

## **Motion on Suspension of the Operating License at Walley's Quarry**

### **Council notes that:**

Pervasive fetid odours emanating from Walley's Quarry have blighted the landscape of Newcastle-under-Lyme and caused material distress for residents, businesses, and organisations across the borough, for more than a decade.

Council has undertaken extensive work to support residents impacted by these odours. Including, but limited to, undertaking detailed scrutiny of the regulation of the site and impact of odours, securing an abatement notice on the operator, and calling on government to undertake a public enquiry into the failure of the Environment Agency (EA) to appropriately regulate the permit granted to the operator.

Historically, health regulatory bodies have noted the measured levels of hydrogen sulphide (H<sub>2</sub>S) by the EA monitoring stations would not impact human health.

Following a review of processes, the EA has notified stakeholders and the public that mobile air quality monitoring stations have been operating with erroneous calibration levels, resulting in incorrect data recorded for levels of hydrogen sulphide (H<sub>2</sub>S).

Over the last few months, the volume of residents complaints regarding the impact of odours emanating from the site has increased significantly.

The World Health Organisation (WHO) guideline as a 30-minute average is 5PPB (7µg/m<sup>3</sup>). This sets a level which hydrogen sulphide concentration should not be allowed to exceed.

This level is also described in the fourth Public Health England (PHE) Risk Assessment, as starting to affect health.

That in latest report from the Environment Agency monitoring station 'MMF1' (Cemetery Road) was recorded that hydrogen sulphide concentrations were above those World Health Organisation levels for 23.21% for the period 25th-31st December 2023.

That local health regulatory bodies have revised their statement on the potential health impacts of H<sub>2</sub>S levels to conclude that the levels measured could have impact on human health.

### **Council further notes that:**

The EA has just rated Walleys Quarry as compliance band F – for the third consecutive year.

Sites in compliance bands E and F must significantly improve in order to achieve permit compliance.

These sites are more likely to have their permit revoked unless there is substantial evidence that they are working towards achieving compliance in a timely manner.

The Scottish Environment Protection Agency (SEPA) suspended the license of Paterson's of Greenoakhill Ltd, following 8 days of "offensive odours" which had been emitted by the landfill site between 8 June and 15 June 2021 which resulted in 138 complaints about smells from nearby residents.

Natural Resources Wales (NRW) suspended the license of Bryn Posteg landfill in 2018, following non-compliance with permit regulations.

Despite numerous breaches of the permit, high recorded levels of H<sub>2</sub>S, significant complaints from residents, and motions resolved by Council; the EA have refused to suspend the operator's license.

Council resolved call on the Prime Minister and Secretary of State for Environment, Food and Rural Affairs to initiate a public enquiry into the failings of the EA to regulate the permit and protect the local environment and health of residents.

In response Rt Hon Rebecca Pow MP Parliamentary Under Secretary of State (Minister for Nature) maintains that she has confidence in the Environment Agency and in its regulation of the site, "the fact that the situation there has improved significantly" and that our request for a public inquiry is not "necessary".

**Council believes that:**

The residents of Newcastle-under-Lyme have suffered too long from the odours emanating from Walley's Quarry.

That public bodies, including the EA and Government Ministers have failed the residents of Newcastle-under-Lyme through a record of substantial failings in regulation of the permit, measurement of malodorous compounds with potential significant impact on human health.

**Council resolves that:**

1. The odours emanating from Walley's Quarry represents a significant public health emergency for the residents of the borough.
2. That full council undertakes a public hearing, to receive impact statements from residents, stakeholders, including businesses, the operator, and associated

regulated bodies, including the environment agency, Staffordshire County council, and local health bodies.

3. That council formally resolves that EA suspends the license at Walley's Quarry, until such time that this council is assured of ongoing compliance with permit conditions by the operator.
4. That the Environment Agency be requested immediately publishes a full 365 days air monitoring data set to examine impact against the chronic-term health guidelines where 1.4 ppb and 2µg/m<sup>3</sup> are applicable.
5. That council undertakes two judicial reviews regarding the lack of action by the environment agency and government in protecting residents of Newcastle-under-Lyme against excessive fetid odours, with potential for impact on human health and wellbeing.
6. **Judicial review 1:** That council commissions appropriate legal support to review the lack of operating permit suspension by the Environment Agency in response to adverse odours and numerous non-compliance notices served on the operator.
7. **Judicial review 2:** That council commissions appropriate legal support to review the decision by Rt Hon Rebecca Pow MP Parliamentary Under Secretary of State (Minister for Nature), refusing to under-take a public enquiry into the failure of the EA to regulate the site and protect surrounding environment.
8. That council resolves to restore the Walley's Quarry legal fund budget to £1 million, to provide suitable financial support for the above judicial reviews.
9. That the Portfolio Holder - Finance, Town Centres and Growth bring forward proposals to the next meeting of the finance, assets and performance scrutiny committee for an amended budget and MTFs to account for this £1 million pound allocation.

**Proposed by: Cllr Dave Jones**

**Seconded by: Cllr Andrew Fox-Hewitt**

