



**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	13/12/2023		Time in	11:40	Out	13:00
What parts of the permit were assessed	Odour					
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, Kathryn Richardson			Date issued	20/06/2023	

**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	N	
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	C2	3.3.1
	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).**

<b>Number of breaches recorded</b>	3	<b>Total compliance score</b> (see section 5 for scoring scheme)	62
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 23/12/2023 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 Kathryn Richardson (Area Environment Manager). The inspection was carried out in the presence of Alex Hornshaw (AH/Director). The purpose of the inspection was to assess measures being taken to prevent or minimise off-site odour, following a high volume of odour reports from surrounding villages. An odour assessment was undertaken by Regulatory Specialist (Anthony Sorrell) on the same day.

### **Off-site Odour Assessment**

The off-site odour assessment commenced at 11:21 and finished at 13:06, prior to AS arriving on site to meet AH, whereupon a Regulation 36 notice was issued. This relates to non-compliances identified in CAR Report 0479522 from 25 October 2023 and CAR Report 0484449 from 29 November 2023.

The odour assessment was undertaken in accordance with the Environment Agency's H4 Odour Management guidance, using some of the established odour monitoring points and known to AS. Weather conditions were assessed prior to commencing the assessment; these were light cloud with occasional drizzle changing to sunny spells, wind direction was from the North at 16mph, with a temperature of 6 degrees Centigrade (BBC weather app). The wind direction and speed did not alter during the assessment.

Upwind locations were assessed first, starting at Sunningdale and continuing in turn at Peckfield Business Park, Garden Village, Honeysuckle Close, Enterprise Court, and Sandgate Lane. No odours were detected at any of these locations other than a very faint smell of farmyard manure detected whilst stood at Peckfield Business Park, NW of the landfill. A number of unspread manure field heaps were noted in various locations around the landfill. No odours were detected in the Micklefield monitoring points, which was as expected given the due North wind. As we had not received any reports of odour at or before the assessment, and the fact that the wind was from the North, it was not deemed necessary to monitor at all the established monitoring points.

Landfill odours were detected whilst driving from the odour monitoring point at Sandgate Lane (WSW of the landfill) to the layby on the A63. At the layby there was no odour, which indicated there being a relatively narrow plume of odour coming from the landfill. This would not be unusual when wind speeds are at 16mph.

Based on the above, an 800m section of the A63 running west of the established monitoring point

was walked for 23 minutes. A domestic, black bin type odour was detected as the road opened out from the wooded area. This persisted for approximately 20-30 metres before suddenly changing to the distinctive landfill gas odour I recognize from experience and from being on site recently, which is quite sulphurous in nature. The two odours were detected and rated in accordance with H4 principles as follows:

- Waste odour: Intensity of 3/6, Extent and persistence of 5/5, Offensiveness of 3/3.
- Landfill Gas Odour: Intensity of 3-4/6, Extent and persistence of 5/5, Offensiveness of 3/3.

The level 5 extent and persistence rating is due to the location of the assessment being more than 50 metres from the site boundary. Both odours were unpleasant to experience, particularly the sulphurous landfill gas.

Although the location sensitivity was low (footpath/road), in both cases, odour was considered to be at a level likely to cause pollution. Had the wind direction been towards Micklefield, the residents would have been significantly affected and it is highly likely a large number of odour complaints would have been received.

### **Observations**

#### **Odour**

In addition to gas and waste odours detected by A Sorrell, onsite odours experienced were similar to those detected offsite during the odour assessment completed on 13 December 2023.

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

- There are surface emissions from uncapped areas.
- 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.

In view of the above, you are 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 has been recorded as a Category 2 non-compliance due to there being a significant impact on the quality of life of the residents of Micklefield when the wind direction has been towards the village.
- 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.

### **Root Cause**

We consider the Root Cause of the breach of 3.3.1 to be the failure to follow your own procedures. Permit condition 1.1.1 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).

There was a strong odour of landfill gas and waste, detected whilst walking up the access road to the top of the site, across the northern section of Cell 5 and into Cell 9B. The odour was caused by emissions of gas at the surface, from uncapped areas and also by gas being forced out of the unconfined edge of the capping, due to insufficient gas extraction.

We discussed the anticipated timescale for the capping of the area which is currently the haul road and AH anticipates that this shall be the last area to be capped, currently anticipated to be in February.

There were further intermittent odours of landfill gas detected just over the crest of the site on to the Western flank but a source was not determined.

### **Engineering**

The uncontrolled release of landfill gas from uncapped areas and the lack of measures taken to minimise these releases, represents a breach of Condition 3.2.1 of the permit, which states that:

*“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.”*

Actions:

Compliance Assessment Report 0484449 details the actions required.

~~In accordance with our Compliance Classification Scheme guidance we will suspend CCS scores for a specific permit condition when we have served an enforcement notice on an operator. This is because by serving a notice then we have accepted that it will take a certain period of time to bring the activity back into compliance with permit conditions. Therefore, 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 count towards your compliance rating.~~

### **Gas Wells & Leachate Chambers**

We were advised by AH that the leachate chambers, identified as a source of odour during the inspections on 25 October 2023 and 29 November 2023, had been sealed.

### **Capping**

Capping work is ongoing and is now around to Cell 11a.

Whilst on site, we spoke with the CQA Inspector, who advised that the recent high winds had shifted the geotextile and that the LDPE had rippled. This was to be repaired by welding. The CQA Inspector said that they can't cut out for testing but that start up tests and air pressure tests had been completed.

There was standing water which had pooled at the tie-in location and a wet vacuum was being used to extract the water.

The CQA Inspector also noted that the winds had shifted the capping on the top of the site and advised that this was going to be straightened.

### CQA Reporting

Discussions took place around the weekly report that is expected to be completed and that details of any repairs including photographs are expected to be included in the CQA Validation Report.

### Other Matters

#### Christmas Closure

We discussed the Christmas period and AH, who confirmed that there will be 3 days where the site is not manned. An employee will be acting as an emergency contact during this period.

### 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			
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 13/12/2023 accompanying this CAR. Two deadlines in the Notice; 12/1/24 for Steps 1 & 2, 19/1/24 for Step 3	19/01/2024
F1	C2	Disconnected gas wells to be connected to the gas extraction system.	06/01/2024

## 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 <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> 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](mailto: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.