

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

Our ref: NE/2022/135204/03-L01
Your ref: 3376/22

Date: 10 February 2023

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.**

We have now reviewed the additional information provided by the applicant and received feedback from our national Technical Advisors directly responsible for the implementation of DoWCoP scheme and for the definition and regulation of waste. Based on this information we are currently **unable** to remove our objection as our concerns have not been resolved and the proposed development would not be acceptable for the following reasons.

1. The submitted documents continue to refer to the landfill and the waste within as “made ground”. This is the incorrect term for this material and will impact the regime under which it is considered. Recognising the in-situ material as waste will have implications for the construction methodologies, disturbance of the waste (e.g., piling, surcharging), treatment, storage, and disposal, therefore this must be reviewed.
2. We note the applicant has removed all reference to waste and the use of DoWCoP to import capping and surcharging material proposed by this development. This change does not provide the clarity required at the planning stage as the application no longer indicates under what regime this material will be brought onto the site. Where the development cannot comply with DoWCoP and requires import of top soils, subsoils, or surcharge materials these will be waste. They are not products, they are not excluded from the Waste Framework Directive and do not meet an end of waste protocol. The exact source of this material has also not been identified therefore this continues to pose risks to the deliverability of the scheme.

Our national advisors have undertaken an independent Review of our position and response based on the information submitted with the application. They have confirmed:

- DoWCoP isn't to be used on historic landfill areas. They have advised that CL:AIRE are also sending this message when they are consulted or made aware

Cont/d..

of such proposals.

- Our current view is that the material in an historic landfill is waste, however we have a policy position not to regulate that waste until it is disturbed.
- When we accept a permit surrender this is on the basis that the waste is not disturbed and presents an acceptable risk to the environment and human health.
- Depositing soil and/or capping on top of historic landfill disturbs the waste. It may alter the pollution risk; either by applying pressure leading to the expulsion of leachate or blocking routes for gas emissions meaning this also squeezes out elsewhere. Without regulatory control, placing material on top of an historic landfill may result in pollution impacts from the old waste.

We maintain that the importation and permanent deposit of material identified by this application falls under the waste regulatory regime, the application must clarify the imported material and risks associated with the proposed development will be managed under an Environmental Permit and must demonstrate it is a legitimate recovery activity through the production of a Waste Recovery Plan and not a disposal of waste.

The detail and mitigation measures required as part of the development will only be considered as part of an Environmental Permit application. The determination of an environmental permit may result in substantial changes to the design or the suitability of this site at the intensity proposed.

Where the applicant confirms they will secure an environmental permit for the importation we can remove our objection.

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.

Yours sincerely

Hertfordshire and North London Sustainable places team.

Direct e-mail HNL SustainablePlaces@environment-agency.gov.uk