

Our Ref: SW23-102/CX23-208

Your Ref:

Paul Davies MS  
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04 January 2024

Dear Paul

## Re: Withyhedge Landfill, Pembrokeshire

Thank you for your recent correspondence regarding the concerns raised by residents living in close proximity to Withyhedge Landfill, near Haverfordwest, Pembrokeshire.

We understand the frustration, anger and concern felt by those who are experiencing odours in and around their homes and are taking the matter seriously. NRW staff have substantiated landfill gas odour beyond the site boundary on several occasions. We continue to monitor the area and are being supported with this by Public Protection in Pembrokeshire County Council (PCC).

The current situation at the site is complex and therefore we will address the various aspects of concern separately, including our recent regulatory response, in addition to providing some introductory information about the landfill.

### Environmental Permit

Withyhedge Landfill is operated by Resources Management UK Ltd (RML) under the provision of an Environmental Permit – permit number EPR/MP3330WP. The site is regulated by NRW's South-West Industry Regulation team.

The permit allows up to 250,000 tonnes of waste to be deposited annually - this has not increased since a permit variation in 2011. The waste types permitted for disposal are all non-hazardous and listed in the permit. There is however no restriction on where the waste originates geographically.

Landfills by their very nature can generate odours. A landfill which is fully compliant with its permit may produce odours which are detectable from outside of the site boundary. However, the infrastructure and management of a landfill are critical in mitigating all offsite impacts, including odour.

Environmental Permits for installations (including landfills) contain conditions relating to odour. When receiving odour reports which name a specific regulated site, we would initially attempt to substantiate these reports. This is a standard requirement of the permit condition. To assess if the permit holder is in breach of their permit, we also have to prove that the operator has failed to follow appropriate controls to minimise odour. As with any permit non-compliance, our regulatory response could vary but ultimately, we would seek to take action to prevent or minimise the impact of the breach.

It is difficult measuring odour in ambient air directly and therefore we do not deploy odour monitoring equipment around our regulated sites. The use of odour diaries (completed by those in the communities surrounding sites) is a recognised method of monitoring odour. We usually utilise this tool when we are unsure of the cause of odour, for example which part of a large industrial process is to blame, to help pinpoint potential sources. In the case of Withyhedge we believe we know the cause of offsite odours as explained below.

## **Incident reports**

In October 2023 we started to see an increase in the number of odour complaints being logged through our incident reporting system which have been attributed to Withyhedge Landfill. Depending on wind direction, we have received reports from all the surrounding villages. The number of complaints further increased in November, and we received more than 100 reports in December.

We have substantiated odour from the landfill beyond the site boundary on several occasions, but on others, no landfill gas odour has been detected despite reports being received the same day. We are aware other potential odour sources exist, as during some odour assessments we have detected other smells, for example agricultural.

Our feedback to individual incident reporters has been limited due to the volume of calls being received and our primary focus being on regulatory activity at the landfill. We have responded to questions submitted to us via email or social media, and through Freedom of Information requests. We have also used our own social media pages and website to provide updates on our actions and the situation at Withyhedge Landfill.

To enable us to provide feedback to the large number of reporters, we are considering holding a virtual meeting in the coming weeks as an initial community engagement event. This would be an opportunity for us to explain our recent regulatory actions and to answer questions. It is likely we would request appropriate representatives from Pembrokeshire County Council (PCC) join us at this event and you of course would also be welcome.

## **Regulatory activity**

Our regulatory activity for a site such as Withyhedge Landfill takes many forms. We undertake physical visits to inspect and audit compliance against the permit. We also assess compliance remotely, reviewing reports and data submitted to us by the permit holder. In the case of landfills, we regularly receive engineering reports for agreement relating to new infrastructure at both planning and completion stage.

The findings of our regulatory activities are captured on Compliance Assessment Reports (CARs) which are available to view on our Public Register by searching the permit number.

Members of the regulatory team have visited Withyhedge Landfill three times recently; on 2 November, 7 December, and 19 December. On 19 December the team were accompanied by one of our Lead Specialists in Landfill Emissions. Representatives from Public Protection and Planning Officers from PCC also attended on this date. The focus of our visits has been

primarily landfill gas management due to the odour complaints being received. Our inspections have identified some concerns which we are addressing using a variety of regulatory tools. These issues will remain a key focus for us in the months ahead.

Some deficiencies in the landfill gas collection control system, and insufficient application of intermediate cover on freshly tipped waste were identified as areas of non-compliance with the permit. These factors will contribute to fugitive emissions which can cause odour. We also identified an unpermitted point source emission of suspected untreated surface water.

In response to these breaches, we placed actions on the operator to return to compliance, and to mitigate impacts from the landfill on the surrounding environment over the Christmas shutdown. The sealing of a leachate well was completed the same day as it was discovered unsealed and this non-compliance was documented in the relevant CAR.

### **Enforcement Notice**

On 21 December we served a Regulation 36 Notice under the Environmental Permitting (England and Wales) Regulations 2016 on the operator. The Notice required the operator RML to implement control measures to prevent the unauthorised emission of untreated surface water, and to undertake inspections at an appropriate frequency to ensure effectiveness of these measures.

The Notice also required that all exposed waste in the recent area of tipping was appropriately covered to reduce the risk of fugitive emissions from the underlying waste prior to the festive period. Evidence requested from the operator appears to indicate compliance with the Notice.

We did not attend site during the festive period but had arrangements in place in the event of a report of potential water pollution. An odour assessment was carried out in the communities around the landfill between Christmas and New Year in response to odour reports which began to escalate again after Boxing Day.

### **Landfill gas**

The increasing number of odour incident reports made since Christmas indicate that the action placed on the operator regarding the exposed waste was less effective than hoped. Fundamentally, from a preliminary survey undertaken on 19 December the whole cell into which waste was deposited in the past year has been identified as the most probable origin of odours which are being detected offsite. The earliest (deepest) wastes in this cell are decomposing and producing landfill gas.

The cell has reached capacity and no further waste will be deposited in this location. It now requires engineering to contain and collect the landfill gas. Engineering will take the form of the waste mass being capped, and the installation of gas wells connected to the existing gas extraction infrastructure. This engineering is standard for landfills. However, there have been delays with starting this process which the operator has stated is linked to the construction of the next cell for accepting waste being completed.

The landfill operator has submitted a plan outlining their proposed timeframe for capping the cell and the proposed locations of gas extraction wells. We are reviewing this document currently and will respond with comments this week.

Representatives from RML met with members of the local community late last year and explained that the odour issues being experienced will continue for some months. We understand this will be upsetting for local residents. Wherever possible we will encourage expediting of this necessary work. We also recognise the need to communicate and explain this situation to those impacted which we intend to do by providing a further update on our website this week and would be something we could address in the virtual meeting.

The work required to cap the cell and install the landfill gas collection and management system is essential work and represents the best way to reduce odour emissions in the medium term.

We will not hesitate to record further permit non-compliances if identified and we are investigating potential breaches relating to amounts of waste accepted and general site management which may have exacerbated the offsite impacts. These enquiries may result in further enforcement action.

## **Surface water**

In November we identified an unauthorised emission of untreated surface water from a surface water pond at the north-west corner of the site. This was recorded as a permit non-compliance. On 19 December we observed the same emission and consequently escalated the non-compliance score and issued the Regulation 36 Enforcement Notice. In December we sampled the contents of the pond to understand the pollution potential of this emission, results are pending.

The week prior to our latest inspection drone footage of the same area was recorded and shared online. The footage shows liquid emanating from the base of the nearest landfill cell, flowing across a track and into the surface water pond from which we observed the unauthorised emission. We are unsure if the drone footage shows leachate or surface water run-off. We believe there was a delay of two days before the event was reported to us meaning that we were unable to attend site at the time of the incident to confirm. We are however investigating this matter and monitoring leachate management.

## **Leachate**

Landfill leachate is odorous, but we do not believe this is the source of the odour being detected offsite from Witherhedge Landfill. The nature and spread of the odour strongly suggest that the odour is a result of landfill gas dispersion.

Leachate is the product of rainwater percolating through the deposited waste; this liquid can be toxic and has to be controlled on site. The site operates an active leachate abstraction system that pumps leachate to a series of enclosed holding tanks. These tanks are periodically emptied with the leachate removed off site by specialised tankers for treatment.

In contrast to the landfill gas collection system, the leachate management infrastructure is progressively installed as the waste mass rises, with the core elements installed in a new cell before waste deposit begins and operational as soon as the cell comes into use.

Our inspections have not detected a loss of leachate from the landfill infrastructure and checking the leachate depth in the wells forms part of our routine inspection regime.

### **Next steps**

We will have a regular oversight at Withyhedge Landfill in the coming weeks and months while activities are transitioned into the new cell. Responsibility for the landfill operation and impacts it may cause reside with the permit holder, as they do with any permitted activity.

Where we identify non-compliances with the permit, we will apply the relevant score and consider the appropriate enforcement response. We are currently investigating a number of events or non-compliances at the site and cannot comment further on these at this time.

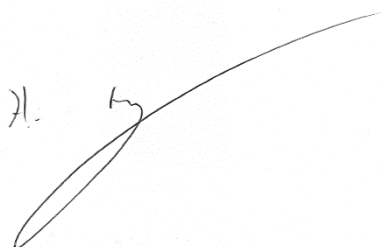
We will communicate with local residents our position and relevant updates and are actively encouraging RML to engage with the community, providing updates regarding onsite activities and future development.

Our priority currently is seeking a medium-term reduction in offsite odour emissions by supporting the required engineering work. We will closely monitor this progress to ensure that all practical mitigation is employed to minimise the impact while this work is completed.

When cell capping is complete, we will be thoroughly reviewing the site's internal management system. We have been explicit with the operator about the need to improve the way waste is managed in the new cell to minimise fugitive landfill gas emissions.

I trust the above provides a comprehensive update of our position and assurance of our response to this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'H. Manley', written over a faint, light-colored signature line.

**Huwel Manley**  
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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi.  
Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.