



This form will report compliance with your permit as determined by an Environment Agency officer

Site	Jameson Road Landfill - Phase 2 EPR/BL9518IE	Permit Ref	BL9518IE		
Operator/ Permit holder	TRANSWASTE RECYCLING AND AGGREGATES LIMITED				
Date	08/03/2024	Time in	09:40	Out	10:30
What parts of the permit were assessed	Odour, permitted activities and operational areas				
Assessment	Site Inspection	EPR Activity:	Installation: X	Waste Op:	Water Discharge:
Recipient's name/position	TRANSWASTE RECYCLING AND AGGREGATES LIMITED				
Officer's name	[REDACTED]			Date issued	20/6/2024

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations (EPR). A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

Permit Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	C2	2.1.1; Table S1.1
b) Infrastructure	1. Engineering for prevention & control of pollution	N	
	2. Closure & decommissioning	N	
	3. Site drainage engineering (clean & foul)	N	
	4. Containment of stored materials	N	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C2	1.1.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	A	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	N	
	2. Land & Groundwater	C3	3.1.2; 3.1.3
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	O	
	2. Noise	A	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	A	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	N	
	3. Maintenance records	N	
	4. Reporting & notification	C3	4.3.1(a)
h) Resource efficiency	1. Efficient use of raw materials	N	
	2. Energy	N	

KEY: C1, C2, C3, C4 = CCS breach category (* suspended scores are marked with an asterisk),
A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored
MSA, MSB, TCM = Management System condition A, Management System Condition B and Technically Competent Manager condition which are environmental permit conditions from Part 3 of schedule9 EPR (see notes in Section 5/6).

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	70
If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response			

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

This CAR form was amended on 07 May 2024 to take into account changes made to CAR ID BL9518IE / 0496909, dated 05 March 2024.

The amendments to this CAR form are as follows –

- Removal of the C3 score against permit condition 3.3.1 under criterion f1. Amenity – Odour, replaced by 'O' as an ongoing non-compliance which is not scored;

- Changes to the text in Section 2 in respect of Odour.

This was an unannounced site inspection. The weather at the time was dry and overcast with a moderate to strong gusty wind from an approximate easterly direction.

The Site Manager accompanied the Environment Agency officers during the inspection. A number of images were taken during the inspection, and some are included and referenced within this report.

Site observations –

Odour –

Prior to carrying out the inspection, an odour assessment was carried out in the residential area located directly west of the landfill. An odour was detected at Maple Avenue (FY7 7PP). The odour was assigned an intensity score 3 – Distinct and described as a fruity, waste odour.

On site, an odour was detected downwind of the tipping bay. The tipping bay was operational at the time of the inspection. This odour was stronger than had been detected off site but had the same fruity, waste odour characteristics. A similar odour was later detected at the tip face, albeit at a slightly reduced intensity from that detected at the tipping bay.

It was considered that the off-site odour detected on Maple Avenue was resulting from the waste management activities taking place in the tipping bay and from the operational landfill tip face.

The Site Manager also confirmed that off site odours had been detected when carrying out their daily check procedures – these had been primarily landfill gas odours but waste odours had been detected on the day of the inspection.

This is considered to be **in breach of condition 3.3.1** of the environmental permit which states –

3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

We have previously clarified that there is currently no approved Odour Management Plan ('OMP') in effect under the environmental permit. We have also confirmed that we do not consider that you

are currently applying all appropriate measures to eliminate or minimise odour from the site activities.

Amendment 07 May 2024 -

This was originally scored as a c3 non-compliance. Following an amendment to CAR ID BL9518IE / 0496909, dated 05 March 2024, the c3 non-compliance score has now been removed and replaced with an 'O' ongoing non-compliance which is not scored.

We have removed the c3 breach, originally scored against condition 3.3.1, from this CAR form.

You should be aware that Environment Agency scoring guidance sets out that –

'If there is a link between duration and exposure, then we take into account the length of a continuing non-compliance when we determine the risk category and score. This is because the duration may increase the reasonably foreseeable impact. Or in the case of amenity conditions, the actual impact.'

For example, if a fire occurs which cannot be extinguished within 4 hours and as a result people in the local community are exposed to toxic smoke. We would assess this as at least a risk category 2, or significant breach, under the relevant permit condition and appropriate sub-criteria on the CAR form. We would award this a score of 31 points for a category 2 or 60 points for a category 1.

Similarly, we would assess an amenity issue which lasts for more than 7 days as a risk category 2 or significant non-compliance and award this a score of 31 points.'

<https://www.gov.uk/government/publications/assessing-and-scoring-environmental-permit-compliance/assessing-and-scoring-environmental-permit-compliance>

Tipping bay –

Observations confirmed that the tipping bay continues to be used, despite not being authorised by the environmental permit. As referred to previously, odours were detected in the vicinity of the tipping bay which were also detected outside the site boundary. The operation of the tipping bay is considered likely to be a contributing factor to the presence of off-site odours.

At the inspection on 05 February 2024 it was noted that the dumper trucks were being loaded from within the tipping bay by means of a front-loading shovel. At this inspection, the dumper trucks were being loaded by means of an excavator located outside and to the rear of the tipping bay. This method of loading, combined with the physical nature of the waste, is considered likely to result in the emission of odours and litter.

The use of the tipping bay is considered to be **in breach of condition 2.1.1 and Table S1.1** which state:

Condition 2.1.1 –

'The operator is only authorised to carry out the activities specified in schedule 1 table S1.1 (the "activities").'

Table S1.1 then limits activities to activity reference A1 – *Landfill for non-hazardous waste and landfill restoration* and activity reference A2 – *Discharges of site drainage from the landfill.*

***The number of odour reports received by the Environment Agency has been increasing over recent months. Although the reports do not demonstrate breach of permit conditions, they do indicate that there is an increased risk of pollution from the site. The number of reports received within a radius of 3km of the site entrance are -
January 2024 - 5 reports;***

**February 2024 - 75 reports;
March 2024 - 482 reports.**

The use of the tipping bay is considered to be part of the root cause which is contributing to the off site odours. As such, this non-compliance has been scored under sub criterion a1. Permitted activities – specified by permit as a c2 breach - a non-compliance that could foreseeably result in a significant environmental impact.

This breach was previously scored as a category 3 breach. We have now applied a category 2 breach because the Environment Agency considers there to be a reasonably foreseeable likelihood of significant pollution from this activity. This pollution risk relates to odour emissions and based on the findings at the inspection and the increase in reports from the public over a prolonged period of time.

You have previously been advised that you should cease the use of the tipping bay. _

Landfilling activities / areas –

It was observed that tipping in the areas of Cell 2 and Cell 5, as observed at the inspection on 05 February 2024, had now finished and the deposited waste has been partially covered with soils and pin wells installed. No cover materials had been applied along the flank between Cell 5 and Cell 6. The Site Manager confirmed they had arranged for a long reach excavator to be brought to the site on 13 March 2024 in order to facilitate the covering of waste on this flank.

The flank between Cell 5 and Cell 6 was noted to be very steep and an outbreak of leachate was seen on an unengineered area of Cell 6.

This is considered **in breach of conditions 3.1.2 and 3.1.3** which state –

'There shall be no point source emissions to water, air or land except from the sources and emission points listed in schedule 3 table S3.2.'

'The operator shall prevent the input of any hazardous substances from the activities into groundwater'

These breaches have been combined and scored as a single non-compliance under sub criterion e2. Emissions – Land & Groundwater as a c3 breach - a non-compliance that could foreseeably result in a minor environmental impact.

The failure to inform the Environment Agency of the leachate outbreak is considered **in breach of condition 4.3.1(a)**, which states –

'In the event that the operation of the activities gives rise to an incident or accident which significantly affects or may significantly affect the environment, the operator must immediately—
(i) inform the Environment Agency,
(ii) take the measures necessary to limit the environmental consequences of such an incident or accident, and
(iii) take the measures necessary to prevent further possible incidents or accidents'

This non-compliance has been scored under sub criterion g4. Monitoring and records, maintenance and reporting – Reporting & notification as a c3 breach - a non-compliance that could foreseeably result in a minor environmental impact.

ACTION: By 22 March 2024 – Please remove the leachate on Cell 6 and provide confirmation when this has been completed.

Please investigate this matter and provide your initial findings into the cause of the leachate outbreak outside the engineered containment. Please also provide details of the immediate

steps you intend to take to prevent further escape of leachate onto the unengineered area of Cell 6.

If the investigation identifies that remediation is required to the engineered containment, please provide a detailed plan for the works to be undertaken. This should be agreed with the Environment Agency before the commencement of any works.

Prior to the construction of Cell 6, all areas where leachate has been present to this cell will need to be excavated and removed prior to the start of construction works. The construction proposals will need to include details of what chemical testing will be carried out to confirm that all remaining areas of Cell 6 have not been contaminated by leachate from the Cell 5 area.

Landfill gas odours were detected on site, predominantly downwind of the recent tipping areas on Cell 2 and Cell 5. As referred to previously, a number of pin wells have been installed in the recently tipped areas of Cell 2 and Cell 5. There was a noticeable landfill gas odour detected around these pin wells, despite there being a strong wind, which could be expected to dissipate any odour. The seals around the pin wells were noted to be dry and cracked and considered a possible pathway for landfill gas emissions. However, this odour may also be emanating from both the existing landfill gas and leachate infrastructure.

The Site Manager confirmed that they were now extracting gas from these pin wells and that once sufficient cover has been applied to the exposed flank, it should allow for gas extraction from this area to be increased.

Current tipping area -

A significant area of both temporary and permanent capping has now been removed from the southern end of Cell 5 and tipping is now taking place in this area. The dimension of the operational working area of the tipping face was considered to exceed the dimensions referenced in the EMS.

The Site Manager referred to tipped areas where he stated that intermediate cover had been applied. This intermediate cover material had the appearance of trommel fines and was attracting a very significant number of scavenging gulls. This cover material was itself considered likely to be odorous.

Section 4.8.3 of the EMS refers to 'Cover, Temporary and Final Capping.' This states that – *'The operational working area of the tipping face on the landfill is typically limited to an area of 15m x 15m. Cover is placed progressively over the surface of the working face and flanks during the working day.'*

At the time of the inspection, the dimension of the tipping face exceeded 15m x 15m and much of the deposited waste was largely uncovered. Where a cover material had been applied, this had the appearance of waste trommel fines which was attracting significant numbers of gulls and was itself considered likely to be odorous. It is therefore reasonable to consider that the material being used at the site as intermediate cover was not suitable for the purpose intended.

Section 4.12 of the EMS refers to 'Birds, Vermin and Insect Control' and Section 4.12.2 refers to the 'Control of birds and other scavengers'. These sections state –

'4.12 The site is inspected each working day for the presence of significant numbers of vermin, flies and scavenging birds, and a record is made in the site diary and inspection log of the findings and any corrective actions undertaken.'

'4.12.2 Birds are attracted to landfill sites by areas of exposed wastes. The control of the size of the waste face, the immediate compaction of the waste on placement and the progressive placement of

daily cover throughout the working day will minimise the attractiveness of the site to birds, and hence the risk of nuisance associated with the presence of significant numbers of birds...A full time falconer is employed at the site in order to discourage scavenging birds from feeding and loafing at the site. The falconer flies his birds of prey at regular intervals throughout the day, or as required.'

Whilst the Site Manager stated that they intended to contract the falconer on a full-time basis, there were no bird control measures being undertaken at the time of the inspection and a significant gull presence was observed on and around the landfill. The size of the waste tip face was not being controlled, suitable cover had not been applied and there was no falconer at the site at the inspection.

Section 4.16 of the EMS refers to 'Odour Control' and states –

'The management and control of odour from the site is dealt with in more detail within the site's Odour Management Plan (OMP).'

Section 4.16.1.2 refers to 'Waste' odours and states –

'The risk of nuisance associated with odour generation directly from the waste is minimised by taking the following measures:

a) The immediate compaction of biodegradable waste following deposition, the progressive placement of appropriate cover material and the provision of an engineered cap. By the end of each working day all exposed faces are covered with a cover layer of nominal depth 150 mm, to minimise the risk of nuisance associated with odour.'

Odours were detected off-site which were linked back to waste activities taking place on site, including the tipping area. The size of the operational tipping area exceeded the dimensions set out in the written management system and, where cover material had been applied, this material had the appearance of waste trommel fines, was attracting scavenging birds and was considered likely to be odorous. It is reasonable to consider that the material being used at the site as intermediate cover was not suitable for the purpose intended.

Prior to landfilling on the southern end of Cell 5, both temporary and permanent capping and engineering materials has been removed across a significant area of the cell. In doing so, this has exposed areas of historically tipped waste and increased the potential for emission of landfill gas and waste odours.

The current method of landfilling, the extensive removal of temporary and permanent capping and engineering materials across Cell 5 and the failure to appropriately cover waste or use appropriate cover materials, is considered to be **in breach of condition 1.1.1** which states:

"The operator shall manage and operate the activities:

(a) in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and

(b) using sufficient competent persons and resources"

Sections of the EMS are either not being followed or are not sufficient to control emissions from site activities.

This activity is considered to be part of the root cause which is contributing to the off site odours. This non-compliance has been scored under sub criterion c2 – General Management: Management system and operating procedures as a c2 breach - a non-compliance that could foreseeably result in a significant environmental impact.

We have applied the category 2 breach because the Environment Agency considers there to be a reasonably foreseeable likelihood of significant pollution from this waste operation. This pollution

risk relates primarily to odour emissions, but also to relates to the control of pests, litter, dust and leachate emissions.

Cell 6 –

In addition to the leachate referenced previously in this report, it was also observed that what appears to be engineering soil is being brought onto, and deposited onto, Cell 6.

There are currently no agreed proposals for the development of Cell 6. Any engineering works must be agreed before commencement and undertaken under CQA and the agreed plan.

ACTION: By 22 March 2024 – Please provide a full explanation as to why soils are being deposited onto Cell 6. The response should be addressed to Elly Whiteford.

Request for information –

Finally, I would remind you that further information has been requested on several matters of landfill infrastructure and engineering, as set out by email dated 07 March 2024.

ACTION: Would you please provide an expeditious response to this email correspondence. The response should be addressed to Elly Whiteford.

Images included -

- 1 : Tipping bay;
- 2 - 5 : Pin well installation;
- 6 - 8 : Cell 5 flank and soils on Cell 6;
- 9 : Leachate outbreak on Cell 6;
- 10 - 11 : Gulls
- 12 - 16 : Current waste tipping area on Cell 5
- 17 : Removal of capping

Photograph 1

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Photograph 2

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Photograph 3

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Photograph 4

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Photograph 5

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Photograph 6

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Photograph 11

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Photograph 12

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Photograph 17

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Section 3- Enforcement Response**Only one of the boxes below should be ticked**

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence* and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

**Non-compliance with MSA, MSB & TCM do not constitute an offence but can result in the service of a compliance, suspension and/or revocation notice.*

Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.	
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.	
We will now consider what enforcement action is appropriate and notify you, referencing this form.	X

Section 4- Action(s)

Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.

Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
A1	C2	Actions explained within Section 2 of the CAR form	13/03/2024
C2	C2	Actions explained within Section 2 of the CAR form	N/A
E2	C3	Actions explained within Section 2 of the CAR form	22/03/2024
G4	C3	Actions explained within Section 2 of the CAR form	N/A

Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence* and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

See our Enforcement and Civil Sanctions guidance for further information

A breach of permit condition **MSA, MSB & TCM is not an offence but may result in the service of a notice requiring compliance and/or suspension or revocation of the permit.*

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

MSA, MSB & TCM are conditions inserted into certain permits by Schedule 9 Part 3 EPR

MSA requires operators to manage and operate in accordance with a written management system that identifies and minimises risks of pollution.

MSB requires that the management system must be reviewed, kept up-to-date and a written record kept of this.

TCM requires the submission of technical competence information.

Section 6 – General Information

Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

A permit holder can challenge any part of the CAR form by writing to the Environment Agency office local to the site within 28 days of receipt. If the issue cannot be resolved by the local office, a permit holder may request an appeal of the regulatory decision by emailing enquiries@environment-agency.gov.uk within 14 days of receipt of the outcome.

If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the Parliamentary and Health Service Ombudsman phone their helpline on 0345 015 4033.