



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	04/01/2024	Time in	12:35	Out	13:55
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 & S Juggins/TCM				
Officer's name	Anthony Sorrell, Sam Fowler		Date issued	20/062024	

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).

Number of breaches recorded	3	Total compliance score (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 19/01/2024 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.

Present from the EA: Anthony Sorrell, Sam Fowler.

Representing Caird Peckfield Limited: Vernon Phillips.

Other persons spoken to: JR from Enviro Technical Solutions, PH from the gas pipework contractor JT Hewitt and Sons. Stand in CQA supervisor LH was also present.

Other staff were on site but not spoken to with respect to the specifics of this inspection.

The announced inspection was to assess progress on the works being undertaken to address the uncontrolled landfill gas emissions coming from the site which is causing off-site odour problems in the local community.

A Code B Notice of Powers and Rights (No. 43362) was given to VP at the end of the visit.

Since our last site visit, we had received a significant number of landfill gas odour complaints from the residents in Micklefield and surrounding areas. Over 60 reports were received over the period 1/1/2024 to 4/1/2024. Prior to arriving at 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 sunny intervals, wind direction was from the SW at 7-9mph, with a temperature of 7 degrees Centigrade (BBC weather app). The wind direction and speed did not alter during the assessment.

We detected a constant landfill gas odour at an intensity of faint to distinct (2/3 out of six on the H4 odour scale) whilst driving along the A63 south-east of the landfill. The intensity varied from a two to a three due to driving into and through the odour plume. The odour was offensive at a level of 3/3. The odour plume was quite narrow and due to the wind direction, would not have been affecting local residents in Micklefield. Had the wind direction been towards Micklefield, we are likely to have received reports from the residents as the odour detected during our assessment was deemed to be at a level likely to cause pollution.

Observations

Capping

JR explained that their work at the time was dealing with the aftereffects of the recent storms, which in places had caused displacement of some of the overlying geotextile. This appeared as either minor rippling which JR indicated could be remediated with the *in-situ* textile, or total removal and replacement with new.

JR indicated that there are sufficient rolls of new textile available on site to undertake repairs and also provide textile for the, as yet, uncapped sections.

JR also confirmed that there was no damage to the underlying welded LLDPE, but that ongoing checks would be made as the repairs proceeded.

Gas and leachate wells

Contractors JT Hewitt were on site fixing headworks, flexi couplings and the associated connecting pipework and manifolds. PW confirmed that 10 landfill gas wells and 4 leachate wells were now fully sealed, with work to be completed on the remaining 6/7 due for completion within a day or two. We understand that the bentoniting element of works on the leachate wells has been undertaken by SGG Environmental Solutions and that a combination of work by the two contractors will result in completion of the works.

In addition to the sealing element, ancillary green flexible corrugated pipe is now connected to the wellheads, which in turn connect into black pipes (63 or 90mm) which run to existing and new manifolds. Fusion weld dates of early January 2024 were observed on the manifolds. At the time of the visit, most of the gas and leachate wells had closed valves. PW stated that later that day he was likely to confirm with Flextricity that the connected wells were in a position to be brought on-line, although it is for Flextricity to send a technician to commence the balancing process.

Odour

Whilst walking up onto the top of the site via the internal haul road (northern section of cell 5B and into Cell 9B, the very strong odour of landfill gas was detected, which persisted until up onto the top plateau of the site where the engineered capping has been laid. As with previous recent inspections, the cause of these emissions is a combination of there being uncapped areas and the gas under the nearby capped areas being forced out through the free edges.

As we walked across the capped areas to look at the leachate and gas wells, wells were found to be emitting landfill gas. We will need to further assess the effectiveness of works outlined above once the wells are placed under extraction.

The various odour sources experienced whilst walking round will have been combining to drift the landfill gas to locations beyond the site boundary.

Permit breaches

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, this CAR records the breach for the month of January.

As the capped area was not inspected closely, the Cat 3 permit breach (condition 2.6.6) referring to the non-compliances with the CQA plan is not recorded here (see CAR ref 486431). Future inspections will judge whether the actions listed in CAR 486431 have been complied with.

The text below replicates that from previous CAR forms. N.B. not all the associated actions from previous CAR forms are replicated here, however, they remain valid as long as they remain uncompleted.

The uncontrolled release of landfill gas from the leachate chambers within Cell 11a & 11b and the lack of measures taken 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.'

Breach

The breach of condition 3.2.1 is recorded in relation to the uncontrolled release of landfill gas from the leachate chambers within Cell 11a & 11b detailed above. Sub Criteria e) Emissions – 1 Air, CCS Category 2.

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 13th December 2023.

Root cause of the breach of 3.2.1

We consider the Root Cause of the breach of 3.2.1 to be the failure to follow your own procedures. 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.

Breach

A breach of condition 1.1.1 (a) is recorded in relation to the failure to follow the Site Operational Plan V2 2018. Sub Criteria c) General Management - 2 Management system & operating procedures.

The breach categorisation has also been increased to a Category 2 for the same reasons as for the 3.2.1 breach above.

With respect to minimising off-site odour, appropriate measures are not being taken 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 and surrounding areas when the wind direction has been towards those localities.
 - 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).

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.

~~Note on suspended compliance scores~~

-

~~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.~~

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	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

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.