	40	123	25-Aug	35	185
12 Nov	35	119	01-Sept	7	46
19-Nov	36	135	08-Sept	14	42
26-Nov	115	265	15-Sept	25	95
3-Dec	83	151	· '	43	118
10-Dec	48		22-Sept		
17-Dec	28	180	29-Sept 06-Oct	16	53 147
24-Dec	44	79	+	52	+
31-Dec	44	129	13-Oct	80	187
2024	220	007	20-Oct	37	136
07-Jan	236	627	27-Oct	100	311
14-Jan	76 270	268	03-Nov	46	163
21-Jan	86	824 261	10-Nov 17-Nov	41 251	153 793
28-Jan	133	416	24-Nov	252	842
04-Feb	382	905	1-Dec	518	1478
11-Feb	186		8 -Dec	261	760
18-Feb	397	527	15-Dec	182	518
25-Feb		1264	22-Dec	220	797
03-Mar	333	990			
10-Mar	218	694	29-Dec	418	1644
17-Mar	103	374	-	-	-

Week Ending	Agency		Week Ending	Complaints to NuLBC	Complaints to Environment Agency
2025					
05-Jan	303	1315			
12-Jan	894	3878			
19 Jan	283	803			
26-Jan	109	470			
02-Feb	72	404			
09-Feb	47	221			
16-Feb	8	39			
23-Feb	6	26			
02-March	19	65			
09-March	7	42			
16-March	14	47			
23-March	4	26			
30-March	5	21			
06-April	0	25			
13-April	15	27			
20-April	5	8			



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
29January – 04 February 2024	18.6		23.4
05 February – 11 February 2024	20.8		22.6
12 February – 18February 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	8.1
10 June – 16 June 2024	0.6	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	15.2
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
	MMF	MMF	MMF
	Maries Way (%)	Silverdale Pumping Station (%)	Galingale View (%)
02 September - 08 September 2024	0.6	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
28 October - 03 November 2024	13.2	1.5	15.0
04 November -10 November 2024	47.9	2.1	0.3
11 November -17 November 2024	4.80	7.49	20.40
18 November - 24 November 2024	8.0	5.4	6.5
02 December - 8 December 2024	11.9	10.3	3.9
09 December - 15 December 2024	7.1	0.6	22.3
16 December - 22 December 2024	3.3	13.6	14.5
23 December - 29 December 2024	22.9	25.6	16.4
04 November - 10 November 2024	47.9	2.1	0.3
11 November - 17 November 2024	4.8	7.49	20.4
18 November - 24 November 2024	8.0	5.4	6.5
25 November - 1 December 2024	32.7	16.1	13.7
2 December - 8 December 2024	11.9	10.3	3.9
9 December - 15 December 2024	7.1	0.6	22.3
16 December - 22 December 2024	3.3	13.6	14.5
23 December - 29 December 2024	22.9	25.6	16.4
30 December - 05 January 2025	30.0	28.7	20.7
06 January - 12 January 2025	47.6	37.6	56.4
13 January - 19 January 2025	21.3	22.8	14.4
20 January - 26 January 2025	27.4	6.3	3.3
27 January - 02 February 2025	10.9	2.1	1.8
03 February - 09 February 2025	1.6	6.3	7.6

10 February - 16 February 2025	0.0	0.0	0.0
17 February - 23 February 2025	0.0	0.3	0.0
24 February - 02 March 2025	0.0	3.0	4.5
03 March - 09 March 2025	0.0	3.3	2.1
10 March -16 March 2025	0.0	0.9	2.9
17 March - 23 March 2025	0.3	0.6	2.4
24 March - 30 March 2025	0.0	0.0	0.0
31 March - 6 April 2025	0.0	0.0	0.0
7 April - 13 April 2025	0.0	0.0	0.0
14 April - 20 April 2025	0.0	0.0	0.0
21 April - 27 April 2025	0.0	0.0	0.0



<u>Appendix 3</u> – NULBC Key Performance Indicators

	NULBC	Information	Measurement	March 2025	April 2025	May 2025
L/DL 4	00140141170		•			45
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number	Number of unique properties reporting complaints= 19 Rating 0 = 0 Rating 1 = 0	24 * Revised figure due a back dated complaint Number of unique properties reporting complaints= 8 Rating 0 = 0 Rating 1 = 0	Number of unique properties reporting complaints= 8 Rating 0 = 0 Rating 1 = 0
				Rating 2 = 2 Rating 3 = 9 Rating 4 = 16 complaints (39.0%) Rating 5 = 8 complaints (19.5%) Rating 6 = 6 complaints (14.6%)	Rating 2 = 0 Rating 3 = 5 Rating 4 = 10 complaints (41.7%) Rating 5 = 5 complaints (20.8%) Rating 6 = 4 complaints (16.7%)	Rating 2 = 0 Rating 3 = 4 Rating 4 = 5 complaints (33.3%) Rating 5 = 4 complaints (26.7%) Rating 6 = 2 complaints (13.3%)
				% of complaints reporting odour entering the property = 31 (75.6%) % of complaints reporting health effects = 33	% of complaints reporting odour entering the property = 20 (83.3%) % of complaints reporting health effects = 24	% of complaints reporting odour entering the property = 14 (93.3%) % of complaints reporting health effects = 15
				(80.5%)	(100%)	(100%)
KPI 2		Complaints reported (daytime 07:00-23:00)	Number	36	20	14
4		Complaints reported (night-time 23:00-07:00)	Number	5	4	1
KPI 4		Highest number of complaints during the period	Date (number of complaints)	01/03/2025 (7)	10/04/25 (4)	10/05/25 (2) 12/05/25 (2)

	NULBC	Information	Measurement	MMF Location	March 2025	April 2025	May 2025
				Name			
KPI 5	AIR QUALITY	Percentage	%	MMF Maries	0.3%	Awaiting data	Awaiting data
		exceedance		Way			
		Odour		MMF	1.2%	Awaiting data	Awaiting data
		Annoyance		Silverdale			
		Guideline		Pumping			
		(Hydrogen		Station			
		Sulphide 30-		MMF Galingale	3.4%	Awaiting data	Awaiting data
		minute		View			
		average)					
KPI 6		Monthly	ug/m3 over	MMF Maries	2.1ug/m3	Awaiting data	Awaiting data
		Average H₂S	the month	Way			
				MMF	1.1ug/m3	Awaiting data	Awaiting data
				Silverdale			
				Pumping			
				Station			
				MMF Galingale	1.3ug/m3	Awaiting data	Awaiting data
				View			
KPI 7	H₂S PEAK	Level	ug/m3	MMF Maries	18.52ug/m3	Awaiting data	Awaiting data
	LEVEL	measured		Way	19/03/25 07:50		
		over a 5-		MMF	40.42ug/m3	Awaiting data	Awaiting data
		minute		Silverdale	02/03/25 17:50		
		period		Pumping			
		Date & Time		Station			
				MMF Galingale	22.14ug/m3	Awaiting data	Awaiting data
				View	09/03/25 07:05		
KPI 8	OFFICER	Odour Rating	Max Intensity		No 5-minute assessments	No 5-minute assessments	No 5-minute assessments
	ASSESSMENTS	- Officer	Rating		undertaken	undertaken	undertaken
		odour					
		assessment					
		(5 minute)					

HEALTH, WELLBEING AND ENVIRONMENT SCRUTINY COMMITTEE



Work Programme 2025-26

Chair Cllr R. Adcock Vice-Chair Cllr I. Wilkes

Members Cllrs S. Beeston, L. Barker, N. Crisp, S. Dymond, P.

Northcott, P. Reece, L. Richards, J. Whieldon and R.

Wright

Scrutiny Champion Craig Jordan

Portfolio Holders within the Cllr Gill Heesom – Community Safety and Well Being Committee's remit 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 <u>Constitution</u> 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
12 th June 2025	Walleys Quarry Odour Issues Parks 2 Ones Ones Task 2 Finish Westing Ones Ones Ones Ones Ones Ones Ones Ones	Officer: Nesta Barker
	Parks & Open Spaces Task & Finish Working Group In data	Officer: Andrew Bird
	Update	Contact: Chief Inspector Darren McGrath
	 Policing Antisocial Behaviours in the Borough – Staffordshire Police 	
15 th September 2025	Review of the Animal Welfare Charter	Officer: Roger Tait
	Walleys Quarry Update Report	
24 th November 2025	Review of the Gambling Policy 2024	Officer: Nesta Barker
	Walleys Quarry Update Report	

Future Items

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

Progress to Net Zero and North Staffordshire Local Air Quality (formerly A53 bus gate) reports to be scheduled

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
3 rd March 2025	 Newcastle Fire Station Update and Performance Walleys Quarry Update Report Parks & Open Spaces Task & Finish Working Update 	Contact: Glynn Luznyj Officer: Nesta Barker Officer: Andrew Bird Officer: Gill Taylor

	 International House – review of operation post planning permission being granted Newcastle Town Centre - Community Safety Partnership 	Officer: Roger Tait
25 th November 2024	 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
16 th September 2024	 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	Walleys Quarry Odours UpdateYouth Obesity - J2 Play ProvisionsChief Fire Officer Update	Officer: Nesta Barker Officer Jo Halliday Contact: Glynn Luznyj

Last updated on 30th May 2025

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