

Our ref:

Your ref:

Date: 25 March 2021



Mr George Eustice MP
Secretary of State for Environment, Food & Rural Affairs

By e-mail only: george.eustice.mp@parliament.uk

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

Dear George Eustice MP

Regulation and Enforcement of Walleys Quarry Landfill Site, Newcastle-under-Lyme Staffordshire Environment Agency – Request for formal independent review

You will most probably be aware of a significant environmental odour issue arising from a landfill site within Newcastle-under-Lyme in Staffordshire, as this has recently been the subject of a 10 minute rule bill by your colleague Aaron Bell MP and the issue has been discussed in the House and also directly with the Prime Minister.

The Environment Agency, as an executive non-departmental public body working under the Department for Environment, Food and Rural Affairs, regulates this site through the Environmental Permitting Regulation 2016. As such it should require the operator of a prescribed process to ensure that there is 'no significant' pollution, where "pollution" means any emission as a result of human activity which may:

- Be harmful to human health or the quality of the environment.
- Cause offence to a human sense.
- Result in damage to material property.
- Impair or interfere with amenities or other legitimate uses of the environment.

This landfill site has been causing significant local concern for a considerable time, with odour concerns being reported over a number of years. This culminated over the weekend of 26th to 28th February with the Council receiving over 2000 complaints from local residents and business of the odour affecting them in their home, gardens and throughout the community.

This Council takes the residents' concerns very seriously and had already been undertaking a scrutiny review of the impact of the landfill on the local community. The findings of this scrutiny review, along with the level of public concern, led to an extraordinary Council meeting being held on 18th March 2020. At this meeting there was a common theme amongst all Council members that the Environment Agency had failed in their duty due to their lack of proactive enforcement action in response to their regulatory role with the landfill site to address our local residents concerns. It is only on 17th March 2021 that the Environment Agency identified two breaches of the permit, one of which was a significant breach.

Prior to this the Environment Agency had confirmed that the landfill is operating in full compliance with the permit, despite hundreds of complaints and concerns, over several years. It is also understood the Environment Agency are unable to provide assurance that these works will resolve the odour emissions and the impact on our residents, which is of considerable concern.

Cont'd

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It is this lack of action and use of enforcement powers which brought about a unanimous decision at Council to request an independent investigation into the regulatory performance of the Environment Agency in their handling of the permit for Walleys Quarry Landfill site.

In addition, I am writing, at the direction of Council, to the Environment Agency to request the formal suspension of the operator's permit until such time that the odour source is identified and remediated.

In accordance with the motion to Full Council, I am requesting that Defra undertakes an independent investigation into the regulatory performance of the Environment Agency in their handling of the permit. The Leader of the Council, Cllr Simon Tagg, is also writing to the Prime Minister to call for his support in this matter.

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'.

Martin Hamilton
Chief Executive

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