

Our ref:

Your ref:

Date: 10 February 2022



Sir James Bevan
Chief Executive
Environment Agency

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

By e-mail only:

Dear Sir James

Formal Complaint – Ineffective Enforcement at Walleys Quarry, Newcastle under Lyme

You will be very familiar with the ongoing problem experienced by residents of Newcastle under Lyme of Hydrogen Sulphide (H₂S) pollution from the Walleys Quarry Landfill operated by Walleys Quarry Ltd under a permit granted by the Environment Agency. The community experience foul odours on a near daily basis and, in light of the time that H₂S levels have been elevated, the UK Health Security Agency cannot rule out a risk to health caused by exposure to the gas.

Whilst the problem has been ongoing for a long time, the situation became significantly worse in the winter of 2020-2021, with a now infamous weekend of extreme odours from 26th to 28th February 2021. Over the past year colleagues from Newcastle-under-Lyme Borough Council have been working with the Environment Agency and other partners through a Strategic Co-ordinating Group to secure a co-ordinated solution to the problem, recognising that the Environment Agency is the lead enforcement authority for the site.

As we approach the anniversary of the February 2021 pollution incident the local community experienced a further two weeks of heightened pollution in January, where the World health Organisation annoyance threshold was exceeded for up to 53% of the week. This is deeply concerning and it is now clear that we are not in a position to address with any confidence the three key questions which the community wish to see addressed:

- Will the pollution from the site harm my health?
- What is being done to stop the odours?
- When will the odours stop?

In terms of the first question, UKHSA do not rule out the risk to health. In terms of the second question, whilst the solution likely lies in the “contain, capture, destroy” strategy, the iterative, operator led, strategy being followed to deliver this leaves the community with no visibility on a credible plan to direct remediation of the problem. This in turn leaves absolutely no clarity on the answer to the third question. This situation, after almost a year of intensive work, is intolerable.

That this situation is ongoing has left senior councillors at Newcastle-under-Lyme with no confidence in the effectiveness of the Environment Agency’s regulatory approach, and , together with colleagues from Staffordshire County Council, the Leader of Newcastle-under-Lyme Borough Council and myself are now seeking a meeting with the Secretary of State and DEFRA officials to discuss alternative interventions.

Contacting the Council: Telephone 01782 717717

E-mail customerservices@newcastle-staffs.gov.uk · www.newcastle-staffs.gov.uk

In March 2021 I wrote to the Secretary of State, George Eustice, to raise concerns about the regulatory performance of the Environment Agency with respect to Walleys Quarry. In response, Minister Rebecca Pow directed me to the Environment Agency's complaints process, which at that time I did not consider to be an appropriate route to follow. Ahead of a meeting with DEFRA to discuss the Walleys Quarry situation, I am now writing to formalise a complaint that the Environment Agency's regulatory approach to the Walleys Quarry site has been ineffective and woefully slow to deliver for the residents of the Borough. It is unclear whether the fault lies in the regulatory regime itself of the local team's application of it, and I would leave this for you to determine in investigating this complaint.

In terms of remedy, we are seeking the delivery of a clear, time-bound, and effective plan to bring the odour pollution from the site to an end.

Yours sincerely

A handwritten signature in black ink that reads "Martin Hamilton". The signature is written in a cursive style with a large initial 'M' and 'H'.

Martin Hamilton
Chief Executive

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