



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	19/12/2023		Time in	10:30	Out	13:00
What parts of the permit were assessed	Odour & Engineering					
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, JP Camus		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	C3	2.6.6
	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).

Number of breaches recorded	4	Total compliance score (see section 5 for scoring scheme)	66
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 JP Camus (Technical Specialist). The inspection was carried out in the presence of TCM Sam Juggins (SJ). The purpose of the inspection was to further assess measures being taken to prevent or minimise off-site odour, following odour assessments on 13 & 17 December 2023 and the site inspection on 13 December 2023.

Since the previous inspection the Environment Agency has continued to receive a high volume of odour reports from the residents of Micklefield.

Observations

Odour

Gas and waste-derived odours were detected offsite during odour assessments completed on 13 December 2023 and 17 December 2023, at a level likely to cause pollution.

During the inspection on 19 December 2023, the site was found to not be taking appropriate measures in order to prevent or minimise off-site odour. This is because:

- There are unsealed gas wells on recently capped areas (areas with exposed geosynthetic capping without restoration soils) on the plateau of the site, which are venting 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 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.

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.

As during the inspections on 29 November 2023 and 13 December 2023, strong landfill gas and waste odours were detected when 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 surface gas emissions from uncapped areas and also by gas being forced out of the unconfined edge of the capped areas, due to insufficient gas extraction.

Whilst on the newly capped areas on the top of the site, there were intermittent, strong (as defined in H4 guidance) odours of landfill gas, downwind of the unsealed gas wells. Landfill gas was determined to be escaping from the unsealed gas wells in this area.

The uncapped area at the top of the site, had a number of gas wells that were disconnected from the gas extraction system. This is causing a build-up of landfill gas, which is escaping via the unconfined outer edge of the capped area.

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

Actions:

- **By 05 January 2024, the unsealed gas wells must be sealed to prevent landfill gas escaping. This timescale is based on the e-mail from SJ dated 19 December 2023. _**
- **By 19 January 2024, the disconnected gas wells must be connected to the gas extraction system. This timescale is based on e-mail from SJ dated 19 December 2023. _**

Engineering **Capping**

Capping work was ongoing and has now reached the plateau of the site. The CQA Inspector said that repairs on the LDPE, which had been damaged by high winds were yet to be completed.

An inspection of the recently capped areas at the plateau of the site, showed that capping works are not taking place in accordance with the approved CQA Plan because:

- There were rows of trommel fines placed on top of the geotextile.
- There were marks from a tracked vehicle on areas of the regulation layer which were less than 300 mm thick and which had exposed the geomembrane as a result.
- Water was accumulating on newly capped areas.
- The regulating layer was very uneven beneath recently capped areas and is not considered to have been completed in accordance with current industry standards.

In view of the above, you are in breach of permit condition 2.6.6 which states that:

“The construction of the landfill infrastructure shall take place only in

*accordance with the approved construction proposals unless:
(a) any change to the approved construction proposals would have no impact on the performance of any element of the design; or
(b) a change has otherwise been agreed in writing by the Environment Agency.*

This has been recorded as a Category 3 non-compliance, as currently this could have a minor impact on the environment.

Actions:

- Proposals for removal of the trommel fines from above the cap are required to be submitted to the EA for review, prior to the work being undertaken. This should be submitted no later than 12 January 2024.
- For the areas at the edge of the cap, where there is evidence of vehicular tracking, proposals for investigation and remediation are required to be submitted to the EA for review prior to the work being undertaken. This should be submitted no later than 12 January 2024.
- Proposals for remediation of the areas of standing water are to be submitted to the EA for review prior to the work being undertaken. This should be submitted no later than 12 January 2024.
- Provide evidence, in your CQA Validation Report, to prove that the regulating layer has been prepared and laid in accordance with the CQA Plan and Specification.

Gas Wells and Leachate Chambers

As we walked over the plateau of the site on the western edge, there were intermittent odours of landfill gas detected. This was downwind of the gas wells on the recently capped area. These gas wells were found to be unsealed and would therefore be venting landfill gas to atmosphere.

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:

These matters are being dealt with under the Regulation 36 notice served 13 December 2023.

~~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 ongoing 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.~~

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).

Other Matters

There was mud on the haul road, close to the boundary of the site. Although no mud was observed on the public highway, the operator was asked to ensure that all appropriate measures were being taken.

We were told that the last topographical survey was completed at the end of February 2023. SJ agreed to complete the next survey during the first week of January 2024.

SJ confirmed that the restoration is due to be completed by December 2024, with the exception of tree planting. It was noted that this material will be soils with low organic content, due to the planned end use for the site.

A layout of the Monitoring Emission Points, to include newly installed gas wells, and a basal cell layout were requested and SJ agreed for these to be provided.

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			
B1	C3	Submit proposals for the; removal of the trommel fines from above the cap, remediation at the edge of the capped area where vehicles had tracked on the geomembrane, remediation of the areas of standing water . To be provided by 12 January 2023.	12/01/2024
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	By 05 January 2024 the unsealed gas wells must be sealed to prevent landfill gas escaping. By 19 January 2024 the disconnected gas wells must be connected to the gas extraction system	19/01/2024
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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.