

Permitting Decisions - Bespoke Permit

We have decided to grant the permit for **Tilbury Landfill** operated by **National Highways Limited**.

The permit number is **EPR/EP3322MT**.

The permit was granted on 15/07/2026.

The application is for:

- a new environmental permit for a non-hazardous landfill;
- the disposal of inert waste to enable construction of the A122 Lower Thames Crossing; and
- the restoration of the site to the required landform for the authorised development.

The activity forms part of a nationally significant infrastructure project authorised by Development Consent Order (DCO).

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:

- 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.

Decision considerations

Confidential information

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

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

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 GOV.UK.

We consulted the following organisations:

- Local Authority – Environmental Protection Department
- Local Planning Authority
- Health and Safety Executive
- UK Health Security Agency and Director of Public Health
- Natural England - Annabel Widdop
- Harbour / Port Authority

The comments and our responses are summarised in the consultation responses section.

Operator

We are satisfied that the applicant (now the operator) is the person who will have control over the operation of the facility after the grant of the permit. The decision was taken in accordance with our guidance on legal operator for environmental permits.

The regulated facility

We considered the extent and nature of the regulated facility in accordance with:

- RGN2 'Understanding the meaning of regulated facility'
- relevant landfill and waste permitting guidance

The facility comprises:

- a non-hazardous landfill for inert waste disposal

The extent of the facility is defined in the site plan and in the permit. The activities are defined in table S1.1 of the permit.

The site

The operator has provided a plan which we consider to be satisfactory.

These show the extent of the site of the facility.

The plan is included in the permit.

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, protected species and habitat designations. The application is within our screening distances for these designations.

We have considered the potential impacts of the proposed activity on nature conservation, landscape, heritage assets, and protected species, including feedback from our Fisheries, Biodiversity and Geomorphology (FBG) team.

The site is located within a previously developed landfill and industrial setting and forms part of the Lower Thames Crossing scheme, for which environmental effects have been assessed through the Development Consent Order process.

Designated ecological receptors in the wider area include Mucking Flats and Marshes SSSI, South Thames Estuary and Marshes SSSI, and the Thames Estuary and Marshes Ramsar and SPA. Based on the distance from the site and the nature of the proposed activity, FBG has advised that negative impacts on these sites are unlikely.

The West Tilbury Marshes Complex Local Wildlife Site is located in closer proximity to the site. This site is designated for invertebrate interest. FBG has

confirmed that the proposed landfill activity is unlikely to result in adverse impacts, as the disturbance and reprofiling of material may provide suitable habitat conditions for invertebrates.

FBG has reviewed the proposed controls, including the Dust and Emissions Management Plan, Environmental Risk Assessment and management systems, and confirmed that:

- site-specific ecological risks have been adequately identified
- proposed mitigation measures are sufficient
- no further assessment, including Habitats Regulations Assessment, is required

We are satisfied that:

- the activity will not have a significant adverse effect on designated nature conservation sites
- the conservation status of protected species will not be adversely affected
- landscape and heritage receptors will not be significantly impacted

This conclusion is supported by the nature of the activity, which involves inert waste deposition, and the control measures secured through the permit and associated management plans.

Environmental risk

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

The operator's risk assessment is satisfactory.

Operating techniques

We have reviewed the techniques proposed by the operator and compared these with the relevant technical guidance 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.

Dust management

We have reviewed the dust and emission management plan in accordance with our guidance on emissions management plans for dust.

We consider that the dust and emission management plan is satisfactory and we approve this plan.

We have approved the dust and emission management plan as we consider it to be appropriate measures based on information available to us at the current time. The applicant should not take our approval of this plan to mean that the measures in the plan are considered to cover every circumstance throughout the life of the permit.

The applicant should keep the plans under constant review and revise them annually or if necessary sooner if there have been complaints arising from operations on site or if circumstances change. This is in accordance with our guidance 'Control and monitor emissions for your environmental permit'.

The plan has been incorporated into the operating techniques table S1.2 of the environmental permit.

Waste types

We have specified the permitted waste types in table S2.1A of the permit.

The facility is authorised to accept non-hazardous inert wastes only. These include soils, construction and demolition materials, and waste-derived mineral fractions that are suitable for disposal at an inert landfill.

- We are satisfied that the permitted waste types are appropriate for the activity because:
they are consistent with the nature of the site and the proposed landfill operation;
- they have low pollutant potential and are unlikely to give rise to significant emissions; and
- the Environmental Risk Assessment demonstrates that the risks associated with their acceptance can be adequately controlled.

The waste acceptance procedures set out in the application and secured through the permit will ensure that only wastes meeting the relevant criteria are accepted.

No waste types have been authorised for use in restoration. This is reflected in:

- table S2.2 of the permit, which does not include any permitted waste types; and
- the annual limit for waste used for restoration being set to zero.

Two waste streams within 17 05 04 (soil and stones other than those mentioned in 17 05 03), including material with tunnelling additives associated with the Thames Tideway Tunnel, were previously deposited at the Tilbury Ash Disposal Site. These wastes are not authorised for new disposal at the facility. However,

they remain present within the existing landform and may be subject to reprofiling as part of the approved engineering works. Reference to these wastes is therefore retained in the permit for clarity.

We are satisfied that the permitted waste types and associated controls are appropriate and will ensure that the activity does not give rise to pollution of the environment or harm to human health.

Improvement programme

Based on the information provided in the application, we consider it necessary to include an improvement programme.

We have included an improvement programme to ensure that the installation, construction and operation of in-waste landfill gas monitoring infrastructure is carried out in accordance with Environment Agency guidance LFTGN03 Management of Landfill Gas, including the development of an appropriate monitoring network and construction quality assurance for monitoring boreholes.

Emission Limits

We have decided that emission limits are not required in the permit.

The activity involves the disposal of inert waste and does not give rise to process emissions requiring specific emission limit values beyond those associated with environmental monitoring.

Monitoring

We have decided that monitoring should be carried out for the parameters specified in the permit.

The permit requires monitoring of:

- groundwater;
- surface water; and
- landfill gas.

The monitoring programme is based largely on the monitoring regime previously required under permit EPR/GP3733DZ/V007 and has been updated only where necessary to reflect the revised permit boundary and the proposed operation. We consider this approach appropriate because the permitted activities are materially similar to those previously undertaken at the site and the principal environmental receptors remain unchanged.

Groundwater monitoring remains focused on protection of the Chalk Principal Aquifer, which is the primary groundwater receptor identified in the

Hydrogeological Risk Assessment. The Alluvium continues to be regarded as the geological barrier between the waste deposits and the Chalk aquifer. The monitoring network has been amended to reflect changes to the permit boundary and monitoring infrastructure, including the removal of monitoring locations BHC1S and BHC1D, replacement of the damaged BHC2D monitoring point and the addition of BH08022 as an up-gradient Chalk monitoring borehole.

The permit requires quarterly monitoring of groundwater levels and selected indicator parameters together with annual monitoring of a broader suite of groundwater quality determinands. The monitoring programme has been designed to provide ongoing verification of the assumptions made in the Hydrogeological Risk Assessment and to identify any changes in groundwater quality associated with the landfill.

Groundwater compliance limits have been retained for selected monitoring points within the Chalk aquifer. These limits are based on the compliance framework applied under permit EPR/GP3733DZ/V007 and relate to determinands identified as being relevant to the historic pulverised fuel ash deposits, existing inert waste deposits and the proposed deposition of material from the adjacent Goshems Farm Deposit for Recovery site. No compliance limits have been established for the Alluvium because it functions as the geological barrier rather than the groundwater receptor requiring protection.

The permit also requires quarterly surface water monitoring at the downstream monitoring point on the Tilbury Main River. Although the watercourse frequently exhibits limited flow, monitoring provides supporting evidence for interpretation of groundwater monitoring data and enables identification of any significant changes in downstream water quality. The monitoring suite has been updated to reflect the findings of the revised Hydrogeological Risk Assessment.

The permit requires quarterly monitoring of in-waste landfill gas monitoring boreholes installed under Improvement Condition IC1. Although the landfill gas risk assessment concludes that significant gas generation is not expected due to the inert nature of the deposited wastes and the absence of biodegradable material, we consider it appropriate to require monitoring to verify the landfill gas conceptual model and demonstrate that landfill gas is not being generated at levels that could present a risk to human health or the environment.

Existing in-waste gas monitoring boreholes inherited from permit EPR/GP3733DZ are not subject to the monitoring requirements of Table S3.4. Historical monitoring data demonstrates negligible landfill gas generation from the existing waste deposits and some of these boreholes will be removed as part of the Lower Thames Crossing construction works. The permit therefore limits routine landfill gas monitoring requirements to boreholes installed under Improvement Condition IC1 and any subsequent replacement or additional boreholes installed under the approved monitoring scheme.

We are satisfied that the monitoring programme provides an appropriate programme of requisite surveillance for the landfill and will enable verification of

the assumptions made in the environmental risk assessments whilst ensuring ongoing protection of groundwater, surface water and human health.

Reporting

We have specified reporting in the permit.

Reporting frequencies have been set to ensure that monitoring data is collected and reviewed at appropriate intervals, while remaining proportionate to the nature and risk profile of the activity.

Quarterly reporting has been required for groundwater, surface water and landfill gas monitoring. This frequency is sufficient to identify trends and any changes in environmental performance;

- verify the assumptions made in the environmental risk assessments; and
- enable timely intervention if adverse impacts are detected

Annual reporting has also been specified to provide a comprehensive review of site performance, including monitoring results, waste inputs and overall environmental management.

These reporting requirements are considered appropriate given:

- the nature of the waste accepted;
- the low risk to environmental receptors; and
- the need to ensure continued regulatory oversight of the site

We made these decisions in accordance with relevant Environment Agency guidance, including guidance on landfill monitoring and risk assessments for environmental permits.

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.

Technical Competence

Technical competence is required for activities permitted.

The operator is a member of the CIWM/WAMITAB scheme

We are satisfied that the operator is technically competent.

Financial provision

We are satisfied that the operator has made the necessary 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.

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 UKHSA

Brief summary of issues raised:

- Potential emissions of fugitive dust associated with waste soils handling identified as the main concern.
- Confirmation that risks to human health are not significant where proposed mitigation and management controls are applied.
- General support for measures that minimise public exposure to air pollutants.

Summary of actions taken:

- Dust risks assessed within the Environmental Risk Assessment and controlled through the Dust & Emissions Management Plan.
- Permit requires implementation of appropriate pollution prevention and control measures in line with relevant guidance and best practice.
- No additional regulatory action required in response to UKHSA comments.

Response received from Port of London Authority**Brief summary of issues raised:**

- Request for inclusion of the Port of London Authority as a relevant contact in the event of incidents affecting the River Thames.
- Reference to protection of the local drainage network and the River Thames via the Pollution Prevention Management Plan.

Summary of actions taken:

- The requirement to contact the PLA in the event of an incident is covered in Section 5.4.1 of the Pollution Prevention Management Plan (PPMP)

Response received from: Director of Public Health, Thurrock Council.**Brief summary of issues raised:**

- No significant public health concerns were identified in relation to air quality, odour or noise, provided the site operates in accordance with the proposed mitigation measures and relevant best practice.
- Thurrock Council highlighted a history of resident complaints relating to dust and alleged nuisance in the Tilbury area. These concerns have been reported over a number of years and have previously resulted in EA monitoring activity. Residents continue to raise concerns regarding dust impacts.
- The Council requested that these ongoing concerns are taken into account in the permit determination and that fugitive dust is appropriately controlled using BAT.

Summary of actions taken:

- The consultation response has been considered during determination of the application.
- Potential impacts from dust emissions and nuisance have been assessed as part of the operator's risk assessment and supporting application documents. The assessment concluded that, subject to implementation of the proposed mitigation measures, the activity will not give rise to significant pollution or unacceptable impacts on human health. Based on the information provided, the Environment Agency is satisfied that the risks can be appropriately managed.
- The permit requires the operator to implement and maintain appropriate measures to prevent or minimise emissions, including fugitive dust, in accordance with the permit conditions.
- No additional permit conditions are considered necessary as existing permit requirements provide an appropriate level of control over dust emissions and associated nuisance.

Response received from: Natural England.

Brief summary of issues raised:

- Natural England highlighted the importance of Pulverised Fuel Ash (PFA) in delivering nature recovery outcomes associated with the Lower Thames Crossing (LTC) project, particularly the creation of open mosaic habitat at Tilbury Fields.
- Natural England welcomed the application's proposals for the continued excavation, recovery and stockpiling of previously deposited PFA for future beneficial use.
- Concerns were raised regarding whether the proposed PFA stockpile capacity would be sufficient to provide the quantity of PFA required to meet the habitat creation commitments associated with Tilbury Fields.
- Clarification was sought regarding the location and capacity of the PFA storage areas shown within the application documents.
- Natural England noted that PFA stockpile areas could provide temporary habitat for rare and scarce invertebrate species during the LTC construction phase and requested that habitat value is considered when determining stockpile management requirements.

Summary of actions taken:

- The consultation response has been considered during determination of the permit application.
- Information provided by the applicant confirms that the Development Consent Order (DCO) requirement is for 20% of the substrate of the open mosaic habitat at Tilbury Fields to comprise PFA. The allocated PFA storage area within the permit boundary is not required to accommodate the entire volume necessary to meet this commitment at any one time.

Where necessary, PFA may also be imported from other locations to support delivery of the habitat objectives.

- Clarification was obtained regarding the PFA storage area. The applicant confirmed that only one PFA storage area is proposed. The apparent presence of two storage locations arises from differences between construction sequencing drawings and the final permit drawings. The storage area shown on Drawing 1 of the Environmental Setting and Installation Design document is the proposed PFA storage location.
- The Environment Agency recognises the ecological value identified by Natural England. However, the permit application must also demonstrate that emissions, including dust emissions from PFA stockpiles, can be adequately controlled. The submitted Dust and Emissions Management Plan includes measures that allow stockpiles to be covered where necessary to prevent dust generation.
- Decisions regarding detailed habitat design and delivery associated with the Lower Thames Crossing project fall outside the scope of this permit determination. The permit assessment has focused on whether the proposed activities can be undertaken in accordance with the Environmental Permitting Regulations without causing pollution or harm to human health.
- The Environment Agency is satisfied that the permit contains appropriate controls and that no additional permit conditions are required in response to the consultation comments. Engagement between Natural England, the applicant and regulators regarding wider habitat creation objectives can continue outside the permitting process.