

# Report of the Walleys Quarry Committee of Inquiry

## July/August 2024



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## **Abbreviations**

Walleys Quarry	WQ
Walleys Quarry Ltd	WQL
Environment Agency	EA
UK Health Security Agency	UKHSA
Committee of Inquiry	CoI
Terms of Reference	ToR
Office for Environmental Protection	OPE
Hydrogen Sulphide	H <sub>2</sub> S
Staffordshire County Council	SCC

Newcastle-under-Lyme Borough Council The Council/ NuLBC  
US Environmental Protection Agency US EPA  
Reference Concentration RfC

## **Introduction**

For a number of years, Walleys Quarry Landfill Site in Silverdale (operated by Walleys Quarry Ltd, (WQL) formerly part of the RED Industries group of companies) has omitted odours which have caused significant concern to both residents, the Local Authority and Health partners. The Environment Agency (EA) is the lead regulator for the site, testing and enforcing compliance with the Environmental Permit under which the site operates.

The Council issued an Abatement Notice on Walleys Quarry Ltd in August 2021. 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 (6 October 2022). The Council has subsequently obtained the consent of the Secretary of State for DEFRA (as the site is permitted by the EA) to pursue further legal proceedings against WQL including prosecution of breaches of the abatement notice.

Despite the legal action taken by the Council, local politicians have continued to call for the Government to hold a public inquiry. This to date has not been agreed to. Consequently, a special meeting of Council was held on the 14th February 2024, where it was decided that (along with a number of other actions) the Health, Wellbeing and Environment Scrutiny Committee should set up a 'Committee of Inquiry' as a public hearing, to consider the impact that the odour emitted from the quarry was having on residents.

The Committee thanks all those who have participated in the process. The Committee is deeply concerned about the continuing significant impact of Walleys Quarry on the local community and understands and appreciates the effect that the site has had on individuals and their families. The Committee hopes that this report and its recommendations will help inform a satisfactory and timely conclusion.

## **Committee of Inquiry Terms of Reference**

As agreed at the Council meeting held on 14 February 2024 and confirmed by the Health, Wellbeing and Environment Scrutiny Committee on 26 February 2024, the terms of reference were agreed as:

- 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.

## **Membership**

Councillors: Bettley Smith (Chairman), Jones (Vice Chairman), Adcock, Brown, Holland, Moss, Whieldon, and Fox-Hewitt (Reserve)

## **Summary of the Process**

The Committee of Inquiry (CoI) met on five occasions prior to the first Inquiry day to prepare for the hearing sessions. A range of background information was collected and considered. These meetings were held in private.

The first Public Inquiry day was held on 23 July 2024. Three sessions were held: Morning session 10-12noon; Afternoon session 2-5pm; and Evening session 6-8pm. The second Public Inquiry day was held on 14 August 2024, during an afternoon session 2-5pm. These sessions were held in public, live streamed and recordings were made available on YouTube.

All those who were invited to give evidence to the Inquiry are [listed in the report](#).

The Committee subsequently met to discuss the evidence it had received, and to formulate conclusions and recommendations. This report concludes the Committee's investigation into the issues raised by the terms of reference. It sets out the evidence received by the Committee as well as the findings and recommendations that the Committee has made.

## **Background**

At the Council meeting held on 14 February 2024 it was agreed "the relevant Scrutiny Committees hold a public hearing, to receive impact statements from residents, stakeholders, including businesses, the operator, Staffordshire County Council, and local health bodies".

As the parent Committee, the Health, Wellbeing and Environment Scrutiny Committee on 26 February 2024 received a report detailing the strands of inquiry and potential invitees. The Committee of Inquiry held a scoping meeting in April and agreed the following Terms of Reference:

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

## Information Considered in Advance of the Inquiry Day

Members used the report from a previous Scrutiny Working Party looking into the impacts of Walleys Quarry (2020/21) as a starting point for their inquiry ([2021 report was approved by Council on 18 March 2021](#)). It provided a wealth of information, both technical and historical which was a huge benefit to the group.

The individuals and organisations who participated and gave evidence to the 2021 group were invited to comment on their original submissions and revise them if they wished. These revised submissions were considered along with the evidence collected at the Inquiry. Updated submissions were requested / received from:

- [Staffordshire County Council \(responded with an update on the questions previously asked by the 2021 group\)](#)
- [Walleys Quarry Liaison Committee](#)
- Stop the Stink Campaign Group – 3 groups provided evidence at the Inquiry day (links to the documents can be found later in the report under Inquiry findings).
- [Thistleberry Residents Association](#)
- [Aaron Bell \(MP from 2019-2024\)](#)
- [Silverdale Parish Council](#)
- Western Communities Locality Action Partnership
- [Aspire Housing](#)
- [Environment Agency](#)
- [Staffordshire Police](#)

The Col additionally agreed to let Adam Jogee (as then Labour Parliamentary Candidate) submit evidence given his knowledge and experience of the subject.

The 2021 report made a number of recommendations to various bodies. The Col asked the organisations for an update on the action taken to implement the recommendations. Responses were received from:

- [Environment Agency](#)
- [Newcastle under Lyme Borough Council](#)
- [Walley's Quarry \(RED industries\)](#)
- [Aaron Bell \(MP from 2019-2024\)](#)
- [Staffordshire County Council](#)
- [Walleys Quarry Liaison Committee](#)
- [Staffordshire Police](#)

The Col was kept up to date by receiving links to all information published by the Council and SCC, relating to Walley's Quarry.

In advance of the Inquiry and to enable members to fully understand some of the issues involved in the management and control of the emissions on the site, the working group received the following information/briefings:

1. **Landfill gas management:** Cotesbach Energy Limited (CEL) - a subsidiary of CLP Envirogas Ltd - provided some basic information on the way that the methane and hydrogen sulphate on site were managed. [CLP briefing note](#)
2. **UK Health Security Agency:** UKHSA attended an informal meeting to explain and update the Col on the impact the odour had on health in the local communities.
3. The Col received information on the independent [ARCADIS study](#) to ensure no duplication.

## Inquiry Day One -23 July 2024

The day was split into 3 sessions. Each session was open to the public, live streamed and recorded, and later posted on YouTube.

<https://www.newcastle-staffs.gov.uk/news/article/281/walleys-quarry-inquiry-hears-wide-ranging-evidence>

The speakers consisted of both experts and local residents. Each invitee was able to make a statement at the start of their session, this was then followed by questions to the witnesses from the Committee.

### Session 1 - Morning Session

<https://www.newcastle-staffs.gov.uk/news/article/281/walleys-quarry-inquiry-hears-wide-ranging-evidence>

Walley's Quarry Ltd	Invited but did not attend. <a href="#">Written submission</a> was considered as part of the evidence.
NuLBC - Regulatory Services	Nesta Barker/ Amanda Morgan
Staffordshire CC	Mark Parkinson Neil Goodwin
Former MP for Newcastle Under Lyme (pre July 2024 General Election)	Aaron Bell
Leader of NuLBC	Cllr Simon Tagg

### EVIDENCE PRESENTED:

#### Newcastle under Lyme Borough Council

[Presentation](#) provided to the session.

Main issues noted as a result of the questioning:

- The Local Authority had determined WQ is causing a statutory nuisance and annoyance.
- The odour had a significant adverse impact on normal life activities.
- The pace/speed of the Council's enforcement action had been dictated by legislation and court proceedings. As in any legal proceedings, evidence needed to be robust and Court timescales are out of the direct control of the Council.
- The Council had tracked complaints and monitored levels of emissions, and visited individuals. Data and evidence had been made available to the EA.
- WQ permit changes in 2020/21 had led to significant increase in the number of complaints. The Council had been consulted on the proposed change to the permit conditions and objected.

## **Staffordshire County Council (SCC)**

### [Written statement](#)

Main issues noted as a result of the questioning:

- Restoration of the site was currently estimated to be 2026, however, licence/tonnage changes could affect this date.
- Regulator (EA) was key to ensuring that the permit was adhered to.
- The County Council were working to ensure that all agencies worked together.
- The restoration plan was approved but could change depending on the material in the site and capping. EA regulate the site and contents and it was their role to enforce.

Following the Inquiry session, the Col was informed that the application to increase WQ tonnage (the Permit) had not been objected to on highway grounds. [Citizen Portal Planning \(agileapplications.co.uk\)](#)

## **Councillor Simon Tagg – Leader of NuLBC**

Main issues noted:

- Cllr Tagg noted that in his view responsibility lies with WQL and the EA. The EA approved extra tonnage, had issues with the monitoring equipment, including under-recording of emissions and crucially did not deal adequately with breach of permits.
- The operator needs to be held accountable.
- The Council had lobbied Government to exercise greater control and closure and would continue to do so.
- NuLBC had already approached the new Government to seek permission to take legal action.
- The Council will continue to ask for a Governmental Public Inquiry into the role and what they see as failures of the EA.
- The health impact on local residents was unacceptable.
- NuLBC would continue to have input into the multi-agency group.

- The enforcement of the NuLBC abatement notice continues.

## **Aaron Bell – Former MP for Newcastle Under Lyme**

### [Written statement/submission](#)

Main issues noted:

- Mr Bell felt that WQL shouldn't have been allowed to suspend operations voluntarily in 2021. He felt that this had delayed the ability to issue a closure notice.
- The operator WQL's frequent use and consideration of legal action against agencies is used to frustrate and delay procedures.
- The waste industry and waste crime generally needed to be addressed throughout the country by Central Government.
- Other sites in the country with lesser failures/ breaches seemed to be hit with enforcement requirements but not in his opinion, WQL.
- There was a need for the Government to commit to funding the restoration of the site if the company abandoned it - there was a need to ensure the new MP was acting to secure this guarantee.
- Missed opportunities:
  - i. Monitoring equipment. The initial absence of monitoring equipment allowed claims that the smell was coming from closed mining works to be investigated – this delayed proceedings.
  - ii. Mr Bell felt that the EA didn't respond appropriately. The EA culture and sensitivity for the local community had not been what it should have been. There has been a comprehensive failure of the EA. The new EA leadership was noted as was the apparent change in culture and willingness to work at addressing issues.

## **Session 2 - Afternoon Session**

<https://www.newcastle-staffs.gov.uk/news/article/281/walleys-quarry-inquiry-hears-wide-ranging-evidence>

Stop the Stink- Cap it Off	Sheelagh Casey-Hulme
Stop the Stink	Steve Meakin
Stop the Stink – Fight for Justice	Lee Bernadette Walford
Walleys Quarry Liaison Committee	Ian Barnett
Silverdale Parish Council	Henryk Adamczuk
Aspire Housing	Did not attend the Inquiry but <u><a href="#">written submission</a></u> made

### **EVIDENCE PRESENTED:**

#### **S. Casey Hulme – Stop the stink cap it off**

Read [statement](#)



Main issues noted from questioning/discussion:

- Support offered by Health authorities had been limited. GPs have treated the physical symptoms and there had been some mental health services in some years. Not known if these are still available though.
- Health implications were not recorded by all GPs so the true impact of H<sub>2</sub>S was not known or being linked to WQL.
- The public were concerned over the silence around the health impact.
- Stop the stink “cap it off” felt that interaction with EA had been ineffective.
- Council complaint forms were difficult to fill in, no engagement with residents.

Missed opportunities:

- Voluntary suspension notice had led to delays.
- Approving the permit increase in tonnage, when the community was already experiencing problems.

### **Steve Meakin – Stop the stink**

Read [statement](#)

Main issues noted from questioning/discussion:

- The public were of the opinion that the EA were not acting on the information they are receiving from the local community.
- Photographic evidence was produced of lorries loaded with liquid solidified plastic, not being weighed and tipping into the correct container. The Inquiry heard that the EA had investigated the matter. The audit trail of the EA findings were passed to the Col after the inquiry for information (see note below).
- The public were concerned that the acceptance and disposal of waste was not being managed in accordance with regulations and this was not being investigated thoroughly.
- It was reported that the Travellers site which was next to WQL had reported vehicles arriving at 3am. This had been reported to the EA, including provision of Drone footage, but it was reported that no response from the EA had been received.
- With regard to the consultation on the tonnage increase in 2020/21- the inquiry heard that the residents had been given one week to view plans and send in comments/objections. Furthermore, the increase in tonnage had started before the permit increase approved.
- Court case ruling - [Mother wins court case over Staffordshire landfill site emissions - BBC News Richards, R \(On the Application Of\) v The Environment Agency | \[2022\] EWCA Civ 26 | England and Wales Court of Appeal \(Civil Division\) | Judgment | Law | CaseMine](#)
- On 17 December the Court of Appeal overturned the decision of the High Court in R (Richards) v Environment Agency. [High Court declaration in case concerning landfill site regulation by Environment Agency “went beyond the scope of the court’s functions”](#): [Court of Appeal \(localgovernmentlawyer.co.uk\)](#)

NOTE: Following the Inquiry session, the Environment Agency [supplied information regarding the allegations over the disposal of waste](#)

### **Lee-Bernadette Walford – Fighting For Justice (FFJ)**

No written statement was provided. The following link was provided after the meeting: [https://youtube.com/@stopthestinktv?si=yzCzaonLCU\\_cjSdp](https://youtube.com/@stopthestinktv?si=yzCzaonLCU_cjSdp)

Main issues noted from questioning/discussion:

- The health impact was not being taken seriously by either the site owner or EA.
- FFJ had been informed that plaster board /gypsum had been incorrectly dumped on the site which may be leading to the odour.
- In April 2022 campaigners were taken to court and stopped from protesting. The process was described. It was felt that insufficient time had been given to prepare for the court case.
- All FFJ group evidence was passed to the EA but they don't always receive a response or see any changes as a result.
- FFJ have a good relationship with staff at the EA, but they don't see any changes in improvement in the odour in the local area despite the information and monitoring data which is passed to the EA.
- Drones were being used by FFJ to monitor activity when possible.

Missed opportunities: EA not informing the Secretary of State / DEFRA of the extent of the problem or the failings by the regulatory agencies.

### **Ian Barnett – Resident and Chairman of the Walley's Quarry Liaison Committee**

Main issues noted/discussed:

- Public representation on the Liaison Committee had been increased and would continually be reviewed. The public were encouraged to join and there may be an opportunity for the public to raise questions under AOB on committee agendas.
- Cllr Brown volunteered to join the Liaison committee.
- Data from the EA was scrutinised by the Committee regularly at their public meetings.
- The Liaison Committee held WQ and the EA to account.
- WQ website statements were considered.
- Mr Barnett felt that when the site closes, best practise guidance needed to be followed. This showed that if capped properly 90% of emissions stopped.
- It was suggested that the 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 particulate levels possibly needing more monitoring. Following the meeting Mr Barnett explained:  
*“The reference was to particular matter (PM). There are sub-fractions of particular matter less than an average one micrometre across and other fractions are particular matter with an average diameter of less than 2.5 µm across hence PM1 and PM2.5. both have different health effects because*

*they reach to different depths within the lungs. the open nature of any landfill has the result of having higher background particulates in the atmosphere. There are no health limits prescribed for these because there is no limits that is acceptably, 'safe'."*

The [UKHSA Health risk assessment](#) March 2021 to June 2024 shared during Inquiry Session 4 showed that there was no specific health risk relating to particular matter.

### **Henryk Adamczuk - Chairman Silverdale Parish Council**

[Written submissions and previous information provided as an update to the previous 2021 review were referred to](#)

Main issues noted/ discussed:

- The legislation wasn't strong enough to protect residents – too much discretion was given to officers which benefited operators, not the public.
- Decisions were made to increase/allow increased tonnage before the end of the consultation period. It was suggested that this should be raised with the local MP to ensure that regulations /framework be amended to take into account the effect decisions would have on communities before allowing officer decisions based on facilitating "economic growth/prosperity".
- It was speculated that this was to do with regulation guidance relating to "growth duty" which permitted officer decisions. It was suggested that a change in decision making framework/guidance to ensure that operators can't increase tonnage before they apply retrospectively and before public consultation is carried out.

Following the inquiry, Mr Adamczuk drew attention to one of his previous [submissions](#) which related to the need for the sources of hydrogen sulphide outside the landfill site at Walley's Quarry being scientifically evaluated.

### **Session 3 – Evening session**

<https://www.newcastle-staffs.gov.uk/news/article/281/walleys-quarry-inquiry-hears-wide-ranging-evidence>

Public Health Staffordshire	Dr. Richard Harling
Silverdale Medical Practice	Dr. Paul Scott
Health campaigner	Dr. Mick Salt

### **Dr. Richard Harling – Public Health Staffordshire**

Written [statement](#)

At the Inquiry, Dr Harling explained:

- Direct health effects encompassed a range of symptoms directly resulting from toxic effects. Long term effects were being monitored by the UKHSA.
- Indirect health effects were more difficult to establish e.g. mental health, such as insomnia/depression/anxiety etc. Some conditions may resolve some may not. Long term effects e.g. increase in cortisol hormone levels rises may lead to other illnesses. The effects of these changes take place over decades.
- Para 4 of his written statement referred to a Keele University study which showed no health impact at the moment. This was the most sound methodology at the moment.
- There was concern that some groups e.g. very young/elderly/those with pre-existing conditions were at a higher risk.
- Records show that exposure levels spike intermittently and rarely. This makes it difficult to estimate the health impact from those events.
- Newcastle Borough and Staffordshire County Councils have been lobbying Government to make an intervention. They would continue to do this.
- Health symptoms and causes will continue to be tracked even after the closure of the site. Uncertainty made the situation difficult to deal with.

### **Dr Salt – Campaigner**

Read [statement](#)

Dr Salt stated he had a PhD in Physics and had been involved in assessing the scientific and health aspects of Walleys Quarry on the community for some years. He felt that the opportunities missed were:

- Additional monitoring of the site was suggested in 2020. The community had continually collected their own evidence and referred it to the EA.
- Enforcement - there had been 109 breaches since 2019. Dr Salt felt that these should have been dealt with in a firmer manner. He felt that in other industries companies wouldn't have been allowed to retain their permits.
- Operating Permit – Dr Salt felt that the company should lose its permit and the site taken into public ownership or managed by a different waste management operator.
- High Standards across the whole industry - He felt that WQL set a poor example to other operators. He questioned the role of Chartered Institute of Waste Management and the International Organisation for Standardization (ISO).
- The EA needed to consider the wider effects when considering variations of licences.

### **Dr Scott - Silverdale Medical Practice**

Dr Scott is a GP partner at Silverdale Medical Practice which has 12,000 patients and is the main practice in Silverdale and which covers the whole area surrounding the WQ site.

Main issues noted/discussed:

- Awareness of the odour started to increase during covid - end of 2020/21
- Patients present with acute physical effects particularly those with breathing problems. Mental health impacts have also been most noticeable: troubled sleep, stress, depression etc.
- Whilst co-operation with local partners was recognised, support from relevant national agencies was limited.
- The surgery had set up its own code to log WQ related symptoms and or illnesses. This was an informal code so if searches had been done, it would not have been picked up as it was not a national diagnosis. Going forward, a code could be introduced throughout North Staffordshire, but historically it would involve searching through individual records. A code would rely on individual GP's remembering to use it and patients wanting their symptoms to be coded.
- In Dr Scott's experience, patients who worked away from the area or attended university often saw symptoms improve when away and then return when they came back to Newcastle.
- Quality of life was being affected.
- GPs want to treat the cause but are mitigating the symptoms at the moment, as they can't cure.
- Dr Scott noted that he wasn't aware of the Keele University study and didn't recall the practice being consulted.

**NB:** Following the inquiry session Dr Scott confirmed that, after checking, the practice had been one of six whose data were passively surveyed by the Keele study, but the GP Practice partners were not involved in or consulted on its design and the study, it did not use or take account of the practices local codes for Walleys Quarry.

NB: Dr Scott also attended the second Inquiry day on 14 August.

Following the Inquiry a member of the public submitted information concerning their health which the Chair agreed to accept as [evidence](#).

## Inquiry Day Two – 14 August 2024

### Session 4

Walleys Quarry Ltd	Invited but declined to attend.
Environment Agency (EA)	Andrew Hitchings Ian Jones
United Kingdom Health Security Agency (UKHSA)	Katie Spence Alec Dobney Ovnair Sepai
MP for Newcastle Under Lyme	Adam Jogee MP
Silverdale Medical Practice	Dr Paul Scott (invited back to contribute to health evidence provided by the UKHSA)

## MAIN FINDINGS

## **Dr Scott - Silverdale Medical Practice**

**Second Inquiry session** - Dr Scott also attended the first inquiry session. He wished to clarify that, following the first session he had checked, and the Practice had been one of the six local practices consulted by the Keele university study group. He felt that the problem with the study was that to identify symptoms resulting from the odour at the Quarry would require searching through text entries on patient records as there was no specific code for the site. His practice had introduced their own code in 2021, at the request of residents, so that symptoms could be linked back to the site/odour. He was unaware of other practices introducing codes. Another issue arising was the overlap with COVID-19, in distinguishing between COVID-19 vs. Walley's Quarry-related symptoms respectively. The study was quantitative, not qualitative, and it was thought that quality of life had not been measured.

213 of the Practice patients had their symptoms attributed to the Quarry. Dr Scott felt that local GPs were witnesses to the effects and the frustration at the ongoing issues. It was also highlighted that these were the patients seen by the GP, who felt that they needed medical support. The "randomness" of the odour exacerbated stress and contributed to the increased effect on sleep, social life and quality of life. The pervasiveness of minor symptoms multiplied to create more serious ones, so the issue is not just severity but scale. It was envisaged that many more coped with the symptoms or visited pharmacies and therefore did not visit the GP clinic. Mental health impact has been most noticeable: troubled sleep, stress, depression, anxiety etc.

Dr. Scott was not aware of clinical guidance addressing physical or mental symptoms in his practice area. He agreed that if there were some learning points to share this would be useful as the patient experience was subjective and different people had different experiences depending on medical conditions. Tools to deal with mild prevention would have been helpful.

It was noted that the Keele University Study had not been published yet and its methodology was not known at present.

## **Adam Jogee MP**

Mr Jogee explained the action he had taken since being elected in July 2024, as regards Walleys Quarry. This included [raising the issue in Parliament and with Ministers](#); inviting the Health Minister to visit the site and experience the impacts first hand; and establishing a network of MPs who also have landfill sites in their constituencies to look at the legal restraints and how sites can be managed effectively. There was also a Westminster Hall parliamentary debate scheduled on 5<sup>th</sup> September 2024 on waste and waste crime.

Paying tribute to local campaigners, it was explained that he wanted to see the site closed; the site capped; and the site restored. Once this was done, a public inquiry should commence to learn lessons to ensure this type of situation didn't happen again.

Regulatory bodies needed to have the appropriate powers to carry out their roles effectively and legislation and regulations needed to be fit for purpose. Meetings had taken with the Chief Executive of the EA and the MP would be meeting him again after this inquiry and would raise concerns again and request immediate action.

The cost of restoration should be covered by the owner of the site through a restoration bond and should not have to be funded from local taxpayers' money. The EA raised funds from non-compliance fines, and this was possibly an area which could be looked at if additional funding was needed. A meeting with all parties to look at the restoration plan and its funding had been requested and would be pursued now that he was an MP. The MP felt that the owners of the site needed to stay liable for the restoration costs. If this wasn't possible, the EA should fund restoration through the revenue raised through fines and as a last resort the government would be approached. Mr Jogee agreed to write to the Minister to confirm a guarantee that restoration funding would be available if no alternative could be found (recognising a need for contingency planning in the event of site abandonment). All parties need to work together to achieve change and this included the restoration of the site. Mr Jogee believes that local input and empowerment forms part of the solution.

The need for core samples to be taken from the site to identify the cause of the odour so that it can be effectively treated after restoration was raised. Mr Jogee agreed to raise this with the Chief Executive of the EA at their next meeting and there was a need for the Environment Agency to honour its responsibility to the people who live, learn and work in Newcastle.

## **Environment Agency (EA)**

[Ian Jones](#) and [Andrew Hitchings](#) attended the Session. A statement was read out

The main points raised were:

- Walleys Quarry Ltd (WQL) was responsible for the operations of the site.
- The Environment Agency (EA) operates under the relevant regulations and guidance and could only make decisions within that framework.
- The EA has issued 4 Enforcement Notices and 1 Suspension Notice since March 2021.
- The EA had reiterated to WQL that the odour experienced by the community remains unacceptable and that they must provide a sustained, and sustainable, solution. All regulatory options were under review, taking account of the latest evidence, the company's response and relevant legislation and guidance.
- It was noted that during the previous meeting of the CoI (session 2), opinion had been expressed in relation to the investigation carried out by an Environment

Agency officer in 2019. The EA did not accept the criticism of the officer or the organisation. [The incident had been properly investigated at the time and a written submission would be provided to the Inquiry.](#)

- The EA was committed to transparency and there was a large amount of information available to the public on the EA's Engagement HQ website.
- A [written response](#) was requested as to if/why core samples to identify the cause of the odour had/had not been taken and how the EA regulates this and is confident that what is being disposed of is permitted.
- The EA confirmed it does have powers to issue a closure notice under the regulatory framework that has been described. Issuing a closure notice was a lengthy and complex procedure and was a last resort following all other options.
- It was difficult to make comparisons across different industries. No other landfill sites had been closed in England before the end of their operational life although this was possible under the regulations. Many have however had actions taken against them.
- WQL is a poor performer and information is available on the EA website to explain this. The site is rated Compliance Band F.
- The EA's role as a regulator is to implement the legislation in place rather than make public comment upon that legislation. Government continually reviews regulations and in respect to the regulation of the landfill sector we are anticipating that both HMRC and Defra will be consulting on Landfill Tax and the landfill of biodegradable waste in due course. The EA will participate fully in that process based upon their experience as the regulator.
- The EA's Chief Executive was involved and was aware of the site. It was requested that the Chief Executive raise with the Secretary of State the framework 'perceived restrictions' and the need for review. The EA stated that its Chief Executive was "very engaged" and the Chair [requested written confirmation outlining his engagement efforts.](#)
- With regard to the procedures followed for the permit increase in tonnage back in 2021, the Committee was informed that the appropriate determination process had been followed, a technical assessment had been completed on the variation, and all consultees' comments and responses are included in the decision document on the website. The regulatory framework was followed.
- [The letter supplied by the EA \(dated 17 June 2024\) along with their written statement was questioned.](#) The EA stated that some of the criticisms put to it were because the letter, they felt, had been misread.
- [Detail on the ability to use fines and charges to support redevelopment of the site would be provided to members separately.](#)
- The difference between fees and charges on one hand, and fines on the other, was clarified.
- WQL is responsible for providing accurate data in accordance with permit conditions; this data is then subject to technical assessments by the EA to confirm its veracity.
- [Response to the questions asked following the previous inquiry sessions would be provided in writing.](#)
- Missed opportunities:
  - ❖ It was suggested by Members that WQL's voluntary suspension of its activities was a missed opportunity. EA officers stated that it was normal and



in keeping with guidance to allow an operator to voluntarily suspend its activities in order to rectify problems or carry out remedial work.

- ❖ It was suggested by Members that there had been missed opportunities regarding monitoring devices and improper calibration. EA officers stated that this was a problem across England which was specific to the instrument. Because it was an issue with calibration it had been difficult to identify and had not been identified either through the normal checks or the third party audits that took place.

Following the Inquiry, the EA circulated [information from the Coal Authority](#).

### **United Kingdom Health Security Agency (UKHSA)**

Katie Spence, Alec Dobney and Ovnair Sepai attended the meeting.

[Presentation](#) provided to the session and a [Risk Assessment](#) for WQ.

The main points raised were:

- The UKHSA were waiting for the recalibrated EA data and would then produce an addendum health risk assessment report on receipt of readjusted data provided by the Environment Agency
- The final slide in the presentation provided at the inquiry stated:
  - *UKHSA is aware that some people continue to experience short-term health effects*
  - *The risk to long-term (lifetime) health cannot be excluded, where concentrations are above the United States Environment Protection Agency (EPA) Reference Concentration (RfC) long-term health-based guidance value. Currently this risk is likely to be small, but the longer the exposure is above the US EPA RfC, the greater any potential risk will become*
  - *UKHSA strongly recommends that all measures be taken to reduce the off-site odours from the landfill site, to reduce the health impacts experienced in the local community*
- Health data was collected from a broad range of sources, some of which demonstrated trends which followed the hydrogen sulphide concentrations.
- Whilst accepting the health impact and the symptoms presented in the evidence which Dr Scott had provided, it was noted that it was collected during a very complex time when the Covid-19 pandemic was affecting mental health generally. However, the symptom tracker had also shown that there were peaks which corresponded with complaints.
- The impact on the health of individuals was variable depending on health conditions and individual sensitivity.
- There were no biological markers for hydrogen sulphide since it leaves the body fairly quickly – this made it difficult to link the exposure to hydrogen sulphide with both health symptoms and health outcomes. Instead, common practice is to measure hydrogen sulphide exposure against the observed symptoms.
- Treating the symptoms isn't the solution. The important intervention is to address the source of the exposure, reflecting what Dr Scott noted in the evidence he provided.

- The sustained low-level exposure along with high peaks led to a strategic response where all parties worked together as noted in the remit of the Strategic Coordinating Group.
- Exposure to persistent low-level concentrations at or below the US EPA Ref Concentration health-based guidance value should not initiate measurable symptoms.
- Short-term intermittent high-level exposures produce reversible symptoms.
- Advice was that levels should be at or below the US EPA Ref Concentration health-based guidance value.
- Discussions were taking place with the Environment Agency about it publishing more than the short-term exposure data (note this data is published through infographics on the EA website).
- The local Integrated Care Board (ICB) was a key partner in the strategic group and would play a key role in supplying and sharing guidance and advice. In 2021, a letter was sent out to all primary care providers. A copy of that would be forwarded to the Committee upon receipt.
- Multi-agency work is considered key for engaging all stakeholders and this is best reflected in the Strategic Coordinating Group.
- The site and its hydrogen sulphide emissions are exceptional, along with the length of time this incident has been ongoing. These key aspects make this site different to other landfill sites known in the UK.
- Where UKHSA has typically issued health advice in similar incidents action is usually taken by the operator/ regulator to resolve the matter in a shorter period of time.
- Health effect studies using animal models were used to develop guidance values. Any future research would be based on literature reviews, no new studies would be commissioned by UKHSA. Desk top based research was the only ethical option.
- If exposure stayed below 2 ug/m<sup>3</sup>, long term health impacts wouldn't be expected. This is considered a very conservative value (health protective) by UKHSA and is in line with US EPA Reference concentration health-based guidance value.
- When asked if the site should be closed, officers stated:
  - ❖ Although closure is an option, the impact of closing the site may vary.
  - ❖ Action on site could remediate the problem.
  - ❖ Closure may bring other issues - there would still be chemicals on the site which would have to be dealt with.

Missed opportunities:

- ❖ Councillors suggested that in 2019 the suggestion was made to collect data in the form of nasal swabs to monitor inflammatory indicators. In response, the UKHSA stated that hydrogen sulphide is a chemical irritant, and although there would need an increase in inflammatory markers with high level exposure, at these levels we are seeing symptoms and thus the marker would not offer any additional information. It is unlikely that any inflammatory markers would be created for long-term, low-level exposure.

Regulatory powers:

- UKHSA does not have regulatory powers, it collects data and provides advice. Wording is being reviewed to strengthen the advice provided. It was requested that the UKHSA health risk assessment statement use the word “**must**” rather than “should”.
  - ❖ For example: UKHSA could strongly recommend that all measures “**must**” be taken to reduce the off-site odours from the landfill site, to reduce the health impacts experienced in the local community.

## **Information shared with the Committee of Inquiry after the Inquiry Day**

### **Legal action**

NuLBC has been given approval by the SoS to pursue legal action against WQL to pursue legal proceedings including prosecution of breaches of the abatement notice. NuLBC is awaiting expert advice which is expected imminently upon receipt of which will inform its next steps in conjunction with its legal team.

Link to be added

[Council granted permission to take legal action against Walleys Quarry – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-under-lyme.gov.uk/news/article/287/walleys-quarry-fire-update)

### **Recalibrated data**

The EA published recalibrated data on 20 August 2024. A public meeting was held on 29 August 2024 on Zoom. Both the data and webcast recording can be found [Latest News | Engage Environment Agency \(engagementhq.com\)](https://www.engagementhq.com/news/2024/08/29/ea-recalibrated-data)

### **Walleys Quarry Fire**

On the 4<sup>th</sup> August 2024 a fire occurred at the site. This was subsequently brought under control and extinguished. <https://www.newcastle-staffs.gov.uk/news/article/287/walleys-quarry-fire-update>  
[Latest News | Engage Environment Agency \(engagementhq.com\)](https://www.engagementhq.com/news/2024/08/04/walleys-quarry-fire-update)

### **Office for Environmental Protection**

During the hearing days, The Office for Environmental Protection was referenced as a public body that protects and improves the environment by holding Government and other public authorities to account. The Col has therefore looked at this body with a view to reviewing the Legislation/Regulations governing the operation of the Environment Agency.

[Office for Environmental Protection | Office for Environmental Protection \(theoep.org.uk\)](https://www.theoep.org.uk/)

## **FINDINGS OF THE COMMITTEE**

### **Introduction**

It is acknowledged that a lot of work has been done to assess the impact on health locally, by a wide variety of organisations, including the Borough Council, Public Health Staffordshire and the UK Health Security Agency.

There is an urgent need to resolve the situation and reduce the odour produced by the site which was affecting the health and lives of the local community.

A recent fire at the site which started on 4<sup>th</sup> August had increased the concern and fear of local residents. Operations had since resumed at the site. The fire investigation report identifying the cause of the fire has not been disclosed at the time of drafting this report but the cause is thought to relate to batteries and some form of spontaneous combustion. The fear that this (or something worse) may happen again, increases the need for a speedy resolution to the problems.

The Col have spent many hours collecting evidence and information which helped them to understand the complex and difficult situation which was experienced locally. They would like to thank all those involved in the Inquiry sessions particularly the public, health experts and local politicians (past and present) who attended and shared their views and experiences and who lived with the odour on a daily basis. They would also like to thank the Environment Agency and the UK Health Security Agency for attending and answering their questions.

In summary, the conclusions are that Walley's Quarry Ltd and the Environment Agency have failed the public in many respects and evidence has been supplied to indicate short term (known) and possible long term (unknown) health impacts to the local population which appears to have been contributed to by the lack of action by the aforementioned bodies.

The Col's detailed conclusions are based on the evidence received at the inquiry days and link back to their Terms of Reference which were:

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

### **ToR 1. What is the impact of the ongoing odour issue**

#### **Health impact**

The evidence from the UKHSA confirms that hydrogen sulphide is having an impact on health. "Residents near Walleys Quarry have experienced headache, nausea, dizziness, watery eyes, stuffy nose, irritated throat, cough or wheeze, sleep problems and stress. This is consistent with exceedances of the hydrogen sulphide odour annoyance guideline value"

“The more time spent above the WHO guideline value, the greater the likelihood of symptoms being experienced and impacting on people’s health and wellbeing.”

There are short term (known) and possible long term (unknown) effects on health. The short-term effects are picked up by attendance at the local GP surgeries, but some individuals affected may not attend surgeries to seek advice from their GPs. Those people either self-medicate, or just 'weather the storm'. At this stage the long-term effects of exposure on those individuals is unknown. At the fourth Inquiry session it was confirmed by the UKHSA that the impact on the health of individuals was variable depending on health conditions and individual sensitivity. Members heard that there were no biological markers for H<sub>2</sub>S since it leaves the body very quickly, this made it difficult to link the exposure to H<sub>2</sub>S with health symptoms and health outcomes. Instead, common practice was to measure the rate of H<sub>2</sub>S exposure against the rate of the development of symptoms.

Therefore, the assumption that low level exposure to a substance or material is safe may be dangerous. Members concluded that the long-term effects of low level exposure over a prolonged period to hydrogen sulphide were unknown and could not be ruled out.

The COI acknowledge the results of the Keele University study, which was currently out for peer review. The Col believed the health risks are greater than the aggregated study or research would suggest. They base this on the compelling evidence from the public and the local GP, Dr Scott. Dr Scott had introduced his own database coding for health concerns relating to Walleys Quarry which was not, to their knowledge, used as part of Keele’s study. It was also noted that data at an aggregated level could conceal some significant effects on specific individual members of the population who may be more susceptible to the effects of the H<sub>2</sub>S than others.

The coding system that Dr Scott developed and uses in his practice could be useful in identifying issues and the Col suggest that this is extended to other practices in the area.

The Col acknowledge the ARCADIS study which has been commissioned and a copy of this report will be forwarded to ARCADIS to form part of their evidence gathering.

## **Factors Contributing to Health Concerns**

### **Walleys Quarry Ltd**

The operators of Walley's Quarry were invited to both Inquiry days but declined to attend. Their [written statement](#) is contained in this report. Their statement states that, "*The site is managed to ensure there is no negative impact to human health or the environment*": the evidence would suggest that they have failed on both counts.

They go on to say, "*The Site team continually inspects the waste deliveries and activities on the landfill to ensure that odour risks are managed, minimised and eradicated.*" Whilst they may argue that odour risks are managed and minimised, it is clear that they have never been eradicated.

They go on to quote the UKHSA's statement that, "*living close to a well managed landfill site does not pose a significant risk to human health.*" The Col heard during the Inquiry that the Quarry was inspected by the EA and had fallen into the lowest compliance band (Band F) for 3 consecutive years [Permit Compliance | Engage Environment Agency \(engagementhq.com\)](https://www.gov.uk/government/organisations/environment-agency/about-us/engagement). The Col therefore questioned if this was indeed a well-managed site

### **Regulatory Role – Environment Agency**

The Environment Agency is the public body which is responsible for the issuing; inspecting; and the enforcement of regulations. During the Inquiry sessions, we heard that the EA Officers were confident that the EA had the powers within the framework to enforce and close the site if necessary and were legally able to do so. Members felt that if this is the case how can the following have occurred:

- There have been 109 breaches since 2019.
- There have been failings to calibrate and operate the monitoring equipment correctly.
- Poor site performance over a prolonged period without improvement.
- Alleged failure to regulate and monitor the site correctly and/or the content of the landfill.
- An increase in the permitted tonnage in 2021 prior to consideration of consultation results and without taking into account rising levels of gas emissions.

It was suggested by witnesses at the Inquiry that the legislation and EA actions and interpretation of legislation were not strong enough to protect residents. Members heard that the public felt that too much discretion was given to officers to, for example, increase or allow increased tonnage which would benefit the operator but not the public. The Col would like to see a rebalancing of the regulatory framework to give precedence to public health over economic benefit/growth.

It is the duty of the Chief Executive of a regulatory agency (such as the EA) to advise their Minister if the regulatory framework within which the Agency was required to operate was unsatisfactory or defective. If the regulations were sufficient and fit for purpose, why are emissions of H<sub>2</sub>S so high?

This situation in itself should merit a Government-led Public Inquiry into the role of the EA, their regulatory framework and powers and whether officers within the EA are working correctly within that framework. The Col consider whether the Office for Environmental Protection would be the appropriate body to consider and support such an Inquiry.

### **Content of the Landfill**

There were suggestions made at the Inquiry that incorrect waste (meaning waste that was not permitted to be placed in the landfill) had been deposited on site. This allegation was rebutted by the EA.

However, the noxious odours and levels of Hydrogen Sulphide were unprecedented and were being created by something. The need to sample the contents of the site in order for it to be managed appropriately seems a very sensible suggestion.

### **ToR 2. What needs to be done next, and by whom, to bring about resolution**

#### **Closure of the site**

It is noted that the Inquiry heard from both the EA and the UKHSA that closing the site may not be the best option for managing the omissions and odour. However, the Col feels that closing and managing the site efficiently will lead to significant improvement.

#### **Restoration**

The Col had concerns about the restoration of the site and ensuring the restoration is paid for by those responsible. In the absence of confirmed figures, the Col heard that the estimated cost of the restoration bond is likely to be lower than the actual cost of restoration. Members were not able to get accurate costs but are concerned that the bond may not be enough to cover actual costs.

Members want to see all parties meeting to discuss the restoration plans and the funding of them as soon as possible. It was noted that the previous MP for Newcastle Under Lyme had attempted to secure central government agreement that as an absolute last resort they would fund the restoration and maintenance of the site after it closes. It was agreed with the current MP that restoration costs should not fall on the local tax payer (or even the national tax payer) and they hope he will explore that on our behalf with the Secretary of State.

### **ToR 3. What, if any, opportunities have been missed to resolve this issue sooner**

Closure of the site was raised as a missed opportunity by many of the contributors during the Inquiry.

Allowing permit changes in 2021 prior to the end of the consultation period and allowing increases before the permit was granted were listed as failures. The increased levels of H<sub>2</sub>S being produced should have raised questions at the time and stopped further expansion. The Col feel that the EA should have considered the wider effects when considering variations of licences.

Additional monitoring of the site was suggested by the public in 2020. The Local authority and the community had continued to collect their own evidence and referred it to the EA.

The EA Monitoring equipment was found to be faulty. This was a national issue and had been very difficult to identify despite regular maintenance and checking. However, Members felt that this should not have gone unnoticed for so long.

Whilst it was understood that the Strategic Co-ordinating Group investigated claims that the smell was coming from closed mining works, this delayed proceedings.

Walleys Quarry Ltd were allowed to suspend operations voluntarily in 2021. It was felt by some of the Inquiry attendees that this delayed the ability to issue a closure notice sooner. The Inquiry did, however, hear that the EA had followed regulations and guidance, and this was a normal practise to allow companies to rectify problems.

A Government-led Public Inquiry into the alleged failings of the EA has been requested before and resisted. However, there is now more, perhaps overwhelming, evidence to support the need for an inquiry. Speaking at the Westminster Hall debate on Waste Crime in Staffordshire on 5<sup>th</sup> September 2024, the Minister for Nature, Mary Creagh, stated:

“This Government are clear: we are committed to bringing waste criminals to justice. We have long-term ambitions to rebuild the waste sector and to create a circular economy, and we are committed to tackling both waste crime and, as exemplified by Walley’s Quarry, poor performance at regulated sites.

I know that the Environment Agency is committed to continuing its work with partners nationally and locally, and I thank it for working against the odds and in a very difficult funding environment over the last 14 years. [The] Member for Newcastle-under-Lyme asked for deeds not words. We will follow the principle that the polluter pays. We will find the polluters; we are coming for them and we will track them down.”

Despite calls for sampling to take place on the site to identify the cause and the sources of Hydrogen Sulphide, this has not been done sufficiently, if at all. If the source had been identified, there was the possibility that the treatment/management of the site may have differed.

It could be argued that effective enforcement has not taken place. It is noted that 109 breaches have occurred since 2019.

When health issues were first identified, the advice and guidance provided to local GPs and health professionals was limited. More support and services should have been made available when it became clear that this was going to be a longer-term health issue.



GP coding of health issues, in the same manner as that introduced by Dr Scott, would have been useful for all GP Practices in the area. The limitations in this dataset are acknowledged, in that it relies upon GPs to enter data into the system and for patients to self-identify. Nevertheless, the Col felt that it would have led to a significant amount of useful health data.

## **Recommendations**

0. 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.
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.
5. Note that the Office for Environmental Protection (OEP) is the appropriate body to support such an Inquiry.
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.
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.
10. A copy of this report to be sent to ARCADIS consultants for information.