



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	22/02/2024		Time in	15:40	Out	17:00
What parts of the permit were assessed	Engineering, amenity					
Assessment	Site Inspection	EPR Activity:	Installation	X	Waste Op	Water Discharge
Recipient's name/position	Alex Hornshaw/Director, S Juggins/TCM					
Officer's name	Kelly Hudson, JP Camus		Date issued	24/04/2024		

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	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	N	
	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	3	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 Compliance Assessment Report (CAR) has been completed following the unannounced site inspection by Kelly Hudson (Regulatory Specialist), accompanied by JP Camus (Technical Specialist). The weighbridge operator and a General Operative were present on site but did not accompany us during the inspection.

The purpose of this inspection was to substantiate whether the site was the source of offsite odours detected downwind of the site at the Western end of the A63, where the A63 meets Great North Road.

A review of engineering work was also completed.

A Code B Notice of Powers and Rights (No. 33515) was given to the weighbridge operator upon arrival on site.

Offsite Odour Assessment

Since the previous inspection, we have continued to receive substantiated odour reports from the residents of Micklefield.

Prior to arriving on site, a full odour assessment was completed. 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 WNW, with a temperature of 7 degrees Centigrade. Whilst driving on the A63, landfill gas odour was detected downwind of the site. The plume extended from the Western end of the A63, where the A63 meets Great North Road, to approximately 250 m on Great North Road (heading towards Micklefield). 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

Odour

On completion of the odour survey we arrived on site at approximately 15:40. During this inspection, the operator was not taking appropriate measures in order to prevent or minimise off-site odour. This is because:

- A strong odour of landfill gas was detected whilst walking up onto the plateau of the site via the internal haul road (northern section of cell 5B and into Cell 9B) where gas was observed escaping from a carrier pipe running under the haul road. This suggests the pipework could be damaged. Gas was also detected downwind of gas wells to the North of the haul road, which did not have 'boots' sealing the wells to the geomembrane cap. _
- There is ballooning of the cap around two gas wells located on Cell 10b/11b. Although the valves on these wells are in the 'on' position, they do not appear to be pulling gas. Odour was present downwind of these wells. _
- A leachate chamber on Cell 11b was not adequately sealed and odour was detected downwind. _
- Waste odours were detected on uncapped areas. _

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 is strong.

Actions:

- **Provide an update, with timescales, regarding how you propose to stop odour from the site being detected beyond the permit boundary. This is to be received by e-mail, not later than 26 April 2024.**

Engineering

The capping engineering works were inspected and a number of issues were identified.

The subgrade beneath the geomembrane was observed to be undulating and does not constitute a smooth and even surface. This has been previously recorded In Compliance Assessment Report (CAR) BU9726IH/0486431, dated 19 December 2023, where we noted that:

“The regulating layer was very uneven beneath recently capped areas and is not considered to have been completed in accordance with current industry standards.”

Permanent Capping Works 2013 Engineering Specification, referenced 411-01042-00004 and dated August 2013 (“the Engineering Specification”), states in section 4.2.1 that:

“The waste regulating layer shall comprise of a 150mm thick layer of suitable material to provide an even surface upon which to place the capping system.”

Section 3.1.1 states that:

*“b) “Unsuitable (fill) material” shall mean material other than suitable materials and shall include:
v) any industrial, commercial or domestic waste.”*

Materials which include commercial waste i.e. trommel fines are included in the regulating layer.

The materials observed onsite, directly beneath and in contact with the LDPE geomembrane, would be classed as unsuitable material under the terms of the Engineering Specification.

The Engineering Specification, states in section section 5.7.1 that:

“The Contractor shall be responsible for the geomembrane at all times during the Contract and shall adopt whatever measures are necessary to ensure its stability and protect it from damage. These measures shall include the use of sufficient temporary surcharge in the form of durable sandbags, tyres or similar weights without sharp edges, to be placed on the geomembrane immediately after laying and before seaming to prevent slipping and damage by wind or other agents prior to covering.”

Trommel fines have been used to create a series of windrows to provide temporary surcharging (anchoring) of the geotextile. This is not an acceptable practice as industrial, commercial, biodegradable wastes must not be placed above the cap.

In response to CAR Report BU9726IH/0486431, dated 19/12/23, the following proposal for the removal of the trommel fines above the cap was received by e-mail from your Technically Competent Manager (TCM) on 11 January 2024.

‘So as to prevent the potential for damage to the cap and protection textile, the trommel fines that were emplaced as an emergency measure to help secure the geotextile in absence of suitable soils, will be removed by hand using light digging tools and wheelbarrows before being placed in a suitable section of the remaining uncapped area. The supervising CQA engineer will ensure no damage has occurred to the protection textile and/or cap materials before allowing the emplacement of suitable restoration soils. If any damage to the cap and/or protection textile does occur during this process, any requisite repairs and remediation will be conducted and supervised by the CQA engineer and recorded in the CQA report.’

Action:

- **We agree in principal with the above proposal. You must include documentation in the written text and photographic evidence of the trommel fines being removed by hand.**
- **Any repairs relating to this work are to be documented within the CQA Validation Report.**
- **An appendix is to be created with the above documentation.**

In response to CAR Report BU9726IH/0486431, dated 19/12/23, the following proposal for the investigation and remediation of the area at the edge of the cap, where there was evidence of vehicular tracking, was received by e-mail from your TCM on 11 January 2024.

'Investigations of any affected areas will be conducted by the site manager and CQA engineer and any damage to already emplaced capping materials will be documented and prepared for remediation as soon as is practicable. Any and all findings of damage and subsequent remediation, as required, will be recorded within the daily diary and added to the CQA validation report.'

Action:

- **We agree in principal with the above proposal but require clarification as to who is the Site Manager.**

In response to CAR Report BU9726IH/0486431, dated 19/12/23, the following proposal for remediation of the areas of standing water above the cap was received by e-mail from your TCM on 11 January 2024.

'Inspection of the highlighted areas by the CQA enginee, contractor and Site Manager have shown that minor settlement has caused some slight pooling of surface water in a few small areas on the top section of the site. The contractor will remove any standing water as necessary and have assured the operator that they are not indicative of any major issue with the emplacement of the cap and/or regulating layer and should not require any further remediation. It should be noted that any attempt at remediation of these areas (deemed unnecessary by the contractor and CQA Engineer) would involve removal of large areas of recently installed capping material in order to apply additional regulating material. This would in turn require the disconnection of recently connected gas wells and a severe delay to the progression of capping and gas connection works.'

Response:

- We agree in principal with the above. However, we remind you that the regulating layer should comply with your Engineering Specification and therefore, should not include any industrial, commercial or domestic waste, including trommel fines.

Action:

- **With immediate effect, capping must be completed in accordance with your approved CQA Plan. This includes the requirement for a suitable regulating layer which does not contain commercial, industrial or domestic waste.**
- **The remediation strategies proposed in the e-mail from your TCM on 11 January 2024, are to be implemented as described and documented within the CQA Validation Report (as specified above).**

In view of the above issues identified with the engineering on site, you are in breach of permit condition 2.6.6, which states that:

2.6.6 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 there is currently considered to be a minor risk to the environment, due to landfill gas escaping from the geomembrane. Although, this is currently recorded as a Category 3 non-compliance, it is regarded as one of the contributory factors to the ongoing odour incident.

In order to assess further potential non-compliances with permit condition 2.6.6, additional information was requested via a Notice, issued on 05 March 2024.

We consider the Root Cause for both non-compliances 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. 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 3 non-compliance with permit condition 1.1.1 (a).

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	With immediate effect, capping must be completed in accordance with your approved CQA Plan. This includes the requirement for a suitable regulating layer which does not contain commercial, industrial or domestic waste. The remediation strategies proposed in the e-mail from your TCM on 11 January 2024, are to be implemented as described and documented within the CQA Validation Report.	24/04/2024
C2	C2	Operate your permitted facility in accordance with the approved management system.	24/04/2024

F1	C2	Provide an update, with timescales, regarding how you propose to stop odour from the site being detected beyond the permit boundary. This is to be received by e-mail, not later than 26 April 2024.	26/04/2024
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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.