

Our ref:

Your ref:

Date: 25 March 2021

Mr John Curtin
Executive Director
Environment Agency

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cc: clare.dinnis@environment-agency.gov.uk



Castle House
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Dear John

Regulation and Enforcement of Walleys Quarry Landfill Site, Newcastle-under-Lyme, Staffordshire Formal request by Full Council for immediate suspension of permit

As you are aware, this landfill site has been causing significant local concern for a considerable time, with substantial odour complaints being reported over many years. This culminated over the weekend of 26th to 28th February 2021 with the Council receiving over 2000 complaints from local residents and business of the odour affecting them in their homes, gardens and throughout the community.

The Council takes the residents' concerns very seriously and had been undertaking a scrutiny review of the impact of the landfill on the local community, which your officers have contributed to. 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 members - that they felt let down by the lack of proactive and positive action taken by the Environment Agency in response to their regulatory role with the landfill site to address our local residents concerns. As recently as 17th March 2021 the Environment Agency identified two breaches, one of which was a significant breach, of the permit and confirmed that the odour was emanating from the site.

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 that the Environment Agency are unable to provide assurance that the proposed mitigation works will resolve the odour emissions and the impact on our residents and this lack of assurance is a significant concern.

It is this lack of action and use of enforcement powers which brought about a unanimous decision at Council which is the purpose of this letter, to request that the Environment Agency use its powers to **'immediately suspend the licence for waste operations at Walleys Quarry, including the import of waste material at the site, until the cause of the 'foul odours' has been identified and resolved'**.

In addition, Council supported the full recommendations of the scrutiny working group which made further recommendations for the Agency as below:

- A. Suspend the permit and therefore prohibit the importation of waste until the source of odour has been identified and mitigated.
- B. Seek ongoing commitment from EA to monitoring for odour and other emissions (both by officers and by equipment), to publish its findings in a timely manner and to take any appropriate regulatory action arising from its findings. Seek permanent air pollution equipment monitoring of air pollution

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(including H2S, methane etc) on site and off site and produce an annual report detailing such findings;

- E. Undertake a review of the site risk assessment based on public concern and complaints and undertake unannounced site audits/visits to ensure that the site is operating to best available techniques and is fully compliant with its permit;
- F. Review compliance with permit condition number 3.3.1 (odour) to establish whether a breach of this condition and to comply with the legal duties under the PPC Act and EA policies and procedures;
- G. Amend condition number 3.3.1 (odour) wording, to assist with enforceability;
- H. Ascertain that there is no link between meteorological conditions, leachate management and odour release;
- I. Ascertain that there is no link between quality and quantity of daily cover, odour release and gull control;
- J. Future permit variations must take into account this report as material consideration when determining any future applications;
- K. Amend EA policy relating to cover material and use of fines as a cover material;
- L. Lobby Government to change national planning policy in relation to the siting of landfills and/or sensitive developments in close proximity to each other;
- M. Provide an annual report for Newcastle-under-Lyme Borough Council's Economy, Environment & Place Scrutiny to review for life of landfill.

Council has also requested the Secretary of State to undertake a formal independent review into the Environment Agency's regulation of Walleys Quarry Landfill site. In addition, the Leader of the Council is writing to the Prime Minister to call for his support in this.

Yours sincerely



Martin Hamilton
Chief Executive

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