

██████████
Redbridge Borough Council
Development Control
PO Box 2
Ilford
Essex
IG1 1DD

Our ref: NE/2022/135204/01-L01
Your ref: 3376/22
Date: 20 December 2022

Dear ██████████

**Development at Hainault House and land on the south side of, Billet Road,
Chadwell Heath, Romford**

**Proposed enabling works (ground stabilisation and levelling) across parcels A &
B of the wider 'land at Billet Road' opportunity site.**

Thank you for consulting us on this application. We have reviewed the information submitted and have the following objection to the proposal.

Objection

The proposed development will require a landfill or deposit for recovery permit under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. Based on the information you have provided, we do not believe the proposal meets waste legislative requirements, or prevents, minimises and controls pollution. We therefore object to the application as submitted.

Reason

The proposed development includes the deposit of controlled wastes which has not been considered in the planning application. This must be controlled under an environmental permit as it may pose a risk to the environment and human health.

This objection is supported by paragraph 188 of the National Planning Policy Framework, which recognises that planning and pollution control are separate, but complementary, regimes. Planners should consider the acceptability of the proposed use of land and the impacts of that use, but not the control of processes and emissions that will be covered by a permit.

Overcoming our objection

In order to remove our objection we require amendments to the Geo-Environmental Assessment, the Detailed Quantitative Risk Assessment and the Remedial Method Statement to remove proposals for the use of Definition of Waste: Code of Practice (DoWCoP) as part of this development. This document must confirm all waste and material management will be controlled and managed under an environmental permit.

In particular, we noted the following which should be amended:

Geo-environmental assessment

- Section 7.4.2.1 and 7.4.2.2 proposes the reuse of excavated waste under the DoWCoP. This is specifically excluded from DoWCoP, therefore the proposals are not viable under this scheme.
- Section 10.7 indicates a 600 millimetre (mm) cap is all that is required to protect final land users, therefore we do not understand why a 4000mm thick restoration is required? This would indicate a disposal activity rather than land redevelopment.

Detailed quantitative risk assessment and remedial method statement

- 6.3.2 This document proposes to import “land-raise” materials under DoWCoP which is not acceptable on a historic landfill. This document must be amended.
- 6.7.3 reaffirms a 600mm cover layer is sufficient between the new development and the historic landfill.
- Table 5 proposed importation chemical criteria are not acceptable and would introduce a new source of contamination to the site. The contamination levels confirm this would be waste, therefore must be regulated under an environmental permit.
- The application fails to confirm the volume of material to be imported. Considering the area of the site and depth of the import, this could potentially be up to 250,000m³ or 30,000 vehicle movements.

We advise parallel tracking the planning and permit applications as this can identify and resolve any issues at the earliest possible stage. Parallel tracking can also prevent the need for post-permission amendments to the planning application. We recommend that the applicant contacts us so that we can discuss this further.

Permitting advice for applicant

The current application will disturb landfilled waste located below the water table in a strata where groundwater makes an important contribution to river flow. As part of the permit we will therefore need to consider the location of the development in regard to the protection of groundwater in more detail. A hydrogeological risk assessment must demonstrate that active long-term site management is not needed to prevent groundwater pollution.

To reduce the risks to people and the environment, and to obtain a permit, the application must include mitigation measures to control the activity in line with our regulatory guidance [Deposit for recovery operators: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits)

We will not be able to determine your application for a permit until this information has been provided supporting an application.

Please be aware the time from permit application to granting an environmental permit is significant. There is currently a backlog of applications before we consider any new bespoke waste application leading to an average 8-9 months wait. Where we have granted a permit for recovery this is taking on average 16 months to determine. This will not fit with the current development programme for these works.

Further guidance and advice can be found at <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>

Advice for applicant

Scope of controls for landfill and deposit for recovery

The proposed landfill/deposit for recovery site will require a permit under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016. We will consider the following areas of potential harm when assessing the permit:

- Management - evidence that the operator has an environmental management system, will install site security and be adequately financed. We will consider implications for multiple operator installations and how the operator will deal with accidents.
- Operations - evidence that the operator has considered the entire landfill life cycle, including the landfill design and its construction (landfill engineering), the day to day operation of the site (including how they will confirm they are only accepting wastes appropriate for this site) and how they plan to close the site and manage it to prevent pollution during the aftercare phase once waste disposal stops.
- Emissions and monitoring - evidence that the operator will manage permitted emissions to water, air and land to prevent or where that is not possible, reduce pollution. Evidence that the operator has procedures in place to manage the impact of odour, noise and pests, and that emissions from the site will be monitored to confirm that mitigation measures are effective.

NPP I 28 Landfill - further information on permit application and compliance

New landfill developments must comply with the standards set out in:

<https://www.gov.uk/government/collections/technical-guidance-for-regulated-industry-sectors-environmental-permitting>.

Final comments

Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated.

If you are minded to approve the application contrary to our objection, I would be grateful if you could re-notify us to explain why, and to give us the opportunity to make further representations.

Should you have any queries regarding this response, please contact me.

Yours sincerely

Environment Agency Sustainable places team

E--mail HNL SustainablePlaces@environment-agency.gov.uk