

Councillor Simon Tagg, Leader

Our ref:

Your ref:

Date: 21 December 2023



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

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Dear Prime Minister

Environment Agency Regulation of Walleys Quarry, Newcastle under Lyme

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely

Councillor Simon Tagg
Leader

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