

Chichester District Council
Planning Committee
Wednesday 7th July 2021

Update from District Councillor Evans

To be read in conjunction with the Planning Enforcement Report

With reference to paragraph 6.1 of the Planning Enforcement Report:

A site visit on 24 May 2021 – three days after the expiry of the compliance period – showed that Lagoon 3 remains intact on site with no indications within the site that any works of compliance had been attempted or that they were imminent. The visit did however confirm that the Crouchland Farm site [under the management of Artemis] was compliant and that works required under the extant enforcement notices on land in its control had been carried out.

Q1 – Has CDC definitive proof that all the underground infrastructure has been removed as per the enforcement notice? Could this be shared with the district and parish councillors?

A1 - CDC stated that “If it is the pipe between the lagoon and the digestors we agree on the advice of the ecologists that it should remain in situ as it would be more harmful to bring it up than leave it where it was, but all other apparatus has been removed”.

Q2 - Now that the enforcement notice has expired could Kirdford and Plaistow and Ifold Parishes (and the communities they serve) be provided with a clear and concise timeline as to what happens, by when and by whom?

A2: CDC committed to put together an outline of the enforcement process to share with Parish Councils and the wider community but could not give a specific timeframe as there are a number of variables in-between and if it went to court that would be down to their timeframe beyond the control of CDC.

Q3 - If there are no assets of value with the current owner for enforcement, then what happens?

A3 – The question was not understood, Council said they would return to it, but never did.

Q4 - What is the point at which CDC will take over responsibility for the site - it is not reasonable to let the site exist in the current state beyond a reasonable time frame. What is that timeframe?

A4 - CDC spoke around the fact there is no obligation for them to take responsibility and all other options should be exhausted before discussions of accountability could be explored.

Q5 - If the contents of lagoon 3 are allowed to be spread locally - what is the annual limit allowed to be distributed on the land to comply with the nitrate levels and knowing this, how long would it take to empty the lagoon? - is this reasonable?

A5 - This is not within CDC's remit, but rests with the EA.

Q6 - Who holds the liability for pollution?

A6 - Liability rests with whoever is the landowner.

Q7 - CDC have already confirmed with the help of the EA that the lagoon is not "contaminated" therefore, can the council confirm that any future owner will have an obligation to return the site to Agricultural land. *** we want this minuted***

A7 - The enforcement notice states it must be returned to previous state but cannot insist on farming it.

Q8 - In the meetings with the local Parishes and Ward councillors, CDC have confirmed that there will be no "backdoor" agreement with any would-be buyer of Lagoon 3, to permit building on the site in exchange for the site being cleared. - can we have that again confirmed and clearly minuted?

A8 - There is no trade off in planning terms.

Q9 - At two of our previous meetings with CDC and Multi Agency members I requested that the contents of Lagoon 3 be tested in order to reassure residents that the contents are not dangerous. I was informed that this was not necessary as the contents were unlikely to be hazardous yet the PROW around the lagoon remains closed and has done for several years. Can WSCC be asked to open these back up and if the reason they remain closed is because they believe the site remains a risk why not conduct a test to determine this once and for all

and to allow residents access to these PROW? How much longer should residents expect the PROW to be closed?

A9 - CDC already requested this, and it is a matter for them [WSCC] to decide. However, at this time WSCC would prefer the site to be cleared and then open of the PROW rather than open and then close again. WSCC will attend the next multi agency visit in order to assess the situation. The Parish Council can also write to request opening up, but likely to get the same response as CDC.

Other responses during discussions:

- Landowner could not do anything for 18 months when he was not in control of the land.
- Owner is trying to take some steps to demonstrate what is in the lagoon.
- Landowner does have a plan which he will put forward to the local authority [CDC].
- Local Authority [CDC] has the opportunity to pause and look at what the owner is offering.
- Containment appears robust. There would be some warning signs if there were issues i.e., bulging of the bund, gasses etc. It would be obvious at site inspections.
- Environment Agency said the bund had been dormant between visits.
- CDC confirmed prosecution does not achieve anything.
- Landowner is still looking at trying to sell the land.