

Date of meeting Tuesday, 15th October, 2024
Time 2.00 pm
Venue Astley Room - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**

BOROUGH COUNCIL

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

Cabinet

AGENDA

OPEN AGENDA

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES OF PREVIOUS MEETINGS** **(Pages 5 - 12)**
To consider the Minutes of the previous meeting.
- 4 WALLEYS QUARRY UPDATE** **(Pages 13 - 38)**
- 5 CONTRACT AWARD FOR THE DIGITAL INFRASTRUCTURE PROJECT** **(Pages 39 - 46)**
- 6 BOROUGH LOCAL PLAN EXAMINATION COSTS AND FUNDING** **(Pages 47 - 52)**
- 7 PROPOSED ANIMAL WELFARE CHARTER** **(Pages 53 - 68)**
- 8 FORWARD PLAN** **(Pages 69 - 74)**
- 9 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
- 10 DISCLOSURE OF EXEMPT INFORMATION**
To resolve that the public be excluded from the meeting during consideration of the following reports, because it is likely that there will be disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

11 CONTRACT AWARD FOR THE DIGITAL INFRASTRUCTURE PROJECT (CONFIDENTIAL REPORT) (Pages 75 - 76)

ATTENDANCE AT CABINET MEETINGS

Councillor attendance at Cabinet meetings:

- (1) The Chair or spokesperson of the Council's scrutiny committees and the mover of any motion referred to Cabinet shall be entitled to attend any formal public meeting of Cabinet to speak.
- (2) Other persons including non-executive members of the Council may speak at such meetings with the permission of the Chair of the Cabinet.

Public attendance at Cabinet meetings:

- (1) If a member of the public wishes to ask a question(s) at a meeting of Cabinet, they should serve two clear days' notice in writing of any such question(s) to the appropriate committee officer.
- (2) The Council Leader as Chair of Cabinet is given the discretion to waive the above deadline and assess the permissibility of the question(s). The Chair's decision will be final.
- (3) The maximum limit is three public questions at any one Cabinet meeting.
- (4) A maximum limit of three minutes is provided for each person to ask an initial question or make an initial statement to the Cabinet.
- (5) Any questions deemed to be repetitious or vexatious will be disallowed at the discretion of the Chair.

Members: Councillors S Tagg (Leader) (Chair), Sweeney (Vice-Chair), Heesom, Fear, Skelding and Hutchison

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 Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

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:

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.

CABINET

Tuesday, 10th September, 2024
Time of Commencement: 2.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Simon Tagg (Chair)		
Councillors:	Sweeney	Skelding	Hutchison
Apologies:	Councillor(s) Heesom and Fear		
Officers:	Gordon Mole Anthony Harold Sarah Wilkes Andrew Bird Geoff Durham Paul Dutton	Chief Executive Service Director - Legal & Governance / Monitoring Officer Service Director - Finance / S151 Officer Service Director - Sustainable Environment Civic & Member Support Officer Senior Media Officer	

1. **APOLOGIES**

Apologies were received as listed above.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETINGS**

Resolved: That the minutes of the meeting held on 16th July 2024 be agreed as a correct record.

4. **WALLEYS QUARRY ODOUR UPDATE**

The Leader introduced the update report on the latest position regarding the problematic odours associated with Walleys Quarry. The Chief Executive provided an overview of the current situation with highlights on the scrutiny work carried out by the Committee of Inquiry, information published by the Environment Agency and a recent landfill fire incident.

The Leader referred to a meeting held with the operator the previous day where it had been suggested to give better consideration to CCTV on site and for policies in place to be reviewed. The Environment Agency would need to be involved and changes reported to the liaison committee.

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The Portfolio Holder for Sustainable Environment gave further insights on the work of Committee of Inquiry, with contributions from the Leader along with former MP Aaron Bell, the Borough Council Regulatory Services, and the Health, Environment and Wellbeing Scrutiny Committee. The County Council Director of Public Health as well as Dr Scott from Silverdale and Ryecroft Practice were also involved. A report would be submitted to full Council on 25th September.

The Deputy Leader asked about paragraph 2.37 of the report. The Chief Executive confirmed that the operator had reached out to the County Council for a pre-application meeting towards complete restoration of the site and subsequently issued a statement.

The Leader commented on the opportunities and options referred to and questioned for whom these would be. The fact the operator was intending further development was concerning and the Borough Council would remain committed to a full closure of the site. An update on the process in relation to legal action would be made available at the end of September.

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

[Watch the debate here](#)

5. ANNUAL REPORT 2023/24

The Leader introduced the Annual Report for 2023-24 on the progress made during the second year of the Council's Plan for 2022-26 including contextual information on the financial challenges and operating environment for the Council's priorities.

The publication of an annual report was accepted good practice and a key element in the Council's governance and assurance framework providing transparency to stakeholders on progress made, the handling of key risks, the financial outlook of the authority and evidence-based strategy development.

Challenges and achievements were highlighted including Walleys Quarry, Britain in Bloom, the 850th anniversary of the Borough, the Council's transformation programme and regeneration plans, the Vulnerability Hub and the appointment of a new Chief Executive.

Members commented as follows:

- The Deputy Leader expressed his satisfaction over the way the Council was managing its finances and the speed at which funds were allocated towards agreed developments.
- The Portfolio Holder for Sustainable Environment shared his contentment on food hygiene inspections, recycling and waste management, dog control and alcohol prohibition in local parks and the draft Local Plan.
- The Portfolio Holder for Leisure, Culture and Heritage was pleased with Britain in Bloom outcomes, the Brampton Museum's involvement in the 850th anniversary's celebrations and notably the many events organised and awards received by the museum, and the management of the Jubilee 2 facility.

Resolved: (i) That the Council's Annual Report for 2023-24 be received.

(ii) That the 2023-24 Annual Report be referred to Full Council's 25th September 2024 meeting.

[Watch the debate here](#)

6. PROVISIONAL FINANCIAL OUTTURN 2023/24

The Deputy Leader introduced the report on the provisional financial outturn for 2023-24, drawing members' attention to the £505,000 shortfall in housing benefits subsidy grant for which full subsidy was not claimable.

Resolved: That the General Fund outturn and key issues in respect of the Council's financial position as at 31st March 2024, be noted.

[Watch the debate here](#)

7. MEDIUM TERM FINANCIAL STRATEGY 2025/26

The Deputy Leader introduced the report on the Medium Term Financial Strategy and the financial pressures facing the Council for the period 2025-26 to 2029-30.

The Portfolio Holder for Sustainable Environment commented that he would be meeting with the four officers in his portfolio and would be reporting his finding to the Efficiency Board later in the month.

The Leader provided background information on the Efficiency Board process set to achieve savings as part of the budget which would be submitted to Full Council in February 2025.

The Leader also reminded members of the commitment for the Council Tax increase to remain not higher than 1.9% which the Council had so far managed to deliver. This was particularly relevant considering the current situation in terms of cost of living and a loss of allowances for 23,000 pensioners in Newcastle.

Resolved: (i) That the funding pressures of £1.429m in 2025/26 and £5.251m over the 5-year period covered by the Medium-Term Financial Strategy (MTFS), be noted.

(ii) That the approach regarding the development of savings and income generation proposals in the medium-term, be agreed.

(iii) That the continued uncertainty regarding the medium-term impact of local government funding, be noted.

[Watch the debate here](#)

8. BRADWELL DINGLE PLAY AND RECREATIONAL FACILITY IMPROVEMENTS

The Portfolio Holder for Sustainable Environment presented the report on the Bradwell Dingle play and recreational facilities' improvement project.

The following question had been received from The Friends of Bradwell Dingle:

"Can the agenda specification include a requirement for the contractor who will oversee the works to work throughout the project with the Friends of Bradwell Dingle on community

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engagement? This would be with the aim to reduce antisocial behaviour at the park including reducing the risk of damage to the newly installed facilities.”

The Portfolio Holder for Sustainable Environment suggested that the Landscape and Community Team Leader and himself meet with the organisation to scope out what was feasible in this regard in the view of incorporating something affordable and appropriate into the contract.

The Leader expressed his support to both the project and the suggestion.

The Portfolio Holder for Leisure, Culture and Heritage commented that antisocial behaviour had faded away since the build of the facility which was well used and very much needed.

The Portfolio Holder for Sustainable Environment added that two surveys had taken place in the recent years and residents could be contacted again to share their opinion.

- Resolved:**
- (i) That the principles of the scheme for play and recreational facilities at Bradwell Dingle be approved.
 - (ii) That officers be authorised to appoint a consultant to undertake further consultation, detailed design, and delivery of the project.
 - (iii) That the use of the allocated £492,419.00 Section 106 funding for the delivery of the project be approved.
 - (iv) That the approval of the detailed design be delegated to the Service Director – Neighbourhood Delivery, in consultation with the Portfolio Holder for Sustainable Environment.
 - (v) That officers be authorised to seek and accept the best value tender for the delivery of the project.

[Watch the debate here](#)

9. STAFFORDSHIRE WIDE AGREEMENT ON CLIMATE PLANNING POLICIES

The Portfolio Holder for Sustainable Environment presented the report on a Staffordshire-wide agreement on climate planning policies produced jointly by the local planning authorities in Staffordshire.

The Leader welcomed the project and stated that the Council would be one of the first ones on board. The agreement would set a standard on what the net zero emission target meant for the borough and for the new developments coming with regeneration projects.

- Resolved:** That Newcastle-under-Lyme Borough Council become a signatory to the Staffordshire planning policy commitments shared statement annexed as Appendix 1 and support the policy directions and future evidence requirements to support the transition towards achieving net zero carbon emissions for the borough by 2050.

[Watch the meeting here](#)

10. **NORTH STAFFORDSHIRE BUILDING CONTROL PARTNERSHIP - RENEWAL OF SERVICE LEVEL AGREEMENT**

The Leader introduced the report on the renewal of the shared building control service between Stoke-on-Trent City Council and Newcastle-Under-Lyme Borough Council which allowed for a resilient and sustainable service at a financial cost which was appropriate to both local authorities.

The Deputy Leader commented that the 5 years rolling regime worked well.

Resolved: (i) That the renewal of the shared building control service between Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council to discharge the statutory building control functions for the Borough Council to 2029, unless terminated earlier in accordance with the provisions of the agreed deed, be approved.

(ii) That the Portfolio Holder for Strategic Planning in consultation with the Service Director for Planning, be given delegated authority to finalise the specific terms and conditions and sign the updated partnership agreement on behalf of the Borough Council including any necessary data sharing requirement agreements.

(iii) That the Service Director for Planning be given delegated authority to oversee delivery of the building control services provided by Stoke-on-Trent City Council to the Borough Council in accordance with the partnership agreement; review the Annual Business Plan and fee setting proposals; attend quarterly meetings with Stoke-On-Trent City Council to review performance including in terms of finance; and, report on performance to the relevant Scrutiny Committee at the Borough Council.

[Watch the debate here](#)

11. **NORTH STAFFORDSHIRE LOCAL AIR QUALITY PLAN (NSLAQP)**

The Leader introduced the report on the progression of plans for tackling air quality related to road traffic pollution on the A53 Etruria Road at Basford Bank. The project of a bus gate had been rejected by the Council, taking away the risk of traffic being transferred to local roads.

An alternative proposal was to be discussed as exempt business during the closed session, which the Portfolio Holder for Sustainable Environment was looking forward to. A close monitoring of the air quality in the area had been undertaken through receptors placed on lamp posts.

Resolved: (i) That the options for addressing air quality in line with a Ministerial Direction, be considered.

(ii) That the details and the progression of a plan which is an alternative to the A53 bus gate be noted and agreed. Details of which are set out in the Restricted Report, which is not for publication by virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972. Information relating to the financial or business

affairs of any particular person (including the authority holding that information).

[Watch the debate here](#)

12. Q1 FINANCE AND PERFORMANCE REPORT 2024/25

The Deputy Leader introduced the Quarter 1 Finance and Performance Report for 2024-25 on the performance of individual council services and progress with delivery against priorities and financial information.

The Leader then went through the Performance Indicators, 82% of which had met their targets. Portfolio holders were invited to comment.

Priority 1: One Council delivering for Local People

Stage 1 complaints processed within twenty working days had almost met the target of 85% being at 83.33%.

The percentage of food premises that had a zero or one national food hygiene rating met the target being well below 3% at 0.73%.

The staff turnover and vacancy rate were heading in the right direction.

The percentage of the council tax collected met the target.

Online transactions were slightly down compared to the previous year's figures.

Priority 2: A Successful and Sustainable Growing Borough

The percentage of complainants informed within the required timescales of actions to be taken regarding breaches of planning control was below target, which seemed to be related to the implementation of a new enforcement policy and structure.

Street scene and recycling met the target, with notably 53% for recycling and 44.5% of household participating in food waste collections which were then used to generate energy. The byproduct was pasteurised and going back to farmland and Staffordshire infrastructure as nutrient rich fertiliser.

Priority 3: Healthy, Active and Safe Communities

The number of people accessing the museum's collections in person was still well above targets. National awards had been received.

The Jubilee 2 sports centre membership growth was a massive achievement.

Antisocial behaviours had seen a massive drop and the Community Safety Action Plan was being updated based on priorities identified in strategic assessment. Operational work was continuing in the town centre.

Work was being done to address the increase of emergency homeless cases and applications.

Priority 4: Town Centres for All

The number of parking tickets purchased was slightly below target due to the closure of some parking spaces, to allow regeneration projects to progress.

Data relating to the town centre footfall normally provided by the BID was under review and would be provided at a later date.

Stall occupancy was also under review.

Resolved: That the contents of the report and appendices be noted and that Cabinet continue to monitor and challenge the Council's service and financial performance for this period.

[Watch the debate here](#)

13. **FORWARD PLAN**

Resolved: That the Forward Plan be received and noted.

[Watch the debate here](#)

14. **URGENT BUSINESS**

There was no urgent business.

15. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved: That the public be excluded from the meeting during consideration of the following matter because it was likely that there would be disclosure of exempt information as defined in paragraphs 1,2, and 7 in Part 1 of Schedule 12A of the Local Government Act, 1972.

16. **NORTH STAFFORDSHIRE LOCAL AIR QUALITY PLAN (NSLAQP) - CONFIDENTIAL REPORT**

17. **NORTH STAFFORDSHIRE BUILDING CONTROL PARTNERSHIP - RENEWAL OF SERVICE LEVEL AGREEMENT**

**Councillor Simon Tagg
Chair**

Meeting concluded at 3.24 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

15 October 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 Officers maintain an ongoing dialogue with Walleys Quarry Ltd, and with other agencies involved with the issue. Cabinet has received monthly updates on the issues relating to the odours, and Council has also been regularly updated.

2. Complaint Data

- 2.1 Below is a schedule of complaints received by the Council and by the Environment Agency 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
July 2024		
01/07/24- 07/07/24	45	103
08/07/24-14/07/24	52	155
15/07/24 -21/07/24	118	277
22/07/24 -28/07/24	93	189
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

*Revised figure please refer to paragraph below

As highlighted in the previous report Officers have reviewed the odour events that occurred on 20 and 21 August 2024. The complaints which described the odour as being:

- ‘urine’,
- ‘manure’
- ‘sewage’
- ‘toilet’

- 'different...from before'

for this 2-day period have been removed from the Walleys Quarry complaint statistics. This has amended the daily complaint figures as follows:

Date	Number of complaints		
	Previously reported figure	Complaints linked to alternative source	Revised figure
20 August	23	10	13
21 August	24	13	11

Please note that the total number of complaints for August reported in Appendix 2 has been revised from 197 to 174 complaints.

September 2024

There have been 3 odour events in the month of September:

- Friday 13 September 2024
- Tuesday 17 September 2024
- Thursday 19 September 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, 10 assessments were undertaken over 5 mins. Each assessment detected landfill related odour. 7 of the 10 assessments recorded a maximum intensity rating of 4.

69 spot assessments were undertaken of which landfill related odour was detected in 31 assessments with intensity ratings from 1 (very weak) to 4 (strong odour).

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 24.17ppb at Galingale View on 13 September 2024.

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 into

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.”

Scrutiny- Committee of Inquiry

- 2.9** A member-led committee of inquiry has been set up to look at the impact on local communities from the Walleys Quarry Landfill operation.

The specific lines of inquiry have been determined by Full Council and are as follows:

- What is the impact of the ongoing odour issue?
- What needs to be done next, and by whom, to bring about resolution?
- What, if any, opportunities have been missed to resolve this issue sooner?

- 2.10** The summary was presented to Full Council on 25 September 2024 with the following recommendations:

The Committee of Inquiry's recommendations, along with an update on actions, is shown below:

- 0. For the Environment Agency to serve a closure notice to commence the process of the site being closed**
- 1. Support further legal action being taken by the Borough Council.** The Council has confirmed that it is progressing legal action (see para 2.9)
- 2. Investigate the costs for restoration of the site against the value of the restoration bond.**
- 3. Seek evidence of previous core sampling and carry out new sampling if safe to do so, to establish waste content.**
- 4. Reiterate the need for a Government-led Public Inquiry into the role of the EA as a regulator and their failings in respect of the Walleys Quarry site.** On 30 September 2024 the Chief Executive wrote to the Office of Environmental Protection.
- 5. Note that the Office for Environmental Protection (OEP) is the appropriate body to support such an Inquiry.** On 30 September 2024 the Chief Executive wrote to the Office of Environmental Protection.

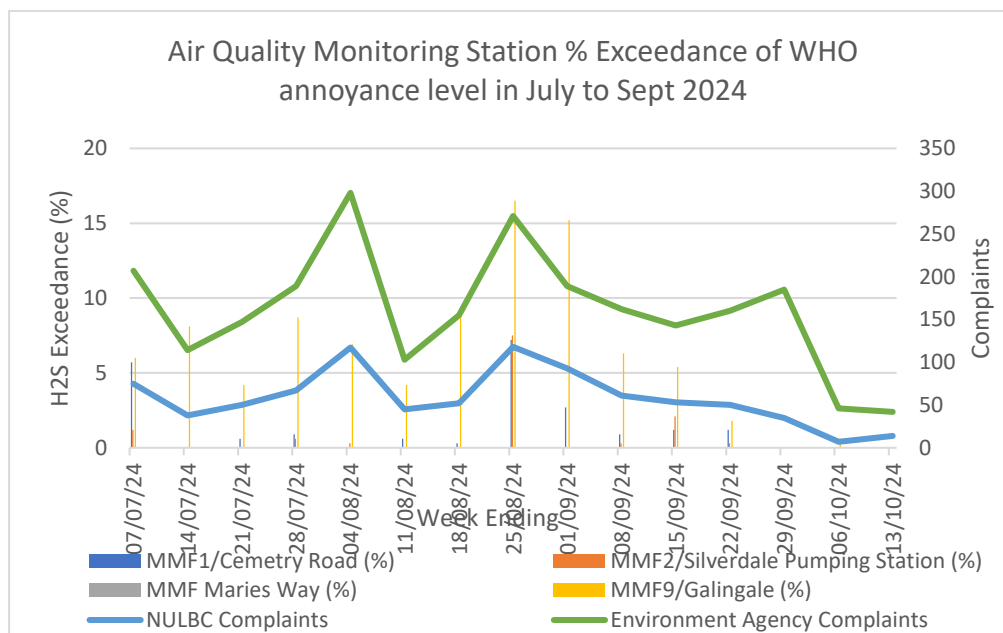
6. It was suggested that the WQ Liaison Committee should continue to look at restoration plans to ensure that the site is capped and restored effectively and to the correct standards. The Liaison Committee meetings are ongoing.
7. Independent monitoring of emissions on the site are needed, to restore public confidence in findings.
8. Implement Dr Scott's coding system in use at the Silverdale and Keele GP practices across all surgeries in the borough, to capture health issues.
9. Share a copy of this report with the Chartered Institute of Waste Management and invite their comment on the findings. On 30 September 2024, the Chief Executive wrote to the Chartered Institute of Waste Management [CIWM].
10. A copy of this report to be sent to ARCADIS consultants for information. On 8th October 2024 a copy of the report was sent to Arcadis.

Air Quality:

- 2.11 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).
- 2.12 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 4.

Time Period	MMF1 (%)	MMF 2 (%)	MMF 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
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 Galinagle 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

- 2.13 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

- 2.14** 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

- 2.15** The Environment Agency has continued to provide updates on their regulatory activity on the Walleys Quarry Landfill and can be accessed here: <https://engageenvironmentagency.uk.engagementhq.com/hub-page/walleys-quarry-landfill>
- 2.16** 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.
- 2.17** 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
31.03.24	13.09.24	DP3734DC/0506294	2024 Q1 Monitoring Data Review (Jan-Mar) Note: amended and revised copy issued	16.1
01.05.24	20.08.24	DP3734DC-0507639	Audit - Waste acceptance & Appendix	0
19.07.24	08.08.24	DP3734DC-0514302	Site inspection - unannounced	0
05.08.24	14.08.24	DP3734DC-0514920	Site inspection Fire incident response, Management and Impacts,	0

			engineering and containment	
06.08.24	16.08.24	DP3734DC-0514923	Site visit – announced	0
08.08.24	08.08.24	DP3734DC-0514520	Report/data review – Cell 4 Upper sidewall CQA report	0
15.08.24	22.08.24	DP3734DC-0516045	Site inspection – unannounced	0
30.08.24	30.08.24	DP3734DC-0517140	Report/data review – temporary capping assessment report Q2	0
30.08.24	30.08.24	DP3734DC-0517145	Report/data review-capping and restoration works 2023 CQA report	0

Non-compliance identified in Compliance and Assessment Reports

2.18 The amended Compliance and Assessment Report dated 31 March 2024 and issued on 13 September relates to Quarter 1 monitoring period January 2024- March 2024.

2.19 The table below summarises the non-compliance, the potential impact, and the category of non-compliance/CCS score allocated.

Non-compliance	Impact on environment	Category	CCS
Leachate recorded above the compliance limit of 83m AOD for wells LS1C, LS2C, LS3A, LS4 and LS5A.	Minor	3	4
The compliance limit of 1m above the basal seal has also been exceeded for wells LS6, LS7A, LS8 and LS9.			
Methane exceedance against a limit of 1 %, recorded in the 8 boreholes.	Minor	3	4
Ammoniacal nitrogen exceedance against a limit of 0.5mg/l at the pumped groundwater discharge in lagoon O1 2024	Minor	3	4
Failed to undertake all monitoring required by schedule 3, namely: <ul style="list-style-type: none"> Table S3.3: Turbidity and Maximum Rate of Discharge Table S3.9: for groundwater monitoring requirements which also requires testing for hazardous substances as only Mecoprop, Xylene and Tributyltin were monitored in 2022. Table S3.10: NOx and CO for landfill gas engines A1, A2 and A4 post turbo as shown on drawing 1695.VAR.06 9 dated 12-12-2013 	Minor	3	4

• Table S3.11: Hazardous substances.			
Not immediately informing the EA following the breach of leachate level limits, methane emissions and ammoniacal nitrogen	No potential environmental impact	4	0.1
Total CCS score			16.1

2.20 The EA stated: “We are concerned that non-compliances in 2023 have continued into 2024. You were issued with a warning in respect of the Q4 2023 environmental monitoring report non-compliances but have failed to take appropriate remedial action to prevent further non-compliances”.

2.21 The report indicates that if WQL do not complete the actions by the specified dates the EA will “consider what further enforcement action is appropriate. This may include service of a Regulation 36 Enforcement Notice and/or prosecution”.

The report in Section 3 under ‘Enforcement Response’ states that ‘at present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue’.

Walleys Quarry update

2.22 Walleys Quarry Limited presented an overview of the fire incident on 04 August 2024 and to the Liaison Group on the evening of 09 September 2024. The video of the meeting can be found on YouTube using this [link](#).

2.23 On 10 September 2024, WQL published on their website and information update:

“Key Points from the Meeting:

- **Investigation Findings:** We (WQL) shared our findings so far in respect of our ongoing investigation into the potential causes of the fire. We have concluded and confirmed that there were no activities onsite at the time of the incident and operations in the area affected had been completed for some time prior to the event.

- **Response to the Fire:** Our team, in coordination with the Staffordshire Fire and Rescue Service, responded quickly to contain the fire. The landfill gas infrastructure was safeguarded, and all waste operations were suspended during the event. We thank Staffordshire Fire and Rescue Service for their prompt and effective response and the support they have given us.

- **Preventative Measures:** In the interests of good practice, we are in the process of reviewing our operational and safety procedures. We are reaching out to Staffordshire Fire and Rescue Service to allow us to benefit from their views, experience and any further advice they could provide. We are also in dialogue with the Environment Agency as the prime regulator for the facility. This will support our objective of ensuring continuous improvement within our operation and minimise the risk of future incidents occurring.

- **Lithium Battery Risks:** While the fire may have been linked to lithium polymer batteries, we are exploring all potential causes as part of our ongoing investigation. Batteries are not accepted at our landfill, and we encourage their responsible disposal. As a precautionary and preventative measure, we have reinforced the requirements of our waste acceptance protocols including the specific condition prohibiting batteries.”

WQL also provided 'a timeline of the key stages of the incident from when it started to the point at which it was effectively closed down. There is still ongoing work in respect of concluding our investigation and process review and during this time we continue to work in conjunction with our regulator, the Environment Agency, who also attended last night's meeting'.

The timeline is published on the [information page](#) on WQL website together with a [slide presentation](#)

Impact Study

- 2.24** 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 later in the year.

Key Performance Data

- 2.25** Through the settlement agreement both Walleys Quarry Ltd and the Council have developed key performance indicators in relation to relevant data from each organisation. These key performance indicators are shown in Appendix 2 and 3.
- 2.26** The data from the Council covers the period from July 2024 to September 2024 and provides complaint numbers and officer assessments.
- 2.27** The data from Walleys Quarry Limited provides data on waste acceptance, odour management, landfill operations, landfill gas management, leachate management and information relating to the EA regulator as the primary regulator of the site. The KPI data and explanatory notes for August are uploaded as Appendix 3 (A) and (B) respectively. The data for September will be uploaded in the next report to Cabinet.

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. WQL Key Performance Data
- 14.4** Appendix 4. 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			
01-Oct	8	26			
08-Oct	8	37			
15-Oct	29	64			
22-Oct	22	81			
29-Oct	26	115			
05-Nov	5	15			
12-Nov	40	123			
19-Nov	35	119			
26-Nov	36	135			
3-Dec	115	265			
10-Dec	83	151			
17-Dec	48	180			
24-Dec	28	79			
31-Dec	44	129			
2024					
07-Jan	236	627			
14-Jan	76	268			
21-Jan	270	824			
28-Jan	86	261			
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	July 2024	August 2024	September 2024
KPI 1	COMPLAINTS	Complaints reported to NULBC	Number	340 Number of unique properties reporting complaints = 120 Rating 0 = 3 complaints Rating 1 = 0 complaints Rating 2 = 2 complaints Rating 3 = 27 complaints Rating 4 = 79 complaints (23.2%) Rating 5 = 93 complaints (27.4%) Rating 6 = 136 complaints (40%) % of complaints reporting odour entering the property = 269 (79.1%) % of complaints reporting health effects = 265 (77.9%)	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%)
KPI 2		Complaints reported (daytime 07:00-23:00)	Number	262	147	94
KPI 3		Complaints reported (night-time 23:00-07:00)	Number	78	27	6
KPI 4		Highest number of complaints during the period	Date (number of complaints)	19/07/24 (30 complaints)	13/08/24 (16 complaints)	19/09/24 (18 complaints)

		Information	Measurement	MMF Reference	July 2024	August 2024	MMF Location Name	September 2024
KPI 5	AIR QUALITY	Percentage exceedance Odour Annoyance Guideline (Hydrogen Sulphide 30-minute average)	%	MMF1	2.7%	0.8%	MMF Maries Way	Awaiting data
				MMF2	1.8%	0.5%	MMF Silverdale Pumping Station	Awaiting data
				MMF9	10.6%	1.9%	MMF Galingale View	Awaiting data
KPI 6		Monthly Average H ₂ S	ug/m3 over the month	MMF1	1.6ug/m3	1.4ug/m3	MMF Maries Way	Awaiting data
				MMF2	1.2ug/m3	1.0ug/m3	MMF Silverdale Pumping Station	Awaiting data
				MMF9	3.0ug/m3	1.0ug/m3	MMF Galingale View	Awaiting data
KPI 7	H ₂ S PEAK LEVEL	Level measured over a 5-minute period Date & Time	ug/m3	MMF1	82.74ug/m3	26.54ug/m3	MMF Maries Way	Awaiting data
				MMF2	39.06ug/m3	17.16 ug/m3	MMF Silverdale Pumping Station	Awaiting data
				MMF9	100.39ug/m3	33.86 ug/m3	MMF Galingale View	Awaiting data
KPI 8	OFFICER ASSESSMENTS	Odour Rating - Officer odour assessment (5 minute)	Max Odour Rating		N/A	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

Date of Report: September 2024				
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 1	WASTE ACCEPTANCE	Non-conformance raised with waste operator	CCS score(s) including summary and actions.	0 Non-conformance raised with operator. 0 CCS scores received
KPI 2		No of loads inspected.	each	1386 loads received. 1386 loads inspected.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 3	ODOUR MANAGEMENT	Non-conformance raised with waste operator	CCS score(s) including summary and actions.	0 Non-conformance raised with operator. 0 CCS scores received. 0 non conformances identified.
KPI4		No of odour tours No of odour tours where odour detected off site		59 tours 4 external odours.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 5	ACTIVE TIPPING AREA	Operational Surface area total	m3	129,769m2
KPI 6	ACTIVE TIPPING AREA	Active tipping area	m3	19,572m2
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 7	CAPPING OF OPERATION AREA	Temporary capping	m3	Temporary Capping 29,811m,2 (23%)
		Permanent capping	m3	Permanent Capping 65,388m2 (50%)
				Total Capped area 95,199m2 (73%)
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 8	LANDFILL GAS MANAGEMENT	Surface & Gas infrastructure emission surveys	Number of remaining matters open in the month	0
KPI 9	LANDFILL GAS MANAGEMENT	Concentration of Hydrogen Sulphide in 'raw' bulk gas	ppm	1,653ppm – recorded from CLP H2S GUP input data

KPI 10	LANDFILL GAS MANAGEMENT	Landfill Gas capture rate (monitored at the GUP)	m3/hr	3,503 m3/hr - averaged across period
KPI 11	LANDFILL GAS MANAGEMENT	Appendix A LGMP Gas Management Plan (live document)	Progress including summary and actions	See explanatory notes
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 12	LEACHATE MANAGEMENT ACTION PLAN	Actions (13 actions)	Progress including summary and actions	See explanatory notes.
Landfill Operations		Information	Measurement	Summary and Actions (Additional Document Reference as applicable)
KPI 13	PRIMARY REGULATOR	Compliance Assessments Visits	Number undertaken for which CAR form issued to operator	Three visits within the period: 5 th August 2024 DP3734C/0514920 6 th August 2024 DP3734C/0514923 15 th August 2024 DP3734C/0516045
KPI 14	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where a CCS score is raised with operator, including summary and actions	3 regulatory compliance assessments undertaken which resulted in no compliance assessment scores – see explanatory notes.
KPI 15	PRIMARY REGULATOR	Compliance Assessments Visits	Number Undertaken where no CCS score is raised with operator, including summary and actions	3 regulatory compliance assessments undertaken which resulted in 0 compliance assessment scores

Date of Explanatory Notes: August 2024

KPI 1 and KPI 2 Waste Acceptance

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

1,386 loads inspected within the period, with 0 loads rejected.

KPI 3 and KPI 4 Odour Management

No non-conformances have been received from the regulator within the month, with three site regulatory inspections/reviews undertaken. CAR reports for site visits confirm that no offsite odours were detected by Environment Agency officers. This was reported to WQL contemporaneously with the observation. The Agency assessments cover a wide scope of permit conditions including engineering, containment, operational activities, landfill gas management, odour and pest management.

59, odour tours conducted by WQL, with 4 reflecting odour experienced. Contemporaneously with these odour tours, checks on the gas collection and treatment infrastructure, site engineering and operations and local weather factors were reviewed to ensure all appropriate actions were being undertaken. No non-conformances were identified during these times. And all appropriate actions were being taken.

KPI 5 and 6 Active Tipping Area

The overall current landfill is 129,769 m². The active area is confined to Cell 2. The current active area remains contained and measures some 19,572 m². This is aligned with the approved capping and phasing plan, as agreed with the Environment Agency. The active operational area is progressively covered during the day to minimise the time that fresh waste remains uncovered. This is in line with best practice and our operating techniques. We retain healthy stockpiles of cover material to facilitate this progressive covering.

KPI 7 Temporary Capping

Currently, 29,811 m² of the surface area of the facility is temporarily capped, either using a high specification, low permeability engineering clay. This is in line with the capping and phasing plan for the facility, as agreed with the Environment Agency. Maintenance works continue to clay capped areas in line with the agreed (by the Environment Agency) CQA (Construction Quality Assurance) specifications.

During August WQL placed an additional approximately 8,700 m³ of both temporary capping, as detailed in the current CPP site management plan.

Permanent Capping

Relating to permanent capping, 65,388 m² of the surface area of the facility is capped, by the installation of a low permeability geomembrane.

KPI 8 - 10 Landfill gas management

WQL continues to undertake the extensive regime of surface emission surveys, as agreed with the Environment Agency. A, FID survey was conducted in July 2024.

The concentration of H₂S at the facility remains within expected limits and in June, averaging 1,653 ppm at the Gas Utilisation Plant (GUP), as measured by CLP Envirogas Ltd and representing a reduction on the previous period.

The volume of gas captured at the facility remains within expected volumes, at 3,503m³/hr, comparable with the previous period. The flow rate has remained high and consistent across the period. WQL continue to review this position and drive the gas management contractor, CLP Envirogas Ltd, to ensure that gas collection is continually reviewed to assess relevant developments that can be made.

In early August CLP had 3 new gas wells drilled, installed an connected on site with future installations being planned.

KPI 11 Landfill Gas Management - Landfill Gas Management Plan

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

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

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

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

The LFGMP has been reviewed and issued to the Environment Agency, with comments received from the regulator on 2 June 2023 following the submission on 15 January 2023. The draft LFGMP has been discussed with NuLBC and was submitted to the Environment Agency on 14 August 2023 for approval, with further comments received 6 October. A meeting to discuss the LFGMP was undertaken on 18 October 2023 with the EA, with a further submission made 22 January 2023. Further submissions have been made through 2024, with the latest version submitted 21/7/2024. This document remains fundamentally comparable to the submission of 15 January 2024. It awaits approval from the EA.

KPI 12 Leachate Management Plan

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

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

KPI 13- 15

5th August 2024 DP3734DC/0514920

General site visit undertaken following on from a fire on site Sunday 4th August. No compliance scores received.

6th August 2024 DP3734DC/0514923

Pre-arranged Engineering, amenity, waste containment and capping.

Prior to the meeting the agency officers completed an off-site odour tour, the following locations were visited with no landfill gas, fresh waste or burning odour detected, Keele University, MMF 9 Galingale View, Orme Rd, Ironbridge Drive, Ellams Place, Church View, Tegew Place and Cemetery Rd.

15th August 2024 DP3734DC/0516045

Unannounced site inspection to assess general compliance with permit conditions.

Prior to entering site, the Agency officers conducted an offsite odour tour, visiting the following locations with no landfill gas, fresh waste or burning odour were detected, Keele University, MMF 9 Galingale View, Ironbridge Drive, Ellams Place, Racecourse and Church View.

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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

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO CABINET**

15 October 2024

Report Title: Contract Award for the Digital Infrastructure Project

Submitted by: Deputy Chief Executive

Portfolios: Finance, Town Centres and Growth and One Council, People & Partnerships

Ward(s) affected: Crackley and Red Street, Bradwell, Holditch and Chesterton, Wolstanton, Cross Heath, Knuttton, Silverdale, May Bank, Thistleberry Town Keele, Westlands, Clayton, Westbury Park and Northwood Park

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>To provide Cabinet with an update on the procurement of a partner for the delivery of a fibre network in the Newcastle Town Deal area and to seek authority to appoint the selected delivery partner.</p>			
<p><u>Recommendation</u></p> <p>That Cabinet:</p> <ol style="list-style-type: none"> 1 Approves the appointment of ITS Technology Group as a delivery partner for the delivery of a fibre network in the Newcastle Town Deal area. 2. That the Deputy Chief Executive, in consultation with the relevant portfolio holder is authorised to sign any such agreements as may be necessary to enable the deployment of a fibre network in the Newcastle Town Deal area and to establish an Indefeasible Right of Use agreement with the selected provider. 3. Receives a further report to consider the option to invest in further provision as part of the Council's commercialisation programme. 4. That the Deputy Chief Executive, in consultation with the relevant portfolio holder is authorised to take forward development of the digital hubs in our communities and is authorised to sign any agreements that are necessary between the respective parties to enable their development. 			
<p><u>Reasons</u></p> <p>The Digital Infrastructure project is one of several projects within the Newcastle Town Deal Town Investment Plan. Deployment of a fibre network is expected to bring substantial benefits in enabling business and community digital connectivity in areas that are not being served by the commercial market, or where there is potential to help overcome digital exclusion in local communities. A fibre network offers a faster and more reliable connection, enabling the transmission of information at speed when compared to more traditional broadband connection.</p>			

1. Background

1.1 At its meeting of 19 March 2024, Cabinet received an update on the Newcastle Town Deal Digital Infrastructure Project. This report set out the various options that had been considered

for delivery of this project and proposed that delivery of a fibre network was the preferred way forward. At this meeting Cabinet authorised the project to progress to the next stage of procuring a partner to deliver a fibre network within the Newcastle Town Deal area.

- 1.2 Fibre broadband is a faster and more stable connection than the traditional copper wire connection. Two options are available to the market. A Fibre to the Cabinet (FTTC) connection, which runs fibre to the nearest cabinet and then relies on copper for the last part of the journey to the premises offers up to superfast download speeds. The second option is Fibre to the Premises (FTTP) connectivity which, as the name suggests, cuts out copper completely and offers even better speed and reliable connection. This would, for example, enable a business to transfer large data files more quickly and efficiently than via standard broadband. The arrangement proposed also has the potential to decrease the cost of business broadband whilst improving its performance.
- 1.3 The project is expected to install a fibre network with associated digital hubs located in existing community centres/local facilities within the Newcastle Town Deal area. This would be delivered through Openreach's Physical Infrastructure Access (PIA) duct. This enables a fibre network to be built and expanded more quickly and economically than building from scratch. The route, which is intended to connect various public sector sites would create a series of break out chambers outside of the poorly served business parks.
- 1.4 This option has a commercial model associated with it. In return for its investment the Council would get free access for a specified number of years, (proposed as 15 years). The fibre deployed would be an open access network that would be accessible to others and provide the opportunity for further private sector investment into the business parks. There is potential for the Council to realise a modest revenue share from the transit fees charged.
- 1.5 The Council has the option through to extend the area of connectivity through investing Council capital funds, a business case will need to be confirmed prior to establishing if this is a good option for the Council. A further report is therefore recommended to bring this proposal forward.
- 1.6 As part of the tender process the aim was to secure investment in digital hubs to support local communities in the Town Deal Area to have access; and where needed, support to use the internet. This is intended to assist the most digitally disadvantaged to have access, capability and confidence to engage with digital services so that they can participate in modern social and economic life. There is a close link between digital disadvantage and other forms of inequality and disadvantage such as poor job opportunities, educational attainment, access to public services and the 'poverty premium' which often sees households paying more for products and services if they cannot access them online.
- 1.7 There are a number of possible buildings in the Newcastle Town Deal area that could be used as digital hubs. These are shown in Appendix 1. Their use would be subject to the respective management committees agreeing to accept the connection and seeing the benefit that it could potentially bring to their facility. The next step is to discuss with the community leads such as management committees what the offer may be and to establish if there is interest in taking forward this opportunity.

2. Issues

- 2.1 Procurement was undertaken using a compliant Framework, Crown Commercial Network Services (3) RM 6116 Framework, which is a dynamic purchasing framework. Tenders were assessed by officers from both the Economic Regeneration and Digital teams with the support of the Council's previously appointed technical consultant Regional Network Solutions.
- 2.2 The preferred tenderer for delivery of the Digital Infrastructure Project is ITS Technology Group.

2.3 In line with Town Deal procedures, at its meeting 8 October 2024 Newcastle Town Deal Board reviewed the results of the procurement process and approved the appointment of ITS Technology Group. As the Accountable Body for the Town Deal, the Council also needs to approve this appointment.

2.5 Subject to Cabinet approval it is intended to appoint ITS Technology Group at the earliest opportunity.

3. **Recommendation**

3.1 That Cabinet approves the appointment of ITS Technology Group for delivery of a fibre network in the Newcastle Town Deal area.

3.2 That the Deputy Chief Executive, in consultation with the relevant portfolio holder is authorised to sign any such agreements as may be necessary to enable the deployment of a fibre network in the Newcastle Town Deal area and to establish an Indefeasible Right of Use agreement with the selected provider.

3.3 That Cabinet receives a further report to consider the option to invest in further provision as part of the Council's commercialisation programme.

3.4 That the Deputy Chief Executive, in consultation with the relevant portfolio holder is authorised to take forward development of the digital hubs in our communities and is authorised to sign any agreements that are necessary between the respective parties to enable their development.

4 **Reasons**

4.1 To enable the roll out of a fibre network in the Newcastle Town Deal area in accordance with the aspirations of the Town Investment Plan and subsequent business case.

4.2 To support delivery of the Council's Technology Strategy 2023 – 2028.

4.3 To support economic and community development within the Borough by enhancing opportunities for digital connectivity and addressing digital disadvantage.

5 **Options Considered**

5.1 Several options were considered in development of the digital infrastructure project. These were reported in detail in the report that was considered by Cabinet at its meeting of 19 March 2024. In this report the preferred option which was agreed by Cabinet was to deploy a fibre network. This would be delivered through Openreach's Physical Infrastructure Access (PIA) duct. To enable a fibre network to be built and expanded is much quicker and economic than building from scratch. The procurement that has been undertaken is for delivery of this preferred option.

5.2 By using an appropriate procurement framework that is a dynamic purchasing framework the Council has attracted interest from a range of suitably qualified and competent contractors on that framework.

5.3 If the Council chose not to deliver this project it would lose an opportunity to deliver infrastructure that has the potential to deliver wider economic benefits to business, community and the Council itself.

6 Legal and Statutory Implications

- 6.1 Section 2(1) of the Local Government Act 2000 permits local authorities to do anything they consider likely to promote or improve the economic, social, and environmental well-being of their area. That would include actions to deliver infrastructure that enables digital opportunities to both businesses and residents to improve wide scale economic opportunities.
- 6.2 The proposal requires a contractual agreement with ITS Technology Group for construction and operation of the fibre network. Which includes an Indefeasible Right of Use (IRU) agreement to secure for the Council exclusive and unrestricted right of use to access a specified amount of the network’s capacity for 15 years.

7 Equality Impact Assessment

- 7.1 The nature of the project is intended to seek benefits for all businesses and residents of the town centre and along the A34, including the business parks north of the town centre to support the economic development with improved digital connectivity within Newcastle town centre.
- 7.2 Creation of the digital hubs is intended to improve access to those that are digitally disadvantaged, in many cases, digital disadvantage is associated with already vulnerable groups and can compound other existing social and economic inequalities.

8 Financial and Resource Implications

- 8.1 This project involves the expenditure of Newcastle Town Deal project funding. This is capital funding. The project has been approved for delivery through the Town Deal process.
- 8.2 Delivery of the project will engage officers from the Economic Regeneration and ICT Teams.
- 8.3 The Council would need to procure a new internet service provider. Based on benchmarking provided by RNS, this would cost between £450 (100Mb) to £800 (Gigabit) service per annum, this would be funded via existing revenue budgets.

9 Major Risks & Mitigation

- 9.1 As part of the business case development and evaluation a risk assessment has been undertaken and is detailed below.

Risk	Mitigation
Who will be monitoring the fibre? – will this fall to the Council?	The monitoring and maintenance of the fibre will be assumed by the delivery partner and has been specified within the procurement requirements.
Council Right of Use could this be revised or removed	The 15 Year IRU will be captured within the procurement specification and will be protected under contract
Cost of deployment could the Council be subject to additional costs during the deployment phase?	The procurement process will require a fixed guaranteed cost. During the project delivery stage additional costs may emerge in the guise of excess charges (ducting damage) but will be balanced against the budget available and will either be funded through savings made or sites that are dropped to ensure that the project remains within budget.

<p>Cost of taking a service could it be more expensive than the service currently being delivered?</p>	<p>Based on an assessment of the current operating costs of the service provision to council sites and benchmarking these current costs against a similar project to that proposed costs should be reduced by a considerable percentage.</p>
<p>Is there long-term value in funding such infrastructure?</p>	<p>Availability of fibre under the terms described will align and be an enabler for the Councils long term strategic approach to delivering cloud-based council services based on zero trust principles. This proposal has been shared and discussed with ICT and has received support in principle.</p> <p>Will be adopting an approach which is now becoming a common strategy across local authorities with a move to internet only services as opposed to the traditional model of one provider providing connectivity.</p>

10 UN Sustainable Development Goals (UNSDG)

10.1 This investment in digital infrastructure to improve connectivity for businesses and residents will provide the following goals:-



11 Key Decision Information

11.1 The project covers multiple Wards that are within the Newcastle Town Deal boundary, namely Crackley and Red Street, Bradwell, Holditch and Chesterton, Wolstanton, Cross Heath, Knutton, Silverdale, May Bank, Thistleberry, Town, Keele, Westlands, Clayton, Westbury Park and Northwood Park

11.2 The project involves expenditure from the Newcastle Town Deal grant monies. The Newcastle Town Deal allocation for this project is £2,285,000.

12 Earlier Cabinet/Committee Resolutions

12.1 19 March 2024 Newcastle Town Deal Digital Infrastructure Project Update. [Digital Infrastructure draft 1.pdf \(newcastle-staffs.gov.uk\)](#)

12.2 18 October 2022 Newcastle Town Deal [Newcastle Town Deal.pdf \(newcastle-staffs.gov.uk\)](#)

12.3 13 January 2021 Newcastle Town Deal, submission of the Investment Plan including Knutton [Newcastle Town Deal.pdf \(newcastle-staffs.gov.uk\)](#)

12.4 4 December 2019 Town Deals, establishment of Town Deal Boards and development of Investment Plans.

13 List of Appendices

13.1 Appendix 1 List of Community Centres.

14 **Background Papers**

- 14.1 Newcastle Town Deal investment Plan
- 14.2 Council Technology Strategy 2023 – 2028

Appendix 1 Community Centres

Community Site Venues
Ramsey Road Community Centre Douglas Road Cross Heath ST5 9BJ
Poolfields Community Centre (Harriet Higgins Centre) Rotterdam Road Poolfields ST5 2PE
Wye Road Community Centre Wye Road Clayton ST5 4AZ
Red Street Community Centre Talke Road Red Street ST5 7AH
Bradwell Lodge Bradwell Lane Porthill ST5 8PS
Whitfield Community Centre Whitfield Avenue Westlands ST5 2JQ
Clayton Community Centre Northwood Lane Clayton ST5 4BN
Marsh Hall Community Centre Grange Lane Wolstanton ST5 0EB
Silverdale Community Centre Park Road

Silverdale
ST5 6LL

Silverdale Social Centre
High Street
Silverdale
ST5 0EU

Chesterton Community Centre
London Road
Chesterton
ST5 7HZ

Kents Lane Community Centre
Sutton Avenue
Silverdale
ST5 6TB

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO CABINET

DATE: 15 October 2024

Report Title: Borough Local Plan Examination Costs and Funding

Submitted by: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To consider a report on the funding of the Local Plan Examination Process.	
<u>Recommendation</u>	
That Cabinet:	
1. Approves the allocation of up to £200,000 from the Budget Support Fund to fund the Local Plan programme and examination.	
<u>Reasons</u>	
To ensure that the process of preparing and adopting the Borough Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).	

1. Background

1.1 The Borough Council has been preparing its Local Plan since 2021. At Full Council, on the 24 July 2024, approval was given to consult on the Final Draft Local Plan (at Regulation 19 stage). The consultation for 8 weeks, started on the 12 August 2024 and ended on the 7 October 2024. Alongside this, Council agreed that subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, to authorise the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State by the end of 2024 for formal examination to then take place on the Local Plan. Officers are currently processing representations that have been received on the Final Draft Local Plan to determine if any issues have been raised that materially impact upon the Plan Strategy.

2. Issues

2.1 As part of the Plan making process, it is very likely that the Local Plan will be subject to scrutiny through a public examination which is held in public. Regulations set out the detailed requirements for examinations and the Planning Inspectorate also publish a procedural guide for Local Plan examinations. Council's bear the cost for the examination process and this is likely to include the following: -

Item	Comments
Local Plan Programme Officer	The appointment of a programme officer to ensure the smooth running of the examination and provide a point of contact for the Inspector(s). Appointment of a Programme Officer is expected prior to submission of the Local Plan for examination. The Programme Officer is hosted by the Council and arrangements will be made in terms of appointment, accommodation and IT equipment.
Inspector Fees	To pay the Inspector(s) costs during the examination, once appointed by the Planning Inspectorate. This includes hearing days and the time taken to prepare the subsequent report to the Council on their findings and recommendations. The Town and Country Planning (Costs of Independent Examinations) (Standard Daily Amount) (England) Regulations 2006 notes that the standard daily rate for an inspector is £993. On top of this, there are expenses costs such as travel costs, subsistence etc.
Hosting of the examination at a suitable venue	The Council will be responsible for identifying a venue for the examination. Where possible a venue under the Council's ownership will be used. The appropriateness of the venue will need to be confirmed by the appointed Inspector(s). The expectation is that this would be at nil cost but there may be refreshment costs here also.
Printing of material	Councils are required to notify interested parties at various stages of the examination process. Where possible, electronic notifications will be utilised, but costs will be incurred through the printing of materials where these are legitimately required. Material may also need to be provided to the Inspector which incorporates a printing cost.
Legal and consultancy support	At the examination, the Council will require legal support and / or use of consultants where specific evidence needs to be presented.

2.2 It is anticipated that the following costs would be incurred during the examination process: -

- Local Plan Programme Officer - £15,000
- Inspector Fees - £100,000
- Examination Venue - £1,000
- Printing of Material - £1,500
- Legal and Consultancy Support - £50,000
- Total - £167,500

- 2.3** The costs outlined in paragraph 2.2 above are an estimation and reflect consideration of costs incurred by other local authorities who have recently progressed their respective local plans through examination. During the examination, it may be that some of the costs shown in paragraph 2.2 do not materialise in the way outlined. Much will depend for example on the length of the examination and if further work is required of the Council during the examination process. The figures outlined above do not include officer time. A more accurate assessment of likely actual costs will emerge once an Inspector(s) is appointed and the focus of the examination - in terms of the extent of topics and number of hearing sessions - becomes clearer.
- 2.4** In terms of the costs outline in paragraph 2.2. Subject to submission of the Local Plan by the end of the calendar year, there is an element of spend on the public examination of the Local Plan which is anticipated to take place in the next financial year (2025/2026). The timetable for the Local Plan is a matter for the appointed inspectors but it is anticipated that the Local Plan examination hearing sessions, where a significant element of cost is incurred, will take place from April 2025 onwards. However, costs will start to be incurred prior to submission of the Local Plan for examination, for example, through the appointment of a Programme Officer and inspectorate costs in an initial review of the Local Plan etc.
- 2.5** The previous Conservative Government promoted a Planning Skills Delivery Fund aimed at supporting local planning authority planning services. The Borough Council successfully bid into this fund and was allocated £100,000 towards costs associated with the local plan and the development of design codes. This funding allocation was for 24/25 and recently the Council has received confirmation of this allocation being paid from the Ministry of Housing, Communities and Local Government.

3. Recommendation

- 3.1** Approve the allocation of up to £200,000 from the Budget Support Fund to fund the Local Plan programme and examination.

4. Reasons

- 4.1** To ensure that the process of preparing and adopting the Borough Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

5. Options Considered

- 5.1** The Council has previously expressed its clear intention through the approval of a Local Development Scheme (Local Plan Timetable) to adopt a new Local Plan providing a comprehensive set of up-to date planning policies for the Borough. Furthermore, the decision of Council, on the 24 July set out a

potential programme for submission of the Local Plan at the end of the calendar year. This decision has a cost implication.

6. Legal and Statutory Implications

- 6.1** In accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan.
- 6.2** Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

7. Equality Impact Assessment

- 7.1** The Local Plan is supported by an Equality Impact Assessment as part of its Sustainability Appraisal. This will consider how development proposed and planning policies impact on different groups in the community.

8. Financial and Resource Implications

- 8.1** The preparation of the Local Plan to date has been resourced through the Planning Policy budget and full use of the Local Plan reserve. The examination of the Local Plan will incur additional costs which is the topic of this report.

9. Major Risks & Mitigation

- 9.1** Changes in National Policy, Legislation and Guidance - The Levelling-Up and Regeneration Act has Royal Assent. The Act will have implications for the formulation of future Local Plans. The Government has recently published revisions to the National Planning Policy Framework for consultation. Changes to the National Planning Policy Framework will be kept under review during the development and examination of the Final Draft Local Plan.

10. UN Sustainable Development Goals (UNSDG)

- 10.1** As the Local Plan is primarily focused on the use of land, overall levels of growth and the relationship to the environment and infrastructure then several of the UN Sustainable Development Goals will overlap with the aims of the Plan.



11. Key Decision Information

11.1 This report and the recommendations contained within it relate to the preparation of a new Borough Local Plan. This report is a key decision as it affects all wards in the Borough.

12. Earlier Cabinet/Committee Resolutions

12.1 Council – 24 July – Council decision to consult on the Final Draft Local Plan - [Agenda for Council on Wednesday, 24th July, 2024, 7.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/agenda-for-council-on-wednesday-24th-july-2024-7-00-pm)

13. List of Appendices

13.1 N/A

14. Background Papers

14.1 Final Draft Local Plan - <https://www.newcastle-staffs.gov.uk/planning-policy/local-plan>

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM’S REPORT TO CABINET

15 October 2024

Report Title: Proposed Animal Welfare Charter

Submitted by: Service Director – Neighbourhood Delivery

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 present the Cabinet with a draft Animal Welfare Charter for Newcastle-under-Lyme.	
<u>Recommendation</u>	
That Cabinet:-	
<ol style="list-style-type: none"> 1. Receive the draft Animal Welfare Charter and note the comments from the Health Wellbeing and Environment Scrutiny Committee. 2. Forward the draft Animal Welfare Charter to Full Council, for approval and adoption, subject to any proposed further amendments. 3. Authorises officers to canvas other local authorities to establish the appetite for collectively writing to the UK Government urging a ban on the giving of live animals as prizes on public and private land. 	
<u>Reasons</u>	
To reiterate the commitment to animal welfare in the Borough, in relation to the scope of the Council’s powers and duties in this area of work.	

1. Background

1.1 At the meeting of Full Council on 24th January 2024, a motion was passed to:

- Ban outright the giving of live animals as prizes, in any form, on Newcastle-under-Lyme Borough Council land
 - Develop an Animal Welfare Charter for Newcastle-under-Lyme
 - Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land
- 1.2 While there is no knowledge of any current practices of giving live animals as prizes on Borough Council land, an Animal Welfare Charter would reiterate and emphasise the Council's position on this matter.
- 1.3 Therefore, a draft Animal Welfare Charter has been prepared, based on the scope of the Council's powers and duties in this area of work and on good practice gleaned from other Local Authorities.
- 1.4 It is important to acknowledge the limit of the Council's powers and duties with regard to animal welfare issues, and to recognise that other partner organisations play a significant role in dealing with these matters eg the police and the RSPCA, especially in relation to instances of animal cruelty or neglect.
- 1.5 The Health Wellbeing and Environment Scrutiny Committee considered the draft Animal Welfare Charter at the meeting of 16th September 2024 and resolved to approve the draft as presented for forwarding to Cabinet and Full Council. The committee also resolved to request Cabinet to authorise officers to canvas other local authorities in the region to establish whether there is an appetite to collectively write to the UK government urging a ban on the giving of live animals as prizes.

2. Issues

- 2.1 The draft proposed Animal Welfare Charter is attached to this report at Appendix 1 and the Cabinet is invited to consider the draft and make suggestions for any further amendments.
- 2.2 If the Cabinet is satisfied with the draft, it is proposed that it is forwarded to Full Council, for approval and adoption.
- 2.3 The Cabinet is also requested to authorise officers to canvas other Staffordshire local authorities, to determine appetite for a collective letter to the UK Government, urging a ban on the giving of live animals as prizes on all public and private land.

3. Recommendation

1. **Receive the draft Animal Welfare Charter and provide comments on its content.**
2. **Forward the draft Animal Welfare Charter to Full Council, for approval and adoption, subject to any proposed amendments.**

3. Authorise officers to canvas other local authorities to establish the appetite for collectively writing to the UK Government urging a ban on the giving of live animals as prizes on public and private land.

4. Reasons

4.1 To reiterate the commitment to animal welfare in the Borough, in relation to the scope of the Council's powers and duties in this area of work.

5 Options Considered

5.1 No other options were considered.

6 Legal and Statutory Implications

6.1 The Council, the police and other agencies all play a role in animal welfare via licencing and enforcement powers and duties.

7 Equality Impact Assessment

7.1 N/A.

8 Financial and Resource Implications

8.1 There are no additional financial or resource implications directly relating to this report.

9 Major Risks & Mitigation

9.1 There are no major risks relating to this report.

10 UN Sustainable Development Goals (UNSDG)

10.1 The proposal contributes towards the UNSDGs

11 Key Decision Information

11.1 Not applicable.

12 Earlier Cabinet/Committee Resolutions

12.1 None.

13 List of Appendices

13.1 Appendix 1: Draft Proposed Animal Welfare Charter for Newcastle-under-Lyme

14 **Background Papers**

14.1 None

Animal Welfare Charter

September 2024



Foreword

As a nation we are rightly proud of our reputation for being animal lovers and, I believe that the people of Newcastle-under-Lyme are no exception to this. We all want to ensure that animals' welfare is protected whether they are a beloved pet dog or cat or part of our local wildlife.

Despite this we all know that occasionally whether through ignorance, carelessness or neglect that the high standards of animal welfare we expect are not met. This is why we are introducing the Newcastle-under-Lyme Animal Welfare Charter.

This Charter demonstrates our commitment and aspirations in protecting and promoting the welfare of animals. It covers issues including the use of pesticides, angling and from pet ownership to exotic animals.

I welcome the introduction of this new Charter and look forward to working with residents to develop it further over time to meet our goal that no animal should suffer needlessly in Newcastle-under-Lyme.



Councillor David Hutchison
Portfolio Holder for Sustainable Environment



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Introduction

Newcastle Borough Council has produced this Animal Welfare Charter to demonstrate our commitment to protecting and promoting the welfare of all animals and we aim to reflect the concerns of local people who care about animal welfare. The Council hopes that in adopting this charter, it will itself, and inspire others to, contribute directly and indirectly to creating a world where all animals are respected and treated with kindness and compassion.

This Charter has been adopted from the RSPCA's charter which has been developed with respect to existing animal welfare legislation, notably the Animal Welfare Act 2006 and Environmental Protection Act 1990, including secondary legislation such as the Licensing of Activities Involving Animals (England) Regulations 2018.

We recognise animals as sentient beings who have a right to a life free from cruel treatment and unnecessary suffering and, as a matter of good practice, will take these factors into account when developing policy.

The Council takes its duties and responsibilities as stipulated in animal welfare legislation seriously and is committed to ensuring legislation is effectively enforced, including working collaboratively and in good faith with partner agencies and organisations when necessary and appropriate.

The Council recognises and appreciates the significant benefits animal ownership can have on people's physical and mental health and wellbeing. The Council equally considers that itself and other people have a duty of care towards animals, whether in their ownership or not, and must provide for their five basic welfare needs:

- The need for a suitable environment
- The need for a suitable diet
- The need to be able to exhibit normal behaviour patterns
- The need to be housed with, or apart from, other animals
- The need to be protected from pain, suffering, injury and disease

We will factor in the basic animal welfare needs when exercising our statutory powers in relation to animal health and welfare matters. This includes the policy development process and recognises our moral responsibilities for directly and indirectly protecting and promoting the welfare of companion, farm and wild animals.

As such, the Council is committed to:

- Proactive, proportionate and effective use of its enforcement powers in relation to animal welfare, including working collaboratively with partner agencies and organisations when necessary and exploring other enforcement models that will improve efficacy and animal welfare.
- Educating and raising awareness of animal welfare issues and responsibilities through community engagement events, campaigns and digital communications.
- Seeking to inspire and influence decision makers, community and business leaders and anyone else who could have an impact on animal welfare, to properly consider and value animal welfare.
- The Council will regularly review and update this Local Authority Animal Welfare Charter to reflect changes in national legislation, public opinion and local and national circumstances.
- The Council will ensure this Local Authority Animal Welfare Charter is publicly available and easily accessible to all members of the public by producing and publishing a digital version on the Council's website, including sharing a copy with appropriate public-facing organisations in the area (such as Citizens Advice bureaus).



Licensing of Activities Involving Animals

Newcastle Borough Council has a statutory duty to license premises and establishments that carry out activities involving animals, including but not limited to pet shops, dog breeding establishments, boarding establishments, animal exhibitions and riding establishments. We will take our statutory responsibilities under the Licensing of Activities Involving Animals (England) Regulations 2018 seriously and are committed to enforcing the legislation to the best of our ability to maximise compliance and reduce animal cruelty and neglect.

We will publish how we carry out our statutory duties in relation to animal activity licensing and in addition we will ensure information is made available and is easily accessible by members of the public. There will be a clear process for members of the public to lodge formal complaints and concerns about licensing and suspected un-licensed activities involving animals. The Council will ensure all formal complaints and concerns are logged internally, in accordance with relevant data protection legislation.

The Council will aim to publish and maintain a publicly available list of licensed establishments, including star ratings.

The Council will work particularly closely with pet vendors and breeding establishments.

Stray Dog Services

Newcastle Borough Council has a statutory responsibility as stipulated by Section 149 of the Environmental Protection Act 1990 and the Environmental Protection (Stray Dogs) Regulations 1992, to seize and detain stray dogs within the jurisdiction of the Council. The Council defines a stray dog as any dog that is in a public place and not under the charge of a keeper.

The Council considers the welfare of stray dogs, and indeed officers and the community, to be of the utmost importance and, in the process of all activities involved in carrying out stray dog functions, that the welfare needs of dogs are met and officers and the community are protected from harm. Kennels and/or boarding establishments used in the process of carrying out our stray dog function will be licensed by the appropriate authority and have clear facilities, protocols and procedures to meet the animals' welfare needs as defined by the Animal Welfare Act 2006.

We are committed to returning stray dogs to their owner, The City Dogs Home will take all steps available to identify and contact the owner(s) of a stray dog to arrange for swift collection.

The Council will undertake regular proactive work to encourage responsible pet ownership, which may include (but not limited to) public awareness campaigns and events on a range of issues, such as microchipping, neutering, dogs in warm weather, fireworks and responsible dog ownership.



Contingency and Emergency Planning

Newcastle Borough Council recognises and is committed to its responsibilities related to the Civil Contingencies Act 2004 and subsequent secondary legislation.

We recognise our responsibility to consider animals, including companion animals, farm animals and wildlife, as part of our contingency and resilience plans.

Council Land Use

Newcastle Borough Council is committed to prohibiting activities with the potential to harm animals or wildlife from taking place on its land. We will not allow hunting (including trail-hunting or other related activities) on our land. The Council recognises that it may also be required to enforce statutory powers related to pest control. In such circumstances, the Council will only treat pest species where they represent a public health risk to the health or wellbeing of the local community and where necessary will seek to use the most humane and least toxic methods possible.

We will not let our land be used by circuses or other similar enterprises where cages or performing animals are used and we prohibit the exchange of live animals as prizes being undertaken on any council-owned land.

The Animal Welfare Act 2006 made it an offence for any animal to be sold or given as a prize to anyone under the age of 16 years. The Council does not support the provision of live animals, including fish, as prizes, in any of the Council's facilities. Premises or land. The Council encourages other private premises or landowners to follow its lead.

We will seek to deter the public from engaging in activities on council land which are known to have a detrimental effect on wildlife habitats.

Wildlife, Pests and the Use of Pesticides

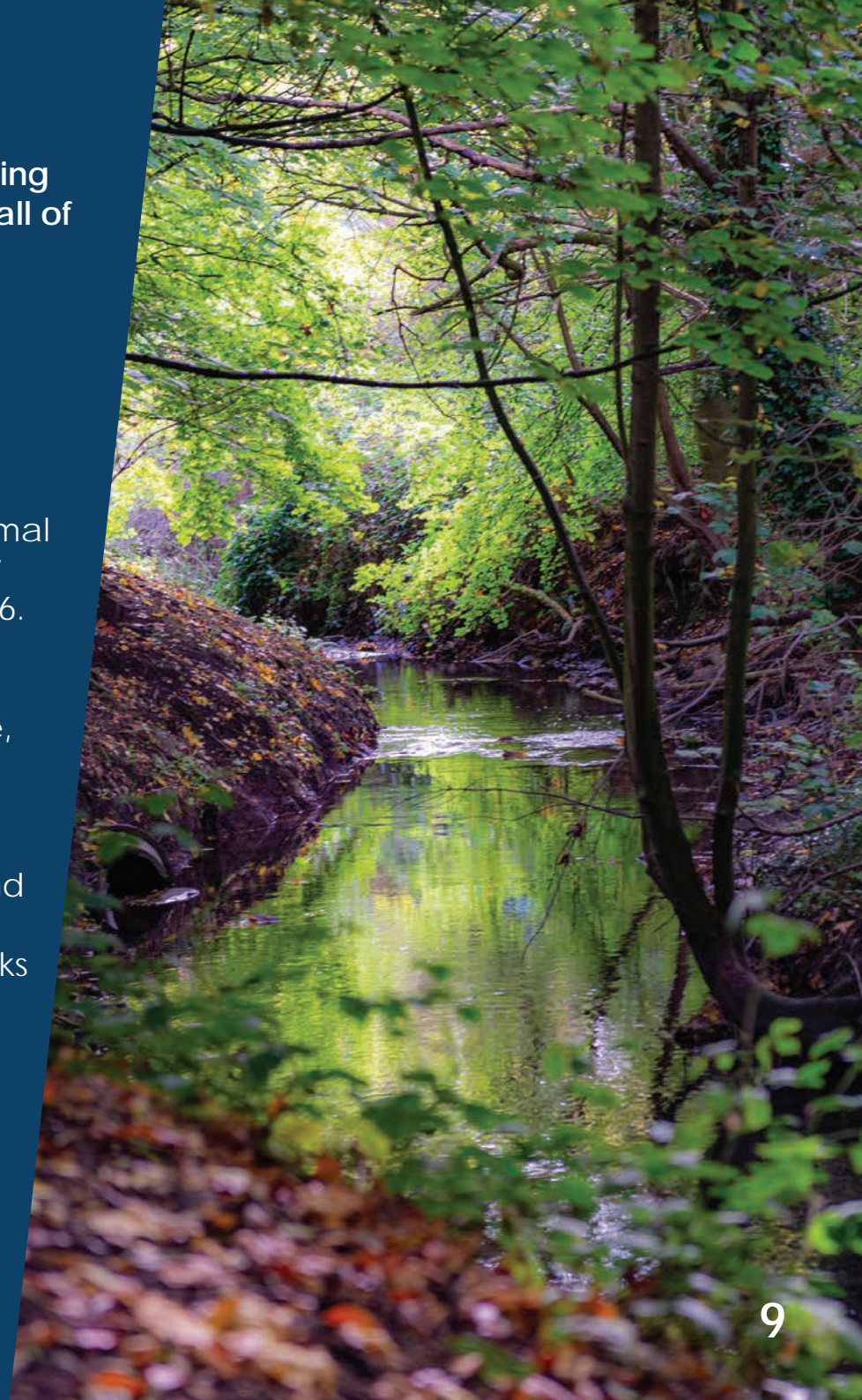
Newcastle Borough Council is committed to protecting and promoting the environment, wildlife, biodiversity and habitats, which includes all of our waterways, lakes, rivers and streams and ponds.

We are committed to making minimum use of pesticides in all council-controlled public open spaces and we encourage the introduction of wildlife and fauna into these areas by sympathetic management.

If chemicals must be used, we will use a type that would have minimal effect on the environment and wildlife and is on the “approved list” published by Defra under the Control of Pesticides Regulations 1986.

The Council will ensure that, where practicable, hedgerows and roadside banks under council control will be managed to conserve, enhance and create safe habitats for birds and animals during the breeding season and encourage the growth of wildflowers.

We recognise that changes to the natural environment through land use changes or new developments can directly or indirectly affect wild animals and their habitats. Our local planning policy frameworks including the emerging Newcastle Under Lyme Borough Local Plan require developers to consider the potential impacts of their proposals and appropriately mitigate the risks of harming existing wildlife and habitats. Furthermore in line with legislation and national policy on Biodiversity Net Gain developers have a duty on qualifying sites to create opportunities for new and additional flora and fauna.



Ethical Fishing Guidelines

Newcastle Borough Council encourages those who fish in Council-controlled waters or from council-controlled land to adopt the following code of practice based on the RSPCA's Medway Report. The key points being:

- The use of double and treble hooks should be kept to a minimum and avoided entirely when the intention is to return the catch alive to the water.
- Fish intended for food should be killed humanely.
- Unhooking a fish humanely and safely is one of the most important skills for an angler to learn. All anglers should be equipped with disgorgers and unhooking mats and be properly trained in their use.
- Employment of the pike-gag should take fully into account the size of the fish for which it is used.
- Barbless hooks should be favoured.
- Holding periods in keep-nets should be as brief as possible

The Council considers the safe disposal of fishing tackle as essential; this is to prevent injury to both domestic and wild animals. All anglers are asked to ensure that they comply with national and regional bylaws relating to angling. Details of this legislation can be found by contacting the Environment Agency.



Promoting Responsible Pet Ownership

Newcastle Borough Council recognises that many animals in the UK still suffer neglect and cruelty and feels it is right that measures be taken to reduce animal cruelty, abuse and neglect and protect and promote their welfare. We have a vital role in promoting responsible pet ownership as one means to reduce animal cruelty, abuse and neglect.

The Council considers that a pet should only be purchased once the prospective purchaser has the necessary equipment, facilities, time, financial means, level of interest and expertise to properly care for the animal and their welfare needs and understand the responsibilities entailed with ownership of the pet. Some homes are unsuitable for the keeping of certain pets and some personal circumstances could mean that adequate provision for pets is difficult if not impossible. We will encourage owners to ensure that their pets have sufficient space to avoid distress or suffering and discourage leaving animals unattended for an extended period at home during the day. We believe animals should never be left unattended in motor vehicles, especially in warm weather and we will deliver public awareness campaigns and events to promote responsible pet ownership during warm weather. The Council will encourage and support the re-homing of rescued animals from recognised societies and establishments. Equally, we will support and promote fostering and re-homing schemes of animal welfare charities.

The Council does not approve of breeding animals for producing changes in bodily form, and/or function, which is detrimental to their health or quality of life.



Equine Welfare

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In line with the RSPCA, the Council does not oppose an animal being tethered for short periods e.g. for grooming, cleaning out stables, having a short break in a journey or working period or in a field whilst boundary fencing is being installed or repaired. The Council would remind owners that a tethered horse requires adequate feed and must have water.

Newcastle Borough Council supports the introduction of the Horse Passports Regulations (England) 2004 and the Protection Against Cruel Tethering Act 1988 and will not allow the long-term tethering of horses or ponies, in an open environment, on any land owned or managed by the Council.

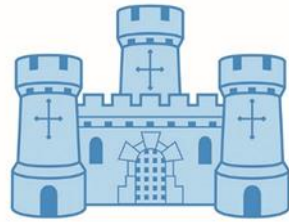
Dangerous Wild Animals and Exotics

Newcastle Borough Council enforces the Dangerous Wild Animals Act 1976.

Anyone keeping animals listed on the schedule should be licensed, have specialist knowledge and seek professional advice on the care of the animals.

Anyone selling an animal listed on the schedule must ensure that the buyer has the required licence.

The Council encourages the Government to continue to periodically review the animals listed on the schedule of Dangerous Wild Animals and supports the rigorous enforcement of the legislation.



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Cabinet Forward Plan: Newcastle under Lyme Borough Council

Notice of Key Decisions to be taken under the Local Authorities (Executive Arrangements) (Meetings & Access to Information) (England) Regulations 2012 between 1 October 2024 and 31 January 2025

This plan gives notice of decisions that [Cabinet](#) is expecting to take over the next few months. It also gives, except in cases of urgency, at least 28 days notice of all “Key Decisions” that will be taken “Key Decisions” are decisions about “executive” functions that will:-

- A) result in the Council incurring expenditure or making savings of an amount which is significant having regard to the Council’s budget for the service or the function to which the decision relates. (NB: The financial threshold above which expenditure or savings become significant has been set by the Council at £100,000 Revenue and £250,000 Capital Expenditure); and/or
- B) be significant in terms of its effects on communities living or working in an area comprising two or more wards of the Borough.

We have to take some Cabinet decisions in private because they deal with confidential or “exempt” information. That is information described in one or more of the following categories set out in Schedule 12A of the Local Government Act 1972.

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals an authority proposes;

- a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime

If we intend to take a decision in private, we will tell you why in the plan below. If you disagree with our reasons, you can tell us why using the contact details below. We will respond to you directly and will publish our response in the meeting agenda. If we have published the meeting agenda before we can respond, we will respond verbally at the meeting and record the response in the minutes.

You can find more information about Cabinet, Cabinet Members and their portfolios, agendas, reports and minutes [here](#).

More information on Cabinet procedures, executive functions, Key Decisions, urgent decisions and access to information is available in our [Constitution](#).

For all enquiries, please contact Democratic Services, Castle House, Barracks Road, Newcastle-under-Lyme, Staffordshire ST5 1BL.
Telephone – 01782 742222 / Email – DemocraticServices@newcastle-staffs.gov.uk

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	Key Decision
Walleys Quarry Odour Update	To consider a report on the Walleys Quarry Odour issues	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 15 October 2024	Health, Wellbeing and Environment	All Wards	N/A	Yes
Animal Welfare Charter	To consider a report on the Animal Welfare Charter	Cabinet Portfolio Holder - Sustainable Environment	Cabinet 15 October 2024	Health, Wellbeing and Environment	All Wards	N/A	No
Borough Local Plan Examination	To consider a report on the funding of the local plan examination	Cabinet Portfolio Holder - Strategic Planning	Cabinet 15 October 2024	Economy and Place	All Wards	N/A	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
Costs and Funding	process						
Contract Award for the Digital Infrastructure	To consider a report on the Contract Award for the Digital Infrastructure	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 15 October 2024	Economy and Place	All Wards	3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Yes
Quarter 2 - Finance and Performance Report 2024/25	To consider the Quarter Two - Finance and Performance Report 2024/25	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 November 2024	Finance, Assets and Performance, Audit and Standards	All Wards	N/A	No
Traffic Regulation Order Amendments	To consider a report on Traffic Regulation Order Amendments	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 November 2024	Economy and Place	All Wards	N/A	No
Car Parking Strategy Update	To consider a report on the Car Parking Strategy Update	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 November 2024	Economy and Place	All Wards	N/A	No
York Place - Regeneration Plans Update	To consider a report on the York Place - Regeneration Plans	Cabinet Portfolio Holder - One Council, People and	Cabinet 5 November 2024	Economy and Place	Town	N/A	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
	Update	Partnerships, Cabinet Portfolio Holder - Finance, Town Centres and Growth					
Midway - Regeneration Plans Update	To consider a report on the Midway - Regeneration Plans Update	Cabinet Portfolio Holder - One Council, People and Partnerships, Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 November 2024	Economy and Place	Town	N/A	Yes
Ryecroft - Regeneration Plans Update	To consider a report on the Ryecroft - Regeneration Plans Update	Cabinet Portfolio Holder - One Council, People and Partnerships, Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 November 2024	Economy and Place	Town	N/A	Yes
Kidsgrove Town Board Award of contract for the Shared Service Hub	To consider a report on the Kidsgrove Town Board Award of contract for the Shared Service Hub Development	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 5 November 2024	Economy and Place	Kidsgrove & Ravenscliffe	3 Information relating to the financial or business affairs of any particular person (including	Yes

Report Title	Description	Portfolio	Intended Decision Taker and Date	Overview & Scrutiny Committee	Wards Affected	Reason for Determining in Private Session (if Applicable)	
Development						the authority holding that information)	
Walleys Quarry Odour Update	To consider a report on odour issues at Walleys Quarry	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 5 November 2024	Health, Wellbeing and Environment	All Wards	N/A	No
Draft Savings Proposals 2025/26	To consider a report on the Draft Savings Proposals 2025/26	Cabinet Portfolio Holder - Finance, Town Centres and Growth	Cabinet 3 December 2024	Finance, Assets and Performance	All Wards	N/A	No
Walleys Quarry Odour Update	To consider a report on the Walleys Quarry Odour Update	Cabinet Portfolio Holder - One Council, People and Partnerships	Cabinet 3 December 2024	Health, Wellbeing and Environment	All Wards	N/A	Yes

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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