

Cabinet – Wednesday 15 May 2024

Walleys Quarry: Addressing the Impact on our Communities.

Recommendation of the Cabinet Member for Health and Care

I recommend that Cabinet:

- a. Call for urgent and decisive action by Government to reduce emissions from Walleys Quarry landfill site to protect the health and well-being of local residents.

Local Member Interest:

Councillor Simon Tagg, Westlands and Thistleberry
Councillor Derrick Huckfield, Keele, Knutton and Silverdale

Report of the Director for Health and Care

Reasons for Recommendations:

Emissions from Walleys Quarry

1. Walleys Quarry in Newcastle-under-Lyme has been active as a landfill site since 2007. There have been intermittent reports of foul odours over the years. These escalated significantly towards the end of 2020 and in early 2021 with complaints to the EA rising from a few tens to several thousand each month.
2. Air quality monitoring stations were set up at four points around the site which confirmed that the main pollutant was hydrogen sulphide and recorded levels that were regularly above the World Health Organization's odour 'annoyance' guideline level, and in some months were above the US Environmental Protection Agency guideline level for lifetime exposure.
3. The Environment Agency (EA) is the principal regulator for the site. The EA has issued four enforcement notices to the operator since March 2021 requiring capping of parts of the site, gas management systems to be established, and improved waste acceptance procedures to be introduced and complied with.
4. Newcastle-under-Lyme Borough Council secured an abatement notice against the site operators, which obliges them to not create or allow statutory odour nuisance. This became enforceable in March 2023.

5. Complaints of foul odour have been ongoing with recorded hydrogen sulphide levels elevated periodically, albeit with a downward trend to summer 2023. In autumn 2023 the EA announced that there were concerns about the accuracy of air quality monitoring and that data prior to this point was likely to be subject to a greater degree of uncertainty than previously understood.
6. The air quality monitoring stations have now been recalibrated and the EA is confident that they are recording hydrogen sulphide levels accurately. Over the winter 2023/24 the number of complaints has increased and recorded hydrogen sulphide levels have risen.
7. The EA issued a suspension notice 01 March 2024, which required additional works on site. This was withdrawn on 12 March 2024 after the works were completed, however local residents continue to report foul odour and recorded hydrogen sulphide levels remain elevated.
8. Newcastle-under-Lyme Borough Council is preparing legal action against the site operators for alleged breaches of the abatement notice on the basis that emissions from the site have not been properly controlled.

Impact on health and well-being

9. Local residents have reported a range of health effects that are consistent with exposure to hydrogen sulphide. These include stinging eyes, sore throat, difficulty breathing, headache, nausea and dizziness. They have also reported mental health effects including insomnia, anxiety and depression.
10. Analysis of routine data as well as a study completed by Keele University has not revealed any increase in mortality rates, hospital admissions, prescribing or GP consultations with conditions that might be associated with exposure to hydrogen sulphide. Whilst these provide some assurance that there has not so far been a very substantial impact on health at the level of whole wards or registered GP populations, the analyses are limited by the data available and cannot exclude an impact at some point in the future or an impact at the level of neighbourhoods or individuals. A broader community impact assessment is planned to help understand the wider effects of emissions – for example on the economy, education, and the environment.
11. As a result of the EA's concerns about the accuracy of historic air quality monitoring, the UK Health Security Agency (UKHSA) cannot rely on hydrogen sulphide data from March 2021 to August 2023 to assess the risk to people's health.

12. The UKHSA is increasingly concerned about the ongoing elevated hydrogen sulphide levels. The UKHSA note that data to the end of March 2024 shows continuing exposure of the population around the landfill site. Current monthly averages are above the long-term health-based guidance value at two of the air quality monitoring sites, and the odour annoyance guideline value is exceeded for a significant proportion of the time at one of the sites.
13. The UKHSA state that a risk to long-term health cannot be excluded where hydrogen sulphide levels are above the long-term health-based guidance value. Currently this risk is likely to be small, but the longer the population is exposed, the greater the risk will become. UKHSA strongly recommends that all appropriate measures are taken to reduce emissions from the landfill site to reduce the health impacts experienced in the local community.

Staffordshire County Council's role

14. The Council regulates compliance with planning permissions and the two associated Section 106 legal agreements for the Site. Obligations include regulating traffic management around the local area through the use of a routing agreement, as well as the long term restoration and aftercare of the Site. The Council has a variety of enforcement powers available to it under planning and highways legislation however any action taken must be proportionate to the breach identified.
15. The Council is using its position to help relieve the impact of waste transport deliveries to the site. Heavy goods vehicles (HGVs) waiting to deliver waste were queuing outside the site entrance before opening time, creating congestion on Cemetery Road and associated road junctions. The site operator was encouraged to propose mitigation measures by formalising an earlier opening time to enable HGVs to park within the site to alleviate congestion on the routes during peak traffic times. These proposals were supported by Planning Committee and the Liaison Committee continues to receive updates on improving performance on managing HGV movements.
16. Schedule 9 of the Town and Country Planning Act 1990 provides for a Discontinuance Order if it appears that it is expedient in the interests of the proper planning of their area that use of land for depositing of refuse or waste materials should be discontinued or that conditions should be imposed. However a Discontinuance Order is a lengthy process requiring authorisation by the Secretary of State, which is unlikely as there have been no breaches of planning control that have required formal enforcement action. Such an order, if served, may be appealed by the operator adding to the length of time for an outcome and therefore it

would provide no short-term resolution to the odour issues linked to the Site.

17. Section 226 of the Town and Country Planning Act 1990 provides for a Compulsory Purchase Order to facilitate the improvement of the site or for the proper planning of the area. Again, a Compulsory Purchase Order is a lengthy process requiring authorisation by the Secretary of State. The Council would have to purchase the site, pay compensation to the operator, and then fund remediation works. This power is also available to Newcastle-under-Lyme Borough Council. The acquiring authority would become responsible for the site which would still be subject to EA Regulation. This power would provide no short-term resolution to the odour issues.
18. The Leader of the Council has written to the site operator, two Parliamentary Under Secretaries of State in the Department for Environment, Food and Rural Affairs, two Secretaries of State for Environment, Food and Rural Affairs, and the Prime Minister to raise concerns about emissions from Walleys Quarry and ask that the Government take action to protect the health and well-being of local residents.
19. The Health and Care Overview and Scrutiny Committee considered the health impact of Walleys Quarry in July 2021, October 2021, March 2022 and November 2023. The Chairman has written to the Chief Executive of the EA and the Secretary of State for Environment, Food and Rural Affairs to raise concerns about the impact of hydrogen sulphide emissions on local residents' health and well-being, that there was no historic accurate air quality monitoring data on which to base a health risk assessment, that the EA did not attend the most recent meeting, and to ask that Government intervene to resolve the situation.
20. The Government has resisted intervention action in favour of ongoing regulation of the site by the EA. This has not resolved the situation and local residents continue to experience foul odour with the risk to their health and well-being growing as exposure to hydrogen sulphide becomes more prolonged.
21. The recommendation therefore is that the Council formally call for urgent and decisive action by Government to reduce emissions from Walleys Quarry landfill site to protect the health and well-being of local residents. The Council is prepared to facilitate Government action, but the costs must not fall solely to Staffordshire taxpayers.

Legal Implications

22. The Council has considered the legal powers it has available in respect of the site. These are discussed in paragraphs 14-17.

Resource and Value for Money Implications

23. The Council has incurred costs in respect of Walleys Quarry. These include officer time to manage the situation, a contribution to equipment to monitor emissions, and commissioning of studies to examine the health and wider community impact. For any additional actions taken by the Council we would need to understand the financial implications and any impact on our Medium-Term Financial Strategy.

Climate Change Implications

24. Some of the pollutants, such as methane, emitted from the site are greenhouse gases, although these are at low levels. The main pollutant, hydrogen sulphide does not have a significant impact on climate change.

List of Background Documents/Appendices:

N/A.

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