

Ian Evans
SiLC
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Devonshire House Business Centre
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Our ref: 00828_EST

Date: 12/07/21

Dear Ian,

RE: Sustainable and safe re-use of materials on brownfield development sites

Thank you for your letter of 21 June 2021 to our Chief Executive, Sir James Bevan. James has read your letter and asked me to respond on her behalf. He will also receive a copy of this response.

We recognise the benefits of bringing previous sites back into use as you describe, and are keen to support the sustainable reuse of materials to protect natural resources. When doing this, we also need to make sure that the environment and human health is protected from any adverse impacts.

Thank you for your thoughts on regulating historic landfill redevelopment activities. The first suggests amending the guidance within the Definition of Waste Code of Practice (DoW CoP) to include the re-use of site won materials from within historic landfills. The DoW CoP and associated guidance is published by CL:AIRE, so suggestions to amend this should be made directly to the CL:AIRE Board of Trustees. However, we are also undertaking a review of the DoW CoP as we have concerns that elements of the framework are not legally robust. The CoP was not developed, and so is not really suitable, for historic landfill activities, so we would have concerns about expanding its scope in this way.

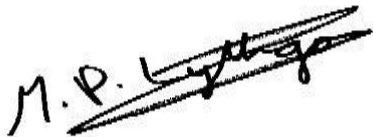
Your second suggestion relates to streamlining the processes relating to waste recovery and surrender permit determinations. We would be happy to receive more detailed feedback regarding this. Our current view is that our approach when considering applications for these sites is appropriate. The most relevant example is the 'Recovery vs Disposal' assessment of a waste recovery plan. This process is necessary to ensure that the waste hierarchy is not undermined by granting the wrong type of permit (a recovery permit in place of a disposal permit). Whilst demonstrating substitution and satisfying recovery is often more difficult where the waste is to be excavated, treated and re-deposited in the same area on site, it is possible to do so by following our existing guidance on waste recovery plans and deposit for recovery permits. Our current guidance also outlines what information would need to be

submitted in support of an application to surrender a permit for this type of operation. As with any permitted activity, the assessment carried out is based on risk and we would recommend that an operator seek enhanced pre-application advice prior to submitting their application in order to avoid delay to the determination.

Our DoW CoP and Land Contamination leads are in the final stages of drafting internal guidance around these matters as we are aware of the industry's interest. The guidance will make it clear to our staff the appropriate permitting options for these activities and ensure we maintain consistency in our opinion. We will share this with you once it has been issued and welcome any further comments.

If you would like to discuss this further please let me know.

Regards,

A handwritten signature in black ink, appearing to read 'M. P. Lythgo', with a horizontal line drawn through it.

Malcolm Lythgo
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