

Catherine Nutting  
Clerk of Plaistow & Ifold Parish

If calling please ask for:

Via email  
clerk@plaistowandifold.org.uk

Our ref: AF/AJT

Your ref: 23 December 2020

Dear Catherine

## **Crouchlands - Lagoon 3**

I write further to your letter dated 8 December 2020 concerning lagoon 3.

Can I firstly assure the Parish Council that I appreciate the concerns raised in your letter. The District Council takes the ongoing situation in respect of lagoon 3 extremely seriously and remains intent on doing all it can to secure compliance with the requirements of the enforcement notice.

In terms of inspection of the lagoon, I am sorry that you were under the impression that the last multi agency inspection was held in January 2020. I can, in fact, confirm that a multi-agency inspection was carried out on 22 October 2020, followed by a review of the multi-agency plan by the multi-agency responders. In relation to potential pollution of the environment and water courses in particular, the risk of leakage of digestate was reviewed and it was concluded there was no change to the situation as outlined in the multi-agency plan.

In terms of the public health risk arising from any loss of containment of the lagoon, Public Health England (PHE) has previously concluded that there would be no significant public health risk associated with air quality during an incident. This conclusion was based on the main hazard associated with the anticipated gases being asphyxiation and explosion but that it was considered that the risk is reduced due to the distance to public health 'receptors' and the surrounding land use typically being green open space. If comparing this site with the recent incident in Wessex, there is no ignition source and the gases are not contained within a rigid structure. There has been no significant increase in gas volume at the site and excessive pressure is not being exerted on the structure likely to cause it to fail. The on-going monitoring will identify such changes.

Nevertheless, whilst there has been no change to the surrounding land uses, an update on this advice regarding the risk to human health posed by the site, assuming a worst case scenario, such as failure of the bund or cover causing the gas to be released, is currently being sought from PHE. To inform this further assessment, both the Council and the Environment Agency will be working with PHE to identify and obtain the further

information that is required to enable a further risk assessment to be carried out and the multi-agency plan will then be updated accordingly as soon as possible.

I should reiterate that as with all breaches of an enforcement notice, responsibility for compliance lies with the landowner. The Council has been in regular contact with the landowner and has provided frequent reminders of the need to comply with the enforcement notice, including the likelihood that the Council will consider prosecution for any failure to comply with its requirements by May 2021. The landowner has been offered advice on how he might comply with the Notice and officers in the Planning Enforcement team continue to attempt to engage with him to understand his intentions. Nevertheless, the failure of the landowner to take any material steps towards emptying the contents of the lagoon and setting out proposals to remove the lagoon structure is clearly wholly unsatisfactory and with only five months remaining before the Notice becomes effective, there is a very real prospect that the owner of the land will not comply with the requirement of the notice by the prescribed date. Officers will, therefore shortly instigate the process in conjunction with the legal services team to assess the use of prosecution to compel compliance. Alongside this work, we will also consider the expediency, costs and risks of any other tools available to the Council to secure compliance and as indicated above, will continue to work with the Environment Agency and PHE to ensure that the multi-agency incident response plan is fully up to date and reflects current circumstances.

I hope this provides reassurance to the Parish Council regarding the actions we are taking and we can of course keep you updated in this matter.

Yours sincerely

A handwritten signature in black ink that reads "Andrew Frost". The signature is written in a cursive style with a small horizontal line under the "t" in "Frost".

Andrew Frost  
**Director of Planning & Environment**