

Decision document variation

We have decided to grant the variation for Silt Lagoons at Rainham and Wennington Marshes operated by Land & Water Remediation Limited.

The variation number is EPR/FB3701XY/V003.

The variation is for an increase of the annual waste input limit specified in Table S1.5 of the permit from 350,000 tonnes to 750,000 tonnes.

We consider in reaching that decision we have taken into account all relevant considerations and legal requirements and that the permit will ensure that the appropriate level of environmental protection is provided.

Purpose of this document

This decision document provides a record of the decision-making process. It:

- highlights [key issues](#) in the determination
- summarises the decision making process in the [decision considerations](#) section to show how the main relevant factors have been taken into account
- shows how we have considered the [consultation responses](#)

Unless the decision document specifies otherwise we have accepted the applicant's proposals.

Read the permitting decisions in conjunction with the environmental permit and the variation notice.

Key issues of the decision

Please refer to the decision document for EPR/FB3701XY/V002 for our full assessment of the risk assessments associated with this permit: <https://www.gov.uk/government/publications/rm13-9yq-land-water-remediation-limited-environmental-permit-issued>

This variation increases the annual waste input rate specified in table S1.5 of the permit from 350,000 tonnes to 750,000 tonnes.

Waste code 19 02 03 has been added to the tables S2.1 and S2.2 of the permit to allow for the deposition of dewatered tunnel arisings from the Thames Tideway project or similar projects, arisings which have not required dewatering will continue to be deposited as 17 05 04.

We did not require any amendments to the supporting risk assessments for the determination of this variation application.

Existing compliance criteria will be adequate to protect the water quality however a permit variation will be required if emission limits need to change following assessment of data submitted as part of improvement programmes set in application ref. EPR/FB3701XY/V002.

Risk assessments

The review of the stability risk assessment considers that the increase in excess pore pressure in the alluvium from 32 KPa to 43 KPa beneath the body of waste will not detrimentally affect stability, though as a precaution we have included a pre-operational condition (see below) in the permit to develop and implement a plan for inspecting the perimeter bunds.

The review of the landfill gas risk assessment considered the risk of increased landfill gas generation to be negligible from the waste types to be accepted. A programme of landfill gas monitoring is carried out at the site to provide supporting evidence that confirms that the deposited waste is not resulting in the generation of significant quantities of landfill gas at the site. We conclude that there are no additional risks or measures required for the increased annual rate of disposal beyond the measures that are already in the permit.

The review of the hydrogeological risk assessment required some clarification on the wastes to be accepted under waste code 19 02 03. The waste which will be accepted will comprise only tunnel arisings which have required dewatering. Were it not for the dewatering of the tunnel arisings the waste would be coded 17 05 04 which is already specified in Tables S2.1 and S2.2 of the permit. The dewatering activity will comprise a physical centrifuge process only with the addition of bentonite after the centrifuge process to assist with material management.

Pre-operational condition

We have included a pre-operational measure (ref. PO 02) in table S1.4 of the permit.

The proposed increase to the annual waste input rate poses an increased risk to the stability of the landfill infrastructure. We have requested a procedure for undertaking annual stability inspections by a suitably qualified person and an action plan setting out the proposed remedial actions that could be undertaken in the event that instability is observed in the outer side slopes and those adjacent to watercourses.

We require these plans and procedures to be able to approve the increased annual waste input rate.

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

Consultation

The consultation requirements were identified in accordance with the Environmental Permitting (England and Wales) Regulations (2016) and our public participation statement.

The application was publicised on the GOV.UK website.

We consulted the following organisations:

Health and Safety Executive

Food Standards Agency

Director of Public Health

Public Health England

The comments and our responses are summarised in the [consultation responses](#) section.

Nature conservation, landscape, heritage and protected species and habitat designations

We have checked the location of the application to assess if it is within the screening distances we consider relevant for impacts on nature conservation, landscape, heritage and protected species and habitat designations. The application is within our screening distances for these designations.

We have assessed the application and its potential to affect sites of nature conservation, landscape, heritage and protected species and habitat designations identified in the nature conservation screening report as part of the permitting process.

The operational controls in place to protect the Inner Marsh Thames Site of Special Scientific Interest (SSSI) were previously agreed under application EPR/FB3701XY/V002. There has been no change to these controls.

We have consulted Natural England on our SSSI assessments, and taken their comments into account in the permitting decision.

Environmental risk

We have reviewed the operator's assessment of the environmental risk from the facility.

The operator's risk assessment is satisfactory.

General operating techniques

We have reviewed the techniques used by the operator and compared these with the relevant guidance notes and we consider them to represent appropriate techniques for the facility.

The operating techniques that the applicant must use are specified in table S1.2 in the environmental permit.

Waste types

We have specified the permitted waste types, descriptions and quantities, which can be accepted at the regulated facility.

We are satisfied that the operator can accept these wastes for the following reasons:

- they are suitable for the proposed activities
- the proposed infrastructure is appropriate; and
- the environmental risk assessment is acceptable.

We made these decisions with respect to waste types in accordance with EPR 5.02 - How to comply with your environmental permit Additional guidance for: Landfill and WM3 - Guidance on the classification and assessment of waste.

Pre-operational conditions

Based on the information in the application, we consider that we need to include pre-operational conditions.

See [key issues](#).

Emission limits

No emission limits have been added, amended or deleted as a result of this variation.

Monitoring

Monitoring has not changed as a result of this variation.

Management system

We are not aware of any reason to consider that the operator will not have the management system to enable it to comply with the permit conditions.

The decision was taken in accordance with the guidance on operator competence and how to develop a management system for environmental permits

Financial provision

This facility is required to have financial provision. We have decided not to reassess the financial provision as part of this variation because the changes proposed by this variation will have no material impact on the value of the current financial provision.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the

guidance issued under section 110 of that Act in deciding whether to grant this permit variation.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.

Consultation Responses

The following summarises the responses to consultation with other organisations, our notice on GOV.UK for the public and the way in which we have considered these in the determination process.

Responses from organisations listed in the consultation section:

Response received from Public Health England.

Brief summary of issues raised: no significant concerns regarding the risk to the health of the local population from the installation.

Summary of actions taken: No further action.