

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO COUNCIL

14 February 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 Council on the latest position regarding the foul odours in the Borough associated with Walleys Quarry and provide background information for discussion.</p>
<p><u>Recommendation</u></p> <p>Council is recommended to:</p> <p>1. Note the contents of this update report.</p>
<p><u>Reasons</u></p> <p>To ensure Council is kept updated on the ongoing work regarding the 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, part of the RED Industries group of companies. 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

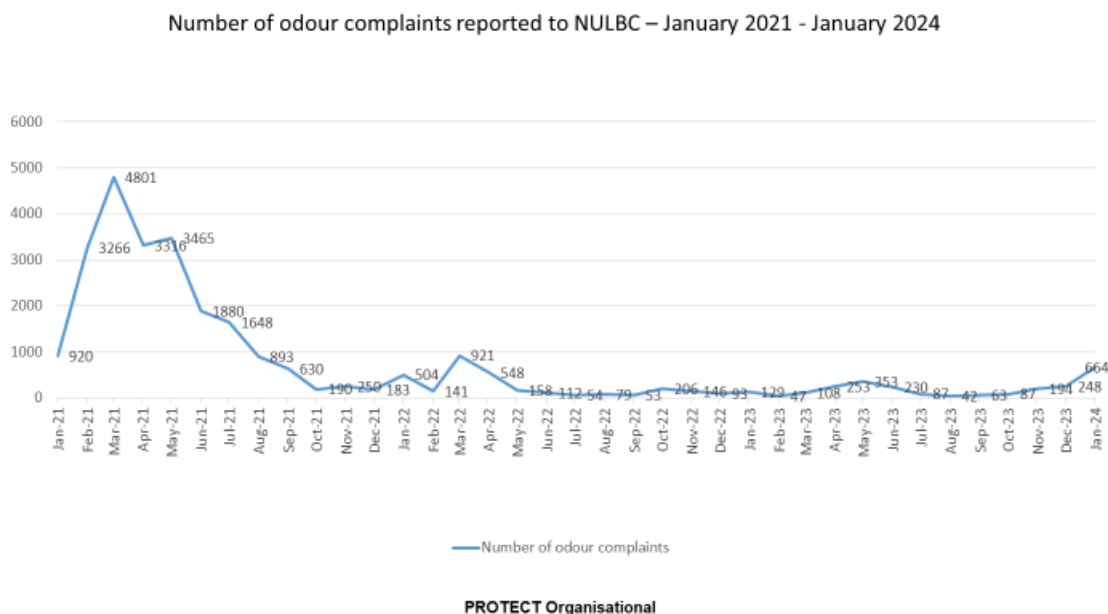
approved the settlement that the parties had reached and issued a court order upholding the Abatement Notice and dismissing WQL's appeal on 6 October 2022.

- 1.4.** Since the Council meeting in March 2021 Cabinet has received a report on Walleys Quarry odour issues at each meeting, typically detailing the number of complaints to the Council and to the Environment Agency in the preceding month, together with the air quality data from each of the Mobile Monitoring Facilities (MMF) (most recent 6/2/24). Council has been kept informed of the Walleys Quarry issues, with opportunity to comment or raise questions, at each meeting through the Leader Statement (most recent 24/1/24). At its meeting in April 2023, Council received a report regarding the situation at the end of the five-month period allowed under the Abatement Notice for compliance to be secured.
- 1.5.** The Council's activity regarding Walleys Quarry falls broadly into three realms:
- Championing community concerns and using the Council's limited enforcement powers to secure an Abatement Notice against Walleys Quarry Ltd to prevent a recurrence of the nuisance which led to the serving of that notice. This has also involved maintaining an ongoing dialogue with Walleys Quarry Ltd and the conduct of odour assessments responding to clusters of complaints to both provide visible support to residents and to build a body of evidence should a prosecution under the Abatement Notice become necessary. Issues relating to the Abatement Notice are addressed in Section 6 below.
 - Senior officer engagement with a multi-agency Strategic Coordinating Group (SCG) which has been meeting regularly to co-ordinate activity regarding the issue. At regular intervals during the operation of the SCG senior political leaders across agencies have met with members of the SCG to discuss and challenge their approach and progress.
 - Politically challenging the lead regulator and the government to use all available powers to address the issues. Issues relating to political challenge are addressed in Section 7 below.

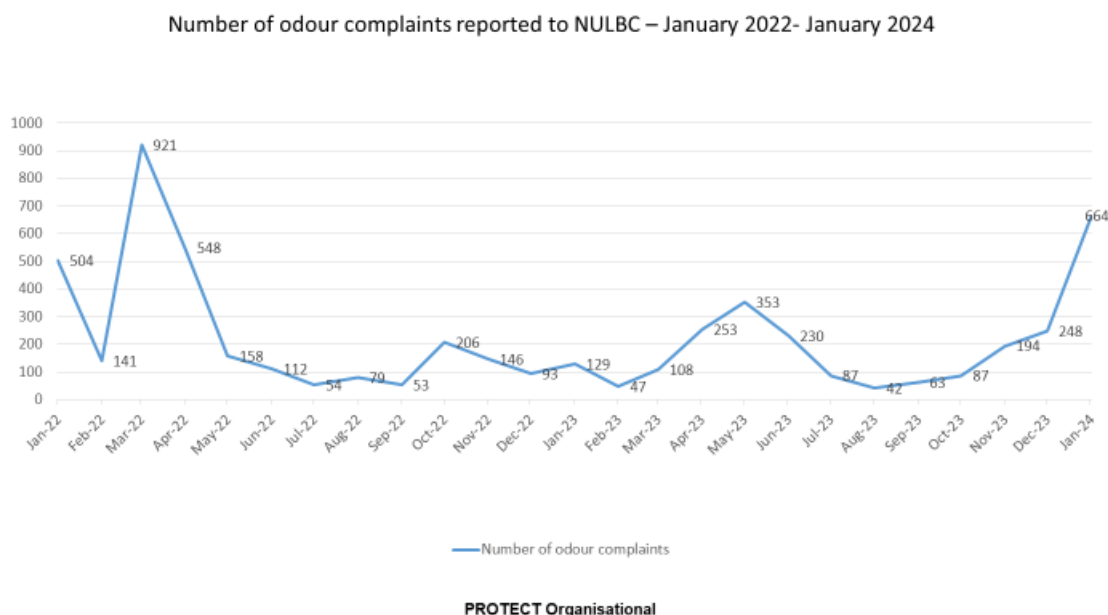
2. Complaint Data

- 2.1.** The Council encourages residents to report to them when they experience the Walleys Quarry odours. Appendix 1 to this report provides complaint numbers to the Council since January 2021. Members should be aware that some residents will report to one or other of the agencies, and some will report simultaneously to both agencies. Over time, the complaint numbers correlate fairly strongly with the data from the MMFs, with complaints rising as Hydrogen Sulphide (H₂S) increases.
- 2.2.** Graph 1 below presents the profile of complaints since January 2022 and shows a significant reduction in complaints over time, with complaints beginning to rise again in the winter of 2023/24. Graph 2 below presents the complaint data since January 2022, and shows more clearly the peaks and troughs of complaints.

Graph 1 - NuLBC Complaints Jan 2021- Jan 2024



Graph 2 – NuLBC Complaints Jan 2022-Jan 2024

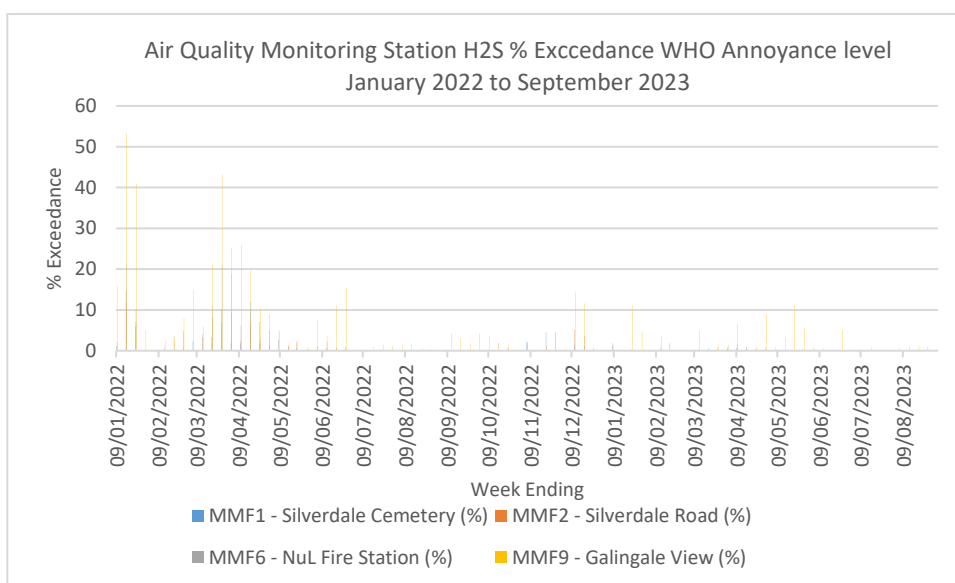


3. Air Quality

3.1. 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.

- 3.2. Hydrogen sulphide levels have previously been reported and reviewed as part of the regular reports to Cabinet. On 5 October, the Environment Agency provided an update, alerting the community to a problem with the reliability of the Hydrogen Sulphide (H₂S) monitoring data collected at the monitoring stations. This update is available at the following link [Latest News | Engage Environment Agency \(engagementhq.com\)](https://www.engagementhq.com)
- 3.3. The error with data collection has been rectified, however one impact of the error is that there is no longer a reliable data set over the whole monitoring period. Work is ongoing within the Environment Agency to establish whether the old data set can be corrected to provide comparability. The data is presented in Graph 3 below as, while the data itself may be under stated, the trend remains instructive.



- 3.4. The data routinely reported has been the proportion of the time periods where H₂S levels were above the World health Organisation (WHO) Odour Annoyance guideline level of 7ug/m³.
- 3.5. The table below is comprised of data collected since the error was rectified, and shows, on a weekly basis, the proportion of the time periods where H₂S levels were above the WHO Odour Annoyance guideline of 7ug/m³.

Time Period	Percentage of time the location recorded hydrogen sulphide concentrations above the WHO annoyance guideline level		
	MMF1 (%)	MMF 2 (%)	MMF 9 (%)
1 September – 17 September 2023			9.3
18 September – 24 September 2023			0.6
25 September – 01 October 2023			0.3
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

- 3.6. As can be seen, there have been weeks where the annoyance threshold has been exceeded for up to a third of the week.

4. Health Risk Assessment

- 4.1. The UK Health Security Agency (UKHSA) has worked closely with colleagues on the SCG. They review data collected from the MMF equipment and use this to create a regularly updated Health Risk Assessment.
- 4.2. One issue emerging from the error in data collection has been that the UKHSA Health Risk Assessments prior to September 2023 can no longer be relied upon as they are based on erroneous data. However, their most recent Risk Assessment, based on accurate data, and dated December 2023 states:
- i. *Any new hydrogen sulphide certified data (collected by the EA from September 2023 onwards) cannot currently be connected or compared to historic hydrogen sulphide data in UKHSA's future risk assessments to assess long-term exposure. Furthermore, as the situation currently stands, UKHSA will only be able to consider current exposures with this new rectified dataset from September 2023 onwards. As such, human health risk assessments for hydrogen sulphide data collected from September 2023 onwards will be regarded as entirely new risk assessments.*
 - ii. *This issue does not affect other ambient air quality pollutants measured at Walleys Quarry Limited and UKHSA will continue to assess these pollutants.*
 - iii. *Hydrogen sulphide is an odorous chemical; the human nose is very sensitive to odours. The concentrations of hydrogen sulphide in December 2023 were above the World Health Organization (WHO) odour annoyance guideline value for a significant percentage of the time at one of the monitoring sites (MMF1) and a considerable percentage of the time at the other two sites (MMF2 and MMF9). Exceedances of the odour annoyance guideline value may result in headache, nausea, dizziness, watery eyes, stuffy nose, irritated throat, cough or wheeze, sleep problems and stress. At hydrogen sulphide concentrations below the WHO odour annoyance guideline value, odour may still be present, however as concentrations fall to lower levels it is anticipated that the strength of any odour should also reduce. The more time spent above the guideline, the greater the likelihood of symptoms being experienced and impacting on people's health and wellbeing.*

- iv. ***The hydrogen sulphide data for December 2023 shows continuing low-level exposure to the population around the landfill site. Two MMF sites (MMF1 and MMF9) show a monthly average concentration in December above the long-term (lifetime) health based guidance value. The other site (MMF2) shows a monthly average concentration below this guidance value.***
- v. *UKHSA recommends that all appropriate measures continue to be taken to reduce the off site odours from the landfill site, to reduce the health impacts experienced in the local community.*

4.3. Members will be aware that odours off site increased since this risk assessment was completed. However, one consistency in UKHSA advice has been ‘*The risk of long-term health problems is likely to be small but cannot be excluded at this stage. UKHSA is aware that some people continue to experience short-term health effects.*’
‘*UKHSA recommends that all appropriate measures continue to be taken to reduce the off-site odours from the landfill site, to reduce the health impacts experienced in the local community.*’

5. Enforcement Action

- 5.1. The Environment Agency, as the lead regulator for the Walleys Quarry site has an intensive regulatory programme in place, with frequent visits (planned and unannounced) through which they assess compliance with the Environmental Permit under which the site operates.
- 5.2. The EA convert permit breaches into a points system and then add the points from each breach to calculate an annual total of non-compliance points. Based on the cumulative score over a calendar year, the EA place a site into one of six compliance bands A to F.
- 5.3. The site was assessed to be in Compliance Band F in 2021 and 2022. The total CCS points and the compliance band for 2023 also puts the site into Band F, but there are still outstanding appeal processes which may alter the final score or band.

Year	CCS Points	Compliance band
2017	28	C
2018	16	C
2019	36.2	D
2020	56	D
2021	166.5	F
2022	176.2	F
2023	156.7	F

- 5.4. Compliance Band F is a compliance rating calculated by the Environment Agency. The compliance rating for an operator is based on their compliance record from January to December the previous year. An operator's compliance record affect whether they pay a subsistence charge that is higher or lower than the base charge.
- 5.5. Band F (150+ non-compliance points) means a 300% increase on the subsistence charge. Sites in compliance bands 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.
- 5.6. Where there is a failure to comply with or contravene a permit condition the Environment Agency can consider enforcement options that may include issuing enforcement notice(s), a warning, a formal caution or instigate a prosecution.
- 5.7. The EA has the power to issue a closure notice if they are satisfied that there is a risk of serious long-term pollution or persistent non-compliance with permit conditions that suggest that an operator is not competent to manage the activity. The Environment Agency has stated that this would only be issued as a last resort having exhausted all other enforcement options.
- 5.8. In a recent public statement the Environment Agency has indicated that this has not been ruled out (<https://engageenvironmentagency.uk.engagementhq.com/latest-news-1/widgets/74343/videos/4478>). This represents an apparent shift in the Environment Agency narrative regarding the site as previously their position had been that the operator was "working towards compliance".

6. Enforcement Action by the Council

- 6.1. As outlined above, the Council has in place an Abatement Notice in relation to Walleys Quarry. The Abatement Notice was secured by the Council following a successful mediation process involving the Council and Walleys Quarry Ltd. The notice requires:

Walleys Quarry Ltd to:

 - Abate the nuisance;
 - Prohibits Walleys Quarry Ltd from causing, permitting or otherwise allowing the recurrence of the nuisance.
- 6.2. The Council continues to monitor odour occurrences in the local community, drawing on complaint data and weather forecasts to target officer odour tours and assessments, which are then compared to data from the MMF equipment and the Council's own handheld Jerome air quality monitors.
- 6.3. Any action by the Council to enforce the Abatement Notice would be taken in line with the Council's Enforcement Policy. 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. Critically, the Council would need 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.
- 6.4. Any successful prosecution to enforce the Abatement Notice would need to satisfy a court, **beyond all reasonable doubt** on two issues:

- That a Statutory Nuisance existed due to activities at Walleys Quarry;
 - That at the time of the statutory nuisance, Walleys Quarry Ltd. was NOT utilising Best Practical Means in the management of its operations.
- 6.5. The ongoing dialogue with Walleys Quarry Ltd is important in the context of potential enforcement action in that it affords opportunity to challenge, explore and understand activity by the operator to seek to address the issue. The arrangement also affords a structure within which the sequential approach can be progressed. For example, following the increase in odours during the spring of 2023, officers met with Walleys Quarry Ltd to explore their understanding of any likely drivers for this incident.
- 6.6. Following the increase in odours in November and December, officers wrote to Walleys Quarry Ltd providing an analysis of complaints, odour assessments and underlying data, with a request for a formal response by 31st January. A response was received on 31st January detailing actions being taken on site to address the issues. This comprises the following areas:
- Internal waste flanks and surfaces which is actioned through ongoing temporary capping and specifically following engineering works to the facility to install 5 new, full-depth leachate wells and permanent capping of an area to the southeast of the facility, which although not at height could be completed ahead of schedule.
 - Operational area which is actioned through landfill gas extraction from operational areas through installation of vertical, temporary horizontal and pin wells.
 - Gas collection which is actioned through completion of sector review relating to gas balancing, with a change agreed with EA of up to 25% balance gas. The aim of increasing the percentage balance gas concentration is to potential increase gas flow.
 - Expert review which has been agreed and commission by WQL and NuLBC to review all aspects of gas capture, collection and treatment at the facility, along with review of critical policies and procedures. The objective is to identify any areas which may positively impact gas control and advise upon their practical application.
 - Landfill Gas Management which is actioned through the implementation of the Landfill Gas Management Plan and review of the Gas Utilisation Plant and associated infrastructure.

Best Practicable Means (BPM)

- 6.7. Critical to any enforcement action is the issue of BPM. The Environmental Protection Act 1990 states under section 79(9) that in the 'best practicable means' test the following provisions apply:
- **practicable** means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications;
 - the **means** to be employed include the design, installation maintenance and manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures;
 - the BPM test is to apply only so far as compatible with any duty imposed by law and only so far as compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances.

Best Practicable Means reflect:

- **local conditions and circumstances** i.e. has the operator of the site taken into account the close proximity of residential and commercial properties, the topographical features of the site, and the impact of weather conditions;
- **the current state of technical knowledge** which would include current guidance/ industry standard(s), conditions of the environmental permit, industry standard operational plans e.g. Odour Management Plan, Landfill Gas Management Plan, Landfill Gas Risk Assessment, Leachate Management Plan, Capping and Phasing Plan;
- **the financial implications** - which would consider the potential financial impact of the works to eliminate or reduce the odour abatement works, and whether the best practical solution was undertaken to resolve the nuisance or if better options could have been explored. BPM does not anticipate actions regardless of the cost, rather that the cost must be proportionate.
- **design of the site** including predictive software modelling, installation of the infrastructure of gas wells, gas pipelines, knock out pots, Gas Utilisation Plant, leachate wells and pipework, storage and balancing tanks, leachate treatment plant, temporary and permanent capping;
- **maintenance of plant and machinery** i.e. planned maintenance and reactive work;
- **manner and periods of operation of plant and machinery** including filling the site in a systematic manner to minimise the area of the working face (Phasing Plan) and management of surface water to minimise penetration and leachate production, and
- **design construction and maintenance of buildings and structures.**

It should be noted that the BPM **test** only applies to normal operation and not in response to an emergency or unforeseen event.

- 6.8.** At the time the Abatement Notice was confirmed, the Council accepted that the plans in place at that time for the management of odour at Walleys Quarry amounted to Best Practical Means. It was also agreed that these would evolve with the site's development. It is evident that ongoing, consistent, good management at the landfill site is key to controlling off-site odour. This involves not only having appropriate plans and methods of work, but also ensuring that these are fully applied.
- 6.9.** If the Council were to instigate a prosecution for failure to comply with the Abatement Notice, it would be imprudent to do so unless the Council was clear from information available to it that the landfill operator was no longer using best practicable means to prevent, or to counteract the effects of, the smell nuisance.
- 6.10.** The sanction which would flow from a successful enforcement prosecution for failure to comply with an abatement notice would include:
- A lump sum fine (amount set by the court);
 - Further fines for each day of non-compliance (also set by the court);
- 6.11.** Councils can also take action to stop or restrict the nuisance by:
- Carrying out works and making the business given the notice pay for them (this can include seizure and confiscation of equipment);
 - Applying to the High Court for an injunction (if a prosecution is not adequate).

- 6.12. The implications of an unsuccessful prosecution would include:
- Establishing that the odour evidence available does not amount to a statutory nuisance;
 - Establishing a BPM defence and therefore the acceptance that the off- site odour is adequately controlled from the landfill site;
 - Financial implications resulting from an award of costs (own and other parties);
 - Precedence established for any future proceedings in relation to odour nuisance;
 - Community disquiet.

7. Pressure from NuLBC

- 7.1. The Borough Council has actively engaged politically in challenging the lead regulator and the government to use all available powers to address the issues. These engagements are summarised below:

March 2021:

- Letter from the leader of the Council to the then Prime Minister, Rt Hon Boris Johnston MP, seeking an independent investigation into the regulatory performance of the Environment Agency in their handling of the permit for Walleys Quarry Landfill site.
- Letter from Chief Executive to the Environment Agency seeking, inter alia, suspension of the permit;
- Letter from Chief Executive to the then Secretary of State for Environment, Food and Rural Affairs, Rt Hon George Eustice MP, seeking an independent investigation into the regulatory performance of the Environment Agency in their handling of the permit.

April 2021:

- Letters from the Chief Executive to Environment Agency, Staffordshire County Council, Public Health England (now UK-Health Security Agency) and Red Industries Ltd advising of the Council's Scrutiny recommendations and requesting their progress.

May 2021:

- Letter from the Chief Executive to the then Parliamentary Under Secretary of State at the Department for Environment, Food & Rural Affairs, Rebecca Pow MP, again requesting a full review of the regulatory performance of the Environment Agency regarding Walleys Quarry.

February 2022:

- Letter from the Chief Executive to the then Chief Executive of the Environment Agency, Sir James Bevan, formalising a complaint that the Environment Agency's regulatory approach to the Walleys Quarry site has been ineffective and woefully slow to deliver for the residents of the Borough and seeking the delivery of a clear, time-bound, and effective plan to bring the odour pollution from the site to an end.

March 2022:

- Letter from the Leader of the Council to Aaron Bell MP seeking support in escalating the complaint against the Environment Agency to the Parliamentary and Health Service Ombudsman.

October 2023:

- Joint Letter from the leader of the Council and the Leader of Staffordshire County Council to the then Secretary of State for Environment, Food and Rural Affairs, Rt Hon Therese Coffey MP, seeking a full, independent public inquiry into the effectiveness of the Environment Agency.

December 2023:

- Letter from the Leader of the Council to the Prime Minister, the Right Honourable Rishi Sunak MP and the Secretary of State for Environment, Food and Rural Affairs, Steven Barclay MP, reiterating the request for a Public Inquiry into the Walleys Quarry issue.

7.2. Copies of the latest two letters are appended to this report.

8. Judicial Review (JR) Process

- 8.1. JR is a challenge to the *way in which a decision has been made*. It is not really concerned with the conclusions of that process and whether those were 'right', as long as the law has been correctly applied and the right procedures have been followed.
- 8.2. The EA and the Secretary of State (HM Govt.) both qualify as bodies, the decisions of which may be subject to Judicial Review.
- 8.3. If a JR is successful, the court will not substitute what it thinks is the 'correct' decision. This may mean that the public body will be able to make the same decision again, so long as it does so in a lawful way. Appeal, complaint, or ombudsman processes may, in certain circumstances provide alternative routes to remedy.
- 8.4. The court's view is that litigation should be a last resort. If alternative procedures are available, offer more or less the same solution and have not been used, a judge can refuse to hear a judicial review or refuse to grant a remedy. In the circumstances of Walleys Quarry redress via complaint, and ombudsman have both been sought by the Council without success. Judicial Reviews raised by members of the community have also been unsuccessful.

The Application Procedure

- 8.5. A JR claim form must be filed promptly and in any event not later than three months after the grounds upon which the claim is based first arose (CPR 54.1 (1)). The process around progressing a JR involves three stages:
- **Step 1 - The letter before claim** – This is an opportunity to persuade the public body, at a no-cost-risk stage, to consider the grievance and put the matter right rather than face having its decision or action judicially reviewed.
 - **Step 2 – The permission stage** - This allows the court to filter cases by deciding which should be allowed to go to a full hearing. The permission stage is decided on the basis of a written claim and will involve a fairly brief look at the case to decide whether there is an arguable case; and the case has been brought promptly or if any delay can be justified.
 - **Step 3 - The full judicial review hearing.** If permission to proceed is granted, when all parties are ready, and when the court has time available, the case is listed for a full hearing at which argument by both sides is heard by the court.

Cost of Judicial Review

8.6. Officers have sought advice on the potential costs associated with Judicial Review in order to assist member deliberation. This will be provided at the Council meeting if required, but initial estimate is that a reserve of at least £1M in relation to JR would be prudent, to account for potential cost awards in the event that either were unsuccessful. If a decision is taken to pursue JR then there is likely to be a requirement for the recruitment of additional resources in the legal team e.g. a legal project officer and external solicitors to ensure all legal documentation is in order.

9. **Proposal**

9.1. **Council is recommended to note the contents of this update report.**

10. **Reasons for Proposed Solution**

10.1. To ensure Council is kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry landfill.

11. **Options Considered**

11.1. n/a

12. **Legal and Statutory Implications**

12.1. 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.

13. **Equality Impact Assessment**

13.1. The work of the Council in this regard recognises that the foul odours in the area may impact on some groups more than others. The work is focussed on minimising this impact as soon as possible.

14. Financial and Resource Implications

14.1. There are no resource implications arising directly from this report, however it should be noted that as part of the 2024/25 budget setting process, a further £200k has been added to the Walley's Quarry Reserve. This results in the Walley's Quarry Reserve balance being £300k as at 1 April 2024.

15. Major Risks

15.1. 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;
- Secretary of State refuses permission to undertake prosecution proceedings.

15.2. 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.

16. UN Sustainable Development Goals (UNSDG)



17. Key Decision Information

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

18. Earlier Cabinet/Committee Resolutions

13.1 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.

19. List of Appendices

Appendix 1. Historical Complaint data

Appendix 2. Recent Letters regarding Public Inquiry