



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

Site	Peckfield Landfill	Permit Ref	BU9726IH		
Operator/ Permit holder	CAIRD PECKFIELD LIMITED				
Date	11/01/2024	Time in	12:30	Out	14:45
What parts of the permit were assessed	Infrastructure, Management, Emissions, Amenity				
Assessment	Site Inspection	EPR Activity:	Installation: X	Waste Op:	Water Discharge:
Recipient's name/position	Alex Hornshaw/Director, Sam Juggins/TCM				
Officer's name	Kelly Hudson, Anthony Sorrell, Sam Fowler	Date issued	20/06/2024		

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	A	
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 (a)
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	C2	3.2.1
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	O	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
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	N	
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	2	Total compliance score (see section 5 for scoring scheme)	31
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 has been re-issued on 14/06/2024 because the EPR Regulation 36 notice issued on 13 December 2023 that expired on 19 January 2024 was not complied with, as confirmed during the site visit on 30 January 2024. The original version of this CAR form sent on 14/04/2024 had the non-compliance score relating to permit condition 3.2.1 marked as score suspended, pending the outcome of the notice. In accordance with Principle 5 of our guidance on assessing and scoring environmental permit compliance, this score suspension has been removed and the non-compliance score added to the total for the site. References to score suspension below have been crossed through.

This was an announced site inspection by Kelly Hudson (Regulatory Specialist), accompanied by Anthony Sorrell (Regulatory Specialist) and Sam Fowler (Environment Officer). The inspection was carried out in the presence of TCM Sam Juggins (SJ) and Vernon Phillips (who will be managing the site during the restoration phase). The purpose of the inspection was to assess progress of the works being undertaken to address the uncontrolled landfill gas emissions coming from the site, which is continuing to cause off-site odour problems in the local community.

A Code B Notice of Powers and Rights (No. 33512) was given to SJ upon arrival on site.

Since our last site visit, we have continued to receive substantiated odour reports from the residents in Micklefield and Kippax.

Prior to arriving on site, we undertook a full odour assessment. This was undertaken in accordance with the Environment Agency's H4 Odour Management guidance, using the established odour monitoring points around the landfill. Weather conditions were assessed prior to commencing the assessment; these were overcast, wind direction was from the NNE at 9-11 mph, with a temperature of 7 degrees Centigrade (Met Office weather app). Whilst driving on the A63, landfill gas odour was detected downwind of the site. This was assessed as 4/6 in intensity and 3/3 in offensiveness. This constitutes a breach of the permit condition regarding odour beyond the boundary of the site.

On-site Observations

On completion of the odour survey, we arrived on site at approximately 12:30. A strong odour of landfill gas was detected whilst walking up onto the top of the site via the internal haul road (northern section of cell 5B and into Cell 9B). As with previous recent inspections, a source of these emissions is the uncapped areas and the uncontrolled gas emissions from the unconfined edges of recently capped areas. .

SJ notified us that a leachate well (LW4), located on the southern flank of Cell 11a was emitting significant levels of landfill gas, which we confirmed when walking downwind. SJ informed us that their leachate well contractors had been informed and would be on site to identify appropriate remediation options over the next working week. Other wells in the 11a and 11b areas were observed to also be leaking landfill gas. These observations were based on the detection of landfill gas odour and the observation of steam plumes originating from leaky joints and connections, for example, around the "biscuits" on top of the leachate well concrete rings.

We were informed that a total of 14 previously unconnected gas and leachate wells were now connected and under extraction. At least three wells on the northern portion of the plateau were still unconnected. Two new gas manifolds have been installed, as a temporary gas main. The manifolds are in Cell 10 and Cell 11a. The gas valves at the manifolds were noted to be open.

Well identification markings were still absent on the majority of the gas wells in the area inspected, and SJ acknowledged that our request for a site plan with this information remains outstanding.

Breaches of Permit Conditions

Permit condition breaches identified in CAR forms ref: 0479522, 484449, 486273, and 486431 remain valid as uncontrolled landfill gas emissions and odour are still being emitted from gas and leachate wells on site, and from the areas of uncapped waste. The odour was experienced beyond the site boundary.

A full assessment relating to the specifics of the Regulation 36 enforcement notice will be undertaken following the expiry of the second deadline. Permit breaches linked to the notice remain suspended until this point, after which they will be applied if you are non-compliant with the Regulation 36 Notice.

With respect to the breach of the odour condition, CAR Report 489440 recorded the breach for the month of January.

Permit Condition 3.2.1

The uncontrolled release of landfill gas from the leachate chambers within Cell 11a & 11b and the lack of appropriate measures to minimise these releases, represents a breach of Condition 3.2.1 of the permit.

'3.2.1: Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution. The operator shall not be taken to have breached this condition if appropriate measures, including, but not limited to, those specified in any approved emissions management plan, have been taken to prevent or where that is not practicable, to minimise, those emissions.'

The failure to adequately address this matter by taking appropriate measures to prevent or minimise the pollution has resulted in the breach being scored as a Compliance Classification Scheme Category 2. This categorisation is due to the extended duration of the emissions of landfill gas leading to a noticeable and sustained deterioration in air quality impacting on the locality.

The appropriate measures are detailed in Steps 1, 2, and 3 of the Regulation 36 Notice issued on the 13 December 2023.

A full assessment relating to the specifics of the Regulation 36 enforcement Notice will be undertaken following the expiry date of 19 January 2024.

~~The Category 2 score for the on-going breach of permit condition 3.2.1 has been suspended whilst the Regulation 36 Notice is being enforced. Please note that if the Regulation 36 Notice is not complied with, then all suspended scores will be unsuspended and will count towards your compliance rating.~~

Permit Condition 3.3.1

As noted above, landfill gas odours were detected offsite at a level likely to cause pollution.

During this inspection, you were found to not be taking appropriate measures in order to prevent or minimise off-site odour. This is because:

- There are gas wells on Cells 11a and 11b, which are leaking landfill gas.
- There are disconnected wells on the plateau of the site, which are leading to surface emissions of landfill gas from the unconfined edge of the capping.
- There are surface emissions of landfill gas from uncapped areas.
- There are waste odours from uncapped areas.

In view of the above, you continue to be in breach of permit condition 3.3.1, which states that:

“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.”

This is a Category 2 non-compliance due to there being a significant impact on the quality of life of the residents beyond the boundary of the site.

This is also a CICS Category 2 incident as there has been a significant effect on human senses, due to both the number of reports received and the assessment by regulatory officers that the odour was strong.

No score has been allocated to this breach, as this has been recorded for the month of January in CAR 0489440, dated 4 January 2024. This is in accordance with the Environment Agency's CCS guidance.

Actions:

- **By 19 January 2024, wells must be sealed, the disconnected gas wells must be connected to the gas extraction system and must be extracting gas. _**

Root Cause

We consider the Root Causes of the non-compliances identified to be the failure to follow your own procedures. Permit condition 1.1.1 a states that:

*“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, closure and those drawn to the attention of the operator as a result of complaints.”*

You must operate your permitted facility in accordance with an approved management system, which includes the relevant sections of your OMP. The site management system ref: Site Operational Plan V2 2018, was deemed adequate, however, our assessment is that this is not being fully followed.

This has been recorded as a Category 2 non-compliance with permit condition 1.1.1 (a).

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			
C2	C2	Ensure that appropriate measures detailed within the OMP and EMS are adhered to.	19/01/2024
E1	C2	See Reg 36 Notice dated 13/12/202. Two deadlines in the Notice; 12/1/24 for Steps 1 & 2, 19/1/24 for Step 3	19/01/2024

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.