



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

Site	Bournewood Inert Landfill Site		Permit Ref	210058		
Operator/ Permit holder	Bournewood Sand And Gravel Ltd					
Date	14 July 2021		Time in	12:00	Out	13:30
What parts of the permit were assessed	Remediation of Area B and permitted activities within and outside the permitted boundary					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	Kevin Deery - Director Bournewood Sand and Gravel Ltd.					
Officer's name	John D Radclyffe, Paul Bennett		Date issued	5 August 2021		

Section 1 - Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations. 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

Permit Conditions and Compliance Summary	Condition(s) breached
a) Permitted activities	
1. Specified by permit	C3
b) Infrastructure	
1. Engineering for prevention & control of pollution	C2
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	C3
2. Management system & operating procedures	N
3. Materials acceptance	C3
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	N
2. Noise	N
3. Dust/fibres/particulates & litter	N
4. Pests, birds & scavengers	N
5. Deposits on road	A
g) Monitoring and records, maintenance and reporting	
1. Monitoring of emissions & environment	N
2. Records of activity, site diary, journal & events	C2
3. Maintenance records	N
4. Reporting & notification	C3
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

Number of breaches recorded	6	Total compliance score (see section 5 for scoring scheme)	78
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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.

Inspection within Permitted Boundary.

Site inspection to establish current activities, management of the facility and progress with remediation of Area B, in relation to the outstanding Regulation 36 Enforcement Notice dated 20 January 2017.

We signed into the site office and met a Mr. Smith who said he worked for George Killoughery Limited and hadn't been with the Company very long.

I requested we sign in the visitor's book and we showed our Warrant and identification tag. Mr Smith took a photograph of the Warrant.

We said we would have a look around the site as we hadn't been on site since the pandemic. We advised that we had previously dealt with Joe Killoughery and a lady called Donna. Mr Smith said he would advise them that we were on site.

Screening and Processing of wastes.

- Screening / tromell machines, a rubber tyred loading bucket machine and two 360 excavators with the Killoughery livery were operating, processing waste soils and aggregate on the area opposite the site office. We took photographs of this activity and the stockpiles.





Remaining void and Area B remediation.

- Walking towards Area B and the looking over the edge of the quarry to the remaining void below, there was evidence of waste materials having been deposited over the bank (See photographs below).
- There was evidence of a screening machine and stockpiles around it on the edge of area B.
- There was little evidence of progress of the Area B remediation, as discussed previously during site meetings in 2017 and 2018.



- We walked to the rear of the site and the site boundary gate was open leading onto Agricultural land adjacent to the A20, which terminates at Hockenden lane, Swanley.
- We observed wastes deposited on the agricultural land. There were residual shredded wood deposits on the road at the open gated entrance leading back into the site. There was also a stockpile of shredded wood and a bay within the permitted site where there was evidence of shredded wood having been stored.(see photographs below)



ACTION.

Please provide duty of care Waste Transfer Notes, showing the origin of the shredded wood wastes stockpiled at the Bournewood Landfill.

The following permit breaches were observed.

Specified Activities.

A1. Breach of condition 2.1.1. Schedule 1, table S1.1.

Evidence of Screening and processing activities having been carried out on area not permitted under the environmental Permit.

CCS3.

Engineering.

B1. Breach of condition 2.7.3

No CQA validation report has been submitted to the Environment Agency confirming that the required basal and sidewall engineering has been emplaced prior to the disposal of waste in Area B, as shown on installation boundary plan ESID4.Rev.4.

CCS2.

Management and staff Competency.

C1. Breach of condition 1.1.1 and 1.1.4.

No evidence on site of management or supervision of the operations. In addition, there is no evidence of a Technically Competent manager having attended the site to supervise the operations. No evidence that the current permit holder or a representative of the permit holder is undertaking the activities observed on site.

CCS3.

Materials Acceptance

C3. Breach of condition 2.8.1. Shredded wood wastes stockpiled and stored on site are not within the permitted waste types within Table 3.1 in Schedule 3 of the permit.

CCS3.

Monitoring and emissions.


G1. Breach of permit 3.7.1 (tables S4.1-S4.5).

No quarterly monitoring data has been received since 2018. **CCS2.**

Reporting and notifications to the Environment Agency.

G4. Breach of permit condition 4.2.1.

No annual report submitted for 2019 and 2020. **CCS3**

 Environment Agency	EPR Compliance Assessment Report	Report ID: 210058/ 0398613	
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Operator/ Permit	Bournewood Sand And Gravel Ltd	Date	5 August 2021

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.		
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			
A1	C3	<ul style="list-style-type: none"> Cease all activities that are not permitted under the current Environmental Permit. Ensure permitted activities are carried out on approved areas. 	Immediately
B1	C2	<ul style="list-style-type: none"> Ensure compliance with permit condition 2.7.3, by demonstrating engineering is in place as required by this condition. Provide an updated action plan to the Environment Agency to remediate the engineering required by the permit in Area B of the landfill. 	31/08/2021
C1	C3	<ul style="list-style-type: none"> Inform the Environment Agency of those persons from Bournewood Sand and Gravel Limited who are currently responsible for the activities being carried out under the environmental permit at the site. Advise the Environment Agency who the current Technical Competent Manager is to comply with this permit condition. 	31/08/2021
C3	C3	Only accept permitted wastes within the waste types listed in the permit.	Ongoing
G2	C2	Submit all quarterly monitoring data reports from 2018 to date.	31/08/2021
G4	C3	Submit the annual reports for the site for 2019 and 2020.	31/08/2021

Section 5 - Compliance notes for the Operator
<p>To ensure you correct actual or potential non-compliance we may</p> <ul style="list-style-type: none"> 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
<p>Any breach of a permit condition is an offence and we may take legal action against you.</p> <ul style="list-style-type: none"> 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). <p>See our Enforcement and Civil Sanctions guidance for</p>

Section 6 – General Information
<p>Data protection notice</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>The Environment Agency may pass it on to its</p>

further information

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.

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?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to enquiries@environment-agency.gov.uk. 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.