

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO CABINET

3 February 2026

Report Title: **Walleyes Quarry Update**

Submitted by: **Chief Executive**

Portfolios: **Sustainable Environment; One Council, People & Partnerships**

Ward(s) affected: **All**

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To update Cabinet on the latest position regarding the problematic odours in the Borough associated with Walleyes Quarry.			
<u>Recommendation</u>			
<p>That Cabinet:</p> <p>1. Notes the contents of this update report.</p>			
<u>Reasons</u>			
To ensure Cabinet is kept updated on the ongoing work Walleyes Quarry landfill.			

1. Background

- 1.1 For a number of years, parts of the borough have suffered from foul odours from the Walleyes Quarry Landfill Site in Silverdale which has, until its liquidation been operated by Walleyes 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 Walleyes Quarry issues, and to debate a motion demanding the immediate suspension of operations and acceptance of waste at the Walleyes Quarry Landfill site.
- 1.3 Following extensive work, officers determined that the odours from the Walleyes Quarry site amounted to a Statutory Nuisance and, on 13 August 2021, served

an Abatement Notice on Walleyes Quarry Ltd. (WQL). Following an appeal by Walleyes 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)]. 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 Walleyes 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 Walleyes 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 in the Cabinet report dated 14 October 2025.
 - 1.6.3** The Member of Parliament for Newcastle-under-Lyme, Adam Jogee 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. On 24 November 2025 the Council's Health and Wellbeing and Environment Scrutiny considered an item on Walleyes Quarry, and raised concerns regarding not having received a response from the Member of Parliament. The Scrutiny Committee requested that a further letter be sent, which was issued on 28 November 2025.
 - 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 Cabinet report dated 2 September 2025.

- 1.7 On the anniversary of the issue of the Environment Agency's Closure Notice, the Leader of the Council, members of the Stop the Stink Campaign group and the Member of Parliament for Newcastle-under-Lyme took part in media interviews, with the Council continuing to press for funding for full restoration of the site.
- 1.8 The Council continues to assess the prevalence of odours off site.

2. Issues

- 2.1 This updated report shows the data in respect of complaints reported to the Council and officer monitoring through a number of figures shown below.

Fig 1. Monthly odour complaint data for 2025. In 2025 the total number of complaints received to the Council was 1821.

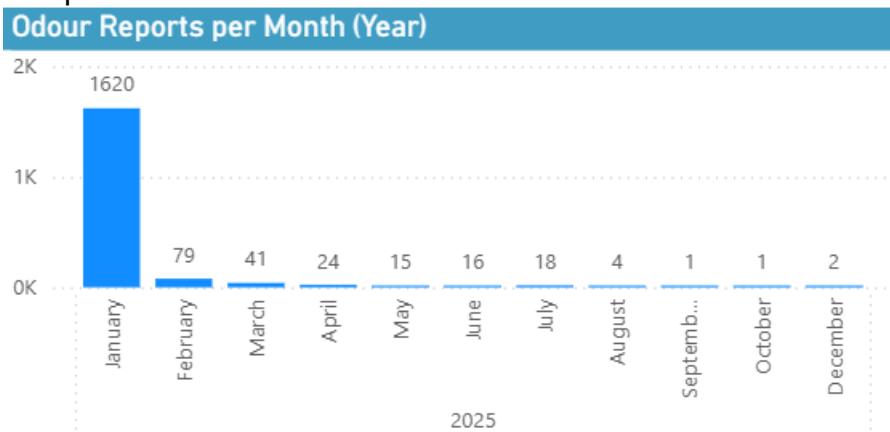
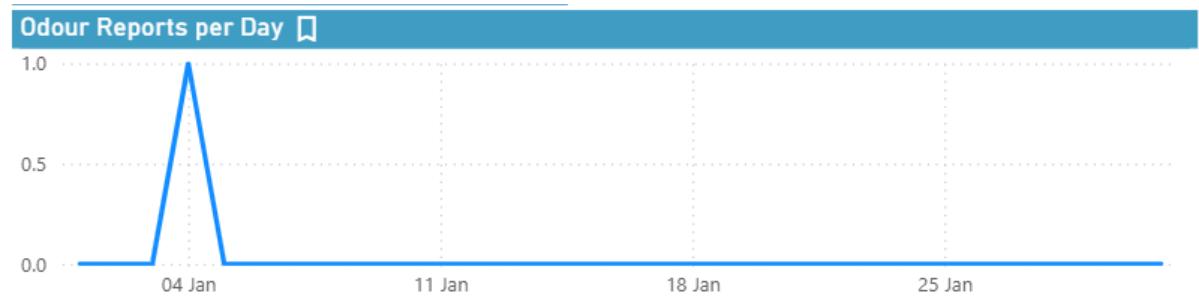
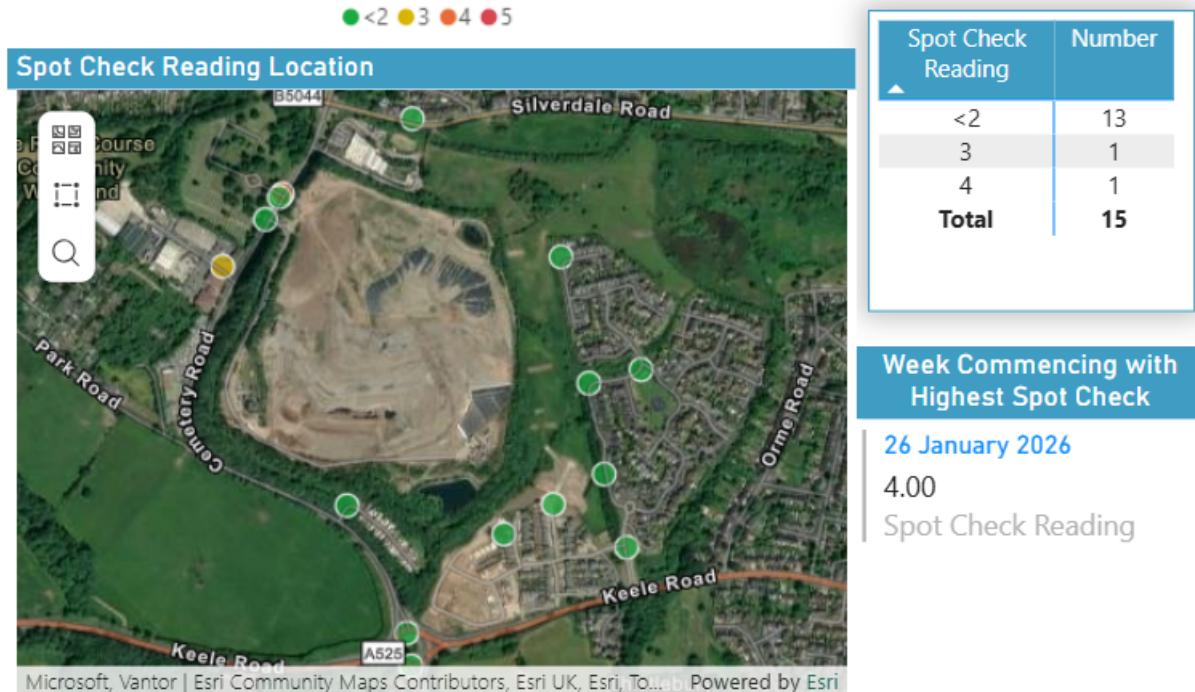


Fig 2. Daily complaint data for January 2026. The total number of complaints received to the Council was 1.



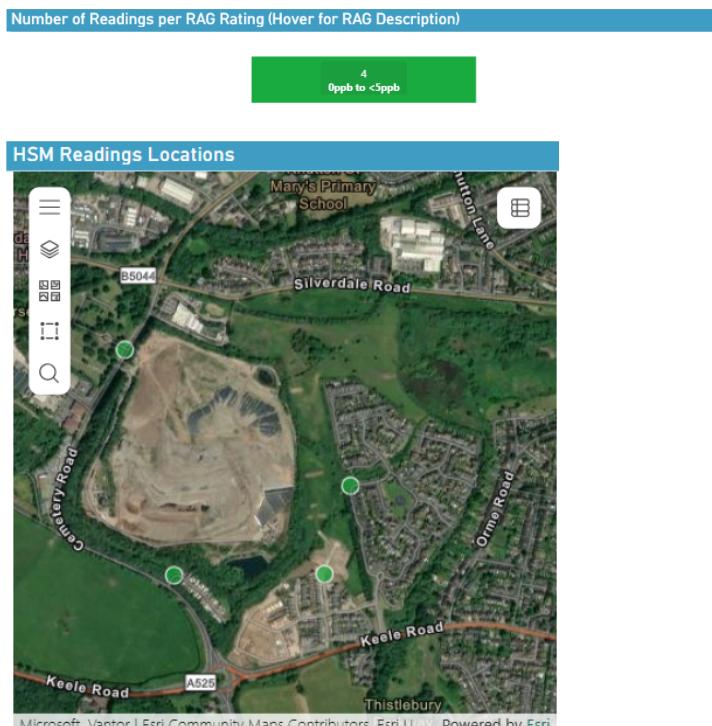
Odour assessments

- 2.2 Fig 3. Officer odour assessments - January 2026. This shows the officer intensity rating of the odour assessments.



Hydrogen Sulphide Monitoring [HSM]

2.3 Fig 4. Officer Jerome hydrogen sulphide monitoring results – January 2026



The highest level of hydrogen sulphide recorded in January 2026 was 3.87ppb at Dill Close on 28 January.

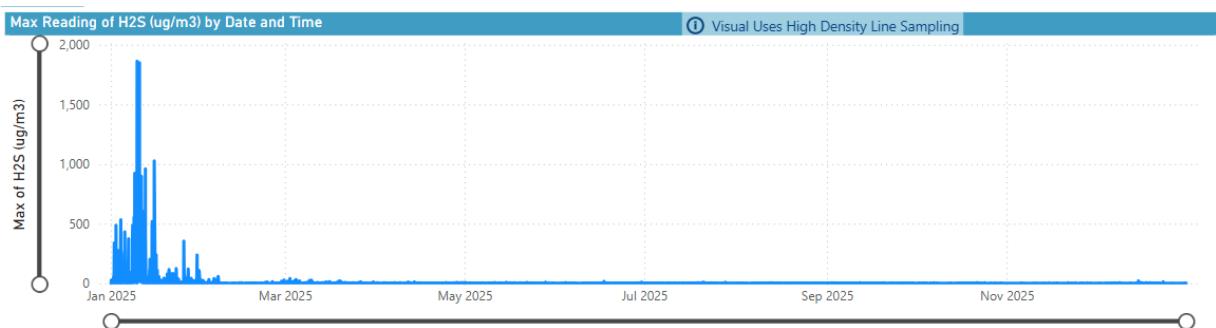
HSM time	Month	Highest HSM reading
28/01/2026 08:34:00	January	3.87

Environment Agency Air Quality Data

2.4 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 by the Environment Agency.

2.5 In the period 12-18 January 2026 the raw data from MMF Maries Way reported 3.9% as the percentage of time the location recorded hydrogen sulphide above the WHO odour annoyance guideline level. The weekly exceedance for the following week 19-25 January 2026 was 0% at both air quality monitoring stations.

2.6 The maximum hydrogen sulphide recorded across the monitoring stations [MMFs] from January 2025 to December 2025 is set out in the figure below.



Environment Agency Regulatory and Enforcement Action

2.7 The Environment Agency provide updates on its activity on the Walleys Quarry Landfill which can be accessed here:
<https://engageenvironmentagency.uk.engagementq.com/hub-page/walleyes-quarry-landfill>

NULBC Update

2.8 The Council is providing both the Environment Agency and liquidator any support we can within our powers to keep this landfill under control, as it is currently.

2.9 We will continue to monitor the data in relation to the landfill.

2.10 We will continue to undertake odour monitoring and assessments in the community.

2.11 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.

Multi-Agency Working

2.12 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

2.13 Further details of this work will be provided in a future report following the establishment of working groups.

UK Health Security Agency [UKHSA]

2.14 The UKHSA health update for Walleys Quarry landfill site is published monthly on the Environment Agency engagement webpage [Air Quality Monitoring | Engage Environment Agency](#)

The UKHSA Position Statement for December 2025 is:

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.

3. Recommendation

3.1 Cabinet is recommended to:

- Note the contents of this update report.

4. Reasons

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

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 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 Walleys Quarry Ltd in February 2025 entered voluntary liquidation.

6.3 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.

6.4 The Council also continues to engage with the Crown Estate and the Environment Agency 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.

7.2 The work has been focussed on minimising this impact and is now on maintaining the improvements made.

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 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.

8.3 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 & Mitigation

9.1 A GRACE risk assessment has been completed including the following main risks:

- Failure to maintain the reduction in odour levels;
- Community dissatisfaction at odour levels;
- Failure to ensure suitable restoration of Walleys Quarry

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.

UN Sustainable Development Goals (UNSDG



10. One Council

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 Walleyes 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 Walleyes Quarry landfill webpage to make it easier for residents and businesses to be kept up to date with the works being undertaken onsite.

11. Key Decision Information

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

12. Earlier Cabinet/Committee Resolutions

12.1 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, 4th November 2025, 24th November 2025, 2nd December 2025, 13 January 2026.

13. List of Appendices

13.1 None

14. Background Papers

14.1 None