

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S

REPORT TO CABINET

04 November 2025

Report Title: Walleys Quarry – Odour Issues

Submitted by: Chief Executive

Portfolios: Sustainable Environment; One Council, People & Partnerships

Ward(s) affected: All

Purpose of the Report

Key Decision Yes ☐ No ☒

To update Cabinet on the latest position regarding the problematic odours in the Borough associated with Walleys Quarry.

Recommendation

Cabinet is recommended to:

1. Note the contents of this update report.

Reasons

To ensure Cabinet is kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry landfill.

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 which has, until its liquidation been operated by Walleys Quarry Ltd. The Environment Agency (EA) is the lead regulator for permitted landfill 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** Further instances of statutory nuisance identified which amount to a breach of the Abatement Notice, the Council's Enforcement Policy will guide the process to be followed [Reference: [Environmental Health enforcement policy – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/environmental-health-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. The Council needs to obtain the consent of the Secretary of State before it is able to prosecute an offence of breaching an abatement notice, as the site is permitted by the Environment Agency. Such consent has been obtained.

- 1.5** Members and Officers have attended Liaison Meetings to maintain contact with Walleys Quarry Ltd, and with other agencies involved with the issue. Cabinet has received monthly updates on the issues relating to the odours, and Council has also been regularly updated.

- 1.6** At its meeting of 23 July 2025, full Council resolved to write to the Secretary of State for the Environment, Food and Rural Affairs, the local member of parliament, the Chief Executive of the Environment Agency and the Leader of Staffordshire County Council. The following updates on this correspondence are provided.

1.6.1 The Secretary of State, Steve Reed OBE MP, was asked to provide a timetable for a public enquiry into the actions of the Environment Agency through the Walleys Quarry process and for confirmation that he would provide a guarantee that all costs of remediation would be met by UK Government.

1.6.2 In response, correspondence has been received on 18 September 2025 from Mary Creagh CBE MP, and is set out in Appendix 4. The Minister states: 'My position has not changed in respect of granting a public inquiry since my letter to Cllr Tagg of 4 October 2024. The EA has complied with environmental law and has fulfilled its statutory duties in regulating Walleys Quarry and its ongoing management of the site to prevent the risk of pollution or harm. I am not convinced of the benefits of holding such an inquiry and believe that our efforts are best focussed on addressing the problems at the site.'

1.6.3 The Member of Parliament for Newcastle-under-Lyme, Adam Jodge MP, was asked for specific assistance in getting the relevant Government departments and agencies to engage with the multi-agency co-ordinating group; to call for Government to play an active role in the safe restoration of the site; and to join calls for a public enquiry into the site and its regulation. There has to date been no response.

1.6.4 The Chief Executive for the Environment Agency was asked to commit real and lasting financial support for the restoration of the site; that continuous monitoring would continue to be in place; and that a public meeting be held by the end of September. A reply was received on 20 August 2025 and is set out in the previous Cabinet report.

- 1.7** The Council continues to assess the prevalence of odours off site.

2. Complaint Data

- 2.1** Below is a schedule of complaints received by the Council and by the Environment Agency for the last 3 months, reported on a weekly basis. Historical complaint data is attached to this report as Appendix 1.

	Complaints to NULBC	Complaints to Environment Agency
August 2025		
04/08/25 - 10/08/25	2	0
11/08/25 - 17/08/25	0	3
18/08/25 - 24/08/25	0	0
25/08/25 - 31/08/25	2	0
September 2025		
01/09/25 - 07/09/25	1	0
08/09/25 - 14/09/25	0	0
15/09/25 - 21/09/25	0	3
22/09/25 - 28/09/25	0	1
October 2025		
29/10/25 - 05/10/25	0	3
06/10/25 - 12/10/25	1	0
13/10/25 - 19/10/25	0	3
20/10/25 - 26/10/25	0	3
27/10/25 - 02/11/25	0*	Awaited

*Figure may alter due to backdated complaints received

2.2 October 2025

- There were no 'odour events' (where 10 or more complaints have been reported) during the month of October.
- The total number of odour complaints for October was 1 complaint reported on Tuesday 07 October 2025.

NULBC Odour Assessments

- 2.3** Officers have undertaken odour assessments. The type of monitoring includes spot assessments (instantaneous assessments) and assessments made over a 5-minute period where the odour intensity is recorded every 10 seconds.
- 2.4** With the reduction in complaint numbers, odour assessments are proactive rather than reactive and aim to provide reassurance monitoring within the community.
- 2.5** In October, 11 spot assessments were undertaken all of which reported an intensity rating of 0 [no odour].

NULBC Mobile Air Quality Monitoring (using Jerome monitor)

- 2.6** No hydrogen sulphide monitoring was undertaken by Officers in October 2025.

Air Quality

- 2.7** The Council, Staffordshire County Council, and the Environment Agency have jointly funded a campaign of air quality monitoring utilising static air monitoring stations. The

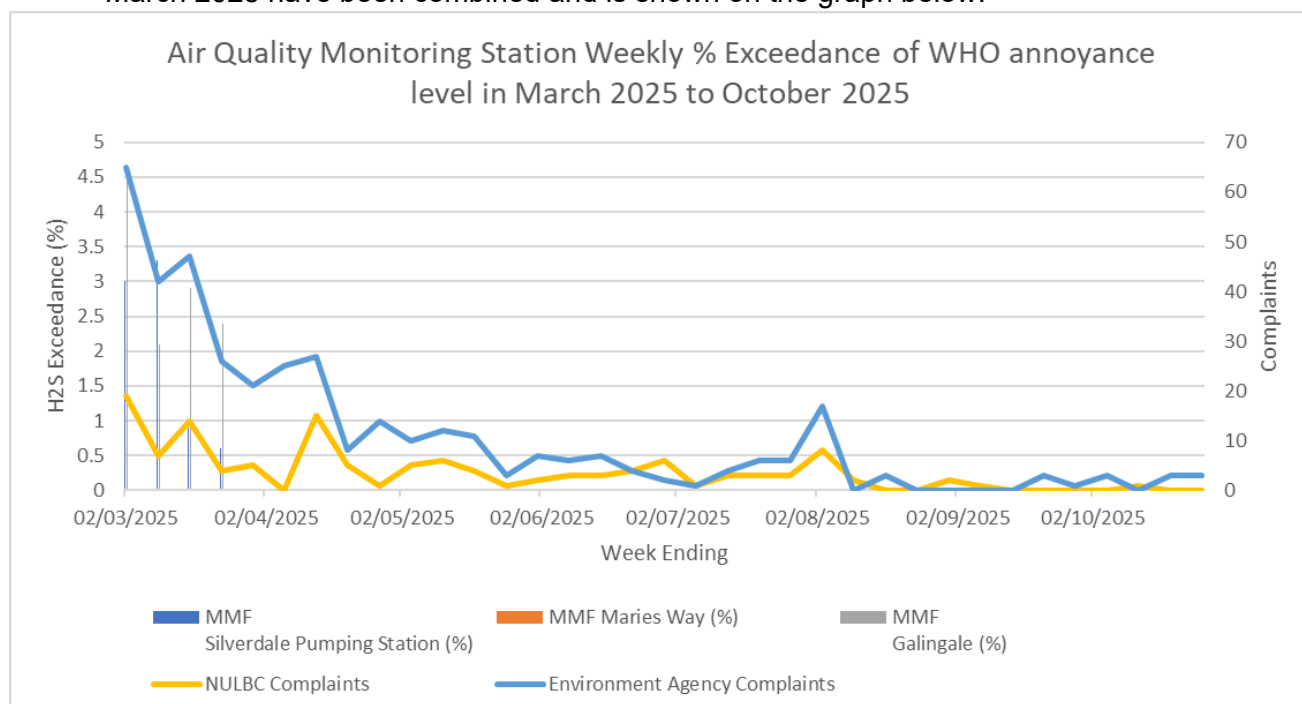
Environment Agency manage and operate these air quality monitoring stations. Data from these stations is routinely published weekly by the Environment Agency (EA).

2.8 The air quality data up to September 2025 has been published on the EA website and the KPI data has been updated.

2.9 The latest H2S data is set out in the table below, defining the proportion of the time periods where H2S levels were above the WHO Odour Annoyance guideline of 7ug/m³. Historic data is available in Appendix 2.

Time Period	MMF Maries Way (%)	MMF Silverdale Pumping Station (%)	MMF Galingale View (%)
28 July - 03 August 2025	0.0		0.0
4 August - 10 August 2025	0.0		0.0
11 August - 17 August 2025	0.0		0.0
18 August - 24 August 2025	0.0		0.0
25 August - 31 August 2025	0.0		0.0
01 September - 07 September 2025	0.0		0.0
08 September - 14 September 2025	0.0		0.0
15 September - 21 September 2025	0.0		0.0
22 September - 28 September 2025	0.0		0.0
29 September - 05 October 2025	0.0		0.0
06 October - 12 October 2025	0.0		0.0
13 October- 19 October 2025	0.0		0.0
20 October – 26 October 2025	0.0		0.0

2.10 The complaint data and weekly % exceedance of the WHO annoyance level since March 2025 have been combined and is shown on the graph below:



Environment Agency Regulatory and Enforcement Action

- 2.11** The EA provide updates on its regulatory activity on the Walleys Quarry Landfill which can be accessed here:
<https://engageenvironmentagency.uk.engagementhq.com/hub-page/walleys-quarry-landfill>.
- 2.12** The EA 'launched 'Report an environmental problem,' a new online reporting service to make it easier to report water and odour pollution across England. The EA advise that if you need to report an odour, please use the following link - [Report a smell from a waste facility, industrial site or farm in England - GOV.UK.](#)'

Walleys Quarry Limited Update – Voluntary Liquidation [28 February 2025]

- 2.13** The registered office for Walleys Quarry Ltd has changed to Suite 3, Avery House 69 North Street Brighton BN41 1DH. No further updates have been uploaded to the filing history for Walleys Quarry Ltd on Companies House.
- 2.14** There is no legal time limit on how long a liquidation will last. A typical liquidation takes a year to complete but can go on for longer. It depends on what assets are to be realised, and how long it takes to agree creditors' claims.

NULBC Update

- 2.15** The Council is providing both the EA and liquidator any support we can within our powers to keep this landfill under control, as it is currently.
- 2.16** We will continue to monitor the data in relation to the landfill.
- 2.17** We will continue to undertake odour monitoring and assessments in the community.
- 2.18** We would ask that should the community be adversely affected by odour that complaints are logged to the EA or ourselves via [Report a problem or concern about Walleys Quarry – Newcastle-under-Lyme Borough Council](#).
- 2.19** We have started working with partners to review:
- the ongoing work by the Environment Agency to minimise emissions off site;
 - the future of the site considering the availability of any funding and the potential routes to delivery
- 2.20** Further details of this work will be provided in a future report following the establishment of working groups.

UK Health Security Agency [UKHSA]

2.21 Walleys Quarry landfill health update

'Since April 2025, UKHSA's monthly health risk assessments have noted that hydrogen sulphide concentrations have been below the World Health Organisation (WHO) odour annoyance guideline value, and that the monthly average concentrations have been below the United States Environmental Protection Agency (US EPA) Reference Concentration (RfC) long-term (lifetime) health-based guidance value. UKHSA concludes that this is likely to remain the case, with the steps the Environment Agency

has arranged to take on site to remove a risk of serious pollution, and this position will replace the UKHSA monthly health risk assessments for future purposes.

In agreement with multi-agency partners, UKHSA will continue to review air quality data provided by the Environment Agency and should hydrogen sulphide concentrations or odour reports increase considerably, UKHSA may update the position set out below, or if appropriate, reinstate its monthly health risk assessments.

UKHSA health risk assessment for September 2025

UKHSA uses the WHO odour annoyance guideline level of 7µg/m³ for hydrogen sulphide to assess odour pollution impacts. Odour may still be present below this concentration; however, it is anticipated that the strength of any odour will be reduced. Symptoms such as headache, nausea, dizziness, watery eyes, stuffy nose, irritated throat, cough or wheeze, sleep problems and stress, that were exacerbated by high levels of odour, are now expected to be less severe and occur less often. This will reduce the impact on people's health and wellbeing.

The cumulative average concentrations of hydrogen sulphide are also falling towards the US EPA RfC lifetime guideline value of 2 µg/m³ along with monthly average concentrations close to or below the US EPA RfC value. Whilst the risk to long-term (lifetime) health cannot be excluded, currently this risk is likely to be small and will continue to be so while hydrogen sulphide concentrations remain around the current level. Reductions in hydrogen sulphide are anticipated to continue to improve.'

Key Performance Data

- 2.22** Through the settlement agreement both Walleys Quarry Ltd and the Council had developed key performance indicators in relation to relevant data from each organisation, only data for NULBC is available, following Walleys Quarry Ltd liquidation. The NULBC data is shown in Appendix 3.
- 2.23** The data from the Council covers the period from July 2025 to September 2025 and provides complaint numbers and officer assessments.

3. Recommendation

3.1 Cabinet is recommended to:

- Note the contents of this update report.

4. Reasons for Proposed Solution

- 4.1** To ensure Cabinet is kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry landfill.

5. Options Considered

- 5.1** To provide regular updates to Cabinet.

6. Legal and Statutory Implications

- 6.1** Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:

- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
 - The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health or a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether a statutory nuisance exists.
 - Where a statutory nuisance is identified or considered likely to arise or recur, section 80 of the Act requires that an abatement notice is served on those responsible for the nuisance. The abatement notice can either prohibit or restrict the nuisance and may require works to be undertaken by a specified date(s).
 - It is then a criminal offence to breach the terms of the abatement notice. Because the site is regulated by the Environment Agency under an Environmental Permit, the council would need to obtain the consent of the Secretary of State before it is able to prosecute any offence of breaching the abatement notice.
 - The Act provides powers in respect of a breach. If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, they shall be guilty of an offence. If this is on industrial, trade or business premises shall be liable on conviction to an unlimited fine. It is a defence that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.
- 6.2** In 2024, the Council established breaches of the abatement notice. As the Council was not the primary regulatory permission to undertake legal proceedings was sought from the Secretary of State. This permission was received in July 2024, preparation for legal proceedings commenced, with the intention to issue proceedings in late 2024/early 2025.
- 6.3** This report details both the EA closure notice and subsequent appeal against the closure notice, which the Borough Council was a principal party to present evidence in relation to the statutory odour nuisance.
- 6.4** Walleys Quarry Ltd in February 2025 entered voluntary liquidation.
- 6.5** Upon the liquidation of Walleys Quarry Ltd, the abatement notice and the legal requirements in respect of odours, will cease to be enforceable. As a result, those legal proceedings will not continue. The council will keep this under review.
- 6.6** The Council also continues to engage with the Crown Estate and the EA regarding any future plans for the site.

7. Equality Impact Assessment

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

8. Financial and Resource Implications

- 8.1** Dedicated officer resource has been allocated to continue the Council's work regarding Walleys Quarry Landfill.
- 8.2** From April 2024 there is a £300k reserve for works associated with Walleys Quarry Landfill site. Should further funding be required, up to £300k can be made available through the transfer of useable reserves (£100k from the Borough Growth Fund and £200k from the Budget and Borrowing Support Fund). These funds can be transferred without Council approval.
- 8.3** On 20 November 2024 Council approved a further sum of £400k (£250k from the General Fund Reserve, £150k from the Budget and Borrowing Support Fund) for costs associated with action to prosecute, and delegate to the Chief Executive and Section 151 Officer, in consultation with the Portfolio Holders for One Council, People and Performance and Town Centres and Finance, to draw down and remit such funds as and when necessary for this action.
- 8.4** On 25 February 2025, the Council was listed as a creditor in the 'Notice of Statement of Affairs' signed by a Director of Walleys Quarry Ltd. The amount owed to the Council is £132,097.20. This outstanding debt is made up of £102,000 in respect of the legal fees agreed through the mediated settlement in court back in October 2022 relating to the Abatement Notice. The remaining amount relates to outstanding Business Rates.
- 8.5** The Council is now in correspondence with Walleys Quarry liquidators in order to recover these outstanding monies. Updates on this situation will be provided as and when available.

9. Major Risks

- 9.1** A GRACE risk assessment has been completed including the following main risks:
- Failure to achieve a reduction in odour levels;
 - Community dissatisfaction at odour levels;
 - The ability to take enforcement action against abatement notice;
 - Failure to evidence a breach of the abatement notice;
- 9.2** Controls have been identified and implemented in order to control these risks; the main controls include:
- Dedicated officer resource for Walleys Quarry work has been secured;
 - Continued air quality monitoring provision;
 - Robust procedure for investigating complaints with experienced officers;
 - Specialist expert advice maintained;
 - Multi-Agency partnership working continues.

10. UN Sustainable Development Goals (UNSDG)



11. One Council

11.1 Please confirm that consideration has been given to the following programmes of work:

One Commercial Council ☐

We will make investment to diversify our income and think entrepreneurially.

One Digital Council ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

The Council will use all available monitoring data and digital tools in making strategic and operational decisions in relation to Walleys Quarry.

One Sustainable Council ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle.

The Council will further develop the Walleys Quarry landfill webpage to make it easier for residents and businesses to be kept up to date with the works being undertaken onsite.

The Council is not a user of Walleys Quarry. Within its restricted powers, the Council is committed to ensuring that waste does not cause a nuisance for residents and ultimately wishes to see the end of landfill, with a site that is successful closed, capped off and restored.

12. Key Decision Information

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

13. Earlier Cabinet/Committee Resolutions

13.1 This matter has been variously considered previously by Economy, Environment & Place and Health, Wellbeing & Environment Scrutiny Committee, Council and Cabinet on 21st April 2021, 9th June 2021, 7th July 2021, 21st July 2021, 8th September 2021, 13th October 2021, 3rd November 2021, 17th November, 1st December 2021, 12th January 2022, 2nd February 2022, 23rd February 2022, 23rd March 2022, 20th April 2022, 7th June 2022, 19th July 2022, 6th September 2022, 18th October 2022, 8th November 2022, 6th December 2022, 10th January 2023, 7th February 2023, 13th March 2023, 5th April 2023, 6th June 2023, 18th July 2023, 19th September 2023, 17th October 2023, 7th November 2023, 5th December 2023, 16th January 2024, 6th February 2024, 14th February 2024,

19th March 2024, 10th April 2024, 4th June 2024, 16th July 2024, 10th September 2024, 25th September 2024, 15th October 2024, 5th November 2024, 25th November 2024. 3rd December 2024, 9th January 2025, 4th February 2025, 18th March 2025, 6th May 2025, 3rd June 2025, 8th July 2025, 2nd September 2025, 15th September 2025 and 14th October 2025.

14. List of Appendices

- 14.1** Appendix 1. Historical Complaint data
- 14.2** Appendix 2. Percentage exceedance above WHO odour annoyance guideline
- 14.3** Appendix 3. NULBC Key Performance Data