

creating a better place
for people and wildlife



Gareth Parry
Thames Water
Clearwater Court,
Vastern Road,
Reading
RG1 8DB

22 March, 2024

Dear Gareth,

Reading Sludge Treatment Centre: Compliance Assessment Report - 8 February 2024

I refer to your letter of 6 March 2024, in which you wrote to challenge the non-compliance that was recorded in our compliance assessment report (CAR) form issued on the 8 February 2024 relating to improvement conditions 9 and 13, and to request an extension for compliance with improvement conditions 11a and 14a.

We note that Thames Water have formally appealed the inclusion of improvement conditions 9 and 13 in the environmental permit. The formal appeal process is now under way and we will be making submissions on this matter in support of our case in accordance with the appropriate procedures. The Planning Inspectorate will decide on the suitability of these improvement conditions in due course.

You have requested that the Environment Agency “reconsider the scoring applied on this occasion. In addition, we would also like the EA to consider suspension of the scoring until the matters of issue within the CAR form are resolved”.

You should be aware that an appeal against the terms of an environmental permit does not have the effect of suspending the terms of that permit. As the regulator of the environmental permit we will continue to assess compliance and where necessary, record non-compliances with the permit conditions, including on matters which are related to the appeal. If the result of the appeal means changes to the permit are required then the related non-compliances recorded will be reviewed at that point in time.

Thames Water have raised 3 areas of challenge in relation to the CAR form issued on 8 February 2024:

1. IC9 – Improvement condition for secondary containment design
2. IC13 – Improvement Condition for review of effectiveness of abatement plan

3. Agreement to extend deadline for IC11a and 14a

To reply to each of these areas:

1. IC9 – Improvement condition for secondary containment design

Permit condition 2.4.1 states “The operator shall complete improvements specified in schedule 1 table S3.1 by the date specified in that table unless otherwise agreed in writing by the Environment Agency”.

One of the improvements listed in this table is Improvement condition 9 (IC9).

IC9 requires the operator to submit a written “secondary containment implementation plan” and obtain the Agency’s written approval to it. The written containment plan was not submitted by the date due (25 January 2024).

We consider that recording a non-compliance with this permit condition is appropriate as the actions required have not been completed by the due date. The reasons for recording this non-compliance and the justification for the level of the non-compliance are given in the CAR form. Thames Water have asked for an extension to this improvement condition in a meeting with the Environment Agency on the 3 January and in writing on the 17 January. This request was not agreed to and an explanation was included in the CAR form of the 8 February. We consider that by not completing the secondary containment implementation plan by the due date Thames Water are not compliant with this improvement condition.

2. IC13 – Improvement Condition for review of effectiveness of abatement plan

Permit condition 2.4.1 states “The operator shall complete improvements specified in schedule 1 table S3.1 by the date specified in that table unless otherwise agreed in writing by the Environment Agency”.

One of the improvements listed in this table is Improvement condition 13 (IC13).

IC13 requires that “The operator shall carry out a review of the abatement plant at emission point A15”. This review has not been carried out by the due date (25 January 2024).

We consider that recording a non-compliance with this permit condition is appropriate as the actions required have not been completed by the due date. We consider the original 6 month timescale for completion of this improvement condition to be a reasonable amount of time to complete these actions.

3. Agreement to extend deadline for IC11a and 14a

You explain that Thames Water had requested that these two ICs were put ‘on hold’ pending the outcome of industry discussions or that the delivery date was extended by a period of time of e.g. 4 months.

We recognise that discussions on the practicalities of monitoring for these two improvement conditions are ongoing. The CAR form states that we agree to extending the deadline from 25

January to 31 March 2024. We consider that this is a reasonable amount of additional time for Thames Water to be able to comply with these 2 improvement condition requirements. The permit was issued in July 2023 which gives a timescale of over 8 months for the completion of these two conditions. No non-compliances have been recorded for these two improvement conditions.

In summary, it is not appropriate to suspend non-compliances related to the matters under appeal because the submission of an appeal does not suspend the conditions appealed against. We believe that the non-compliance recorded in the CAR form of the 8 February is reasonable. Should the result of the appeal require a change to permit conditions or a review of these requirements, we will then review the compliance assessments made.

We also do not think it is appropriate to further extend the deadlines for the conditions discussed above. We believe that the timescales already agreed are suitable and achievable.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Young', written in a cursive style.

Chris Young

Installations technical leader

Installations team

Thames area – Environment Agency