

Land west of Stoney Castle, Pirbright

Joint Statement from Surrey County Council, the Environment Agency and Guildford Borough Council – 4 October 2021

Concerns have recently been raised about potential pollution and harm to health on the land immediately to the west of the Stoney Castle site in Pirbright.

The Borough Council recently removed 225 tonnes of non-waste materials, 66 cars and caravans, more than 100 tyres, a barn and 3,000 litres of unidentified liquids including oils and fuels from Stoney Castle in Pirbright, which our contractors have safely disposed of. These items were stored on the land in breach of enforcement notices and environmental health notices. (<https://www.guildford.gov.uk/article/25717/225-tonnes-of-non-waste-materials-among-items-removed-from-the-Stoney-Castle-site-in-Pirbright>)

This statement concerns the neighbouring site to the west, the area within the red line in the attached map.

There is a long-running legal history with the ownership and unauthorised activity on this land dating back to the 1980s.

We held a multi-agency meeting to share what we know about this site, to discuss new concerns and to establish if any action needs to be taken.

Under the contaminated land regime within the Environmental Protection Act 1990, Guildford Borough Council have a duty to act if there is the significant possibility of significant harm to people or animals on the land.

For a site to meet the statutory definition of contaminated land a pollutant linkage must be established. A pollutant linkage consists of a three-part relationship between the source, the pathway and the receptor:

Source - A substance or substances IN, ON or UNDER the ground that could affect health or the environment.

Pathway - A means by which a contaminant can come into contact with the receptor.

Receptor - Humans, ecological systems or living organisms, controlled water or property that could be affected if exposed to the contaminants.

In this case on the land west of the Stoney Castle site, the pollutant linkage is not established and therefore no further action is required by us, the borough council at this time.

The Environment Agency investigated the site for contamination in 1996 but did not find any within the soil or the watercourse. It has no current active investigation into the alleged waste stored on this site. Having assessed the risk posed to the environment and with no evidence of pollution from it, they have not carried out any recent sampling.

They will continue to assess any reports of pollution received within their normal incident reporting procedures.

Surrey County Council historically, investigated this site on multiple occasions. In 1989 a Stop Notice and Planning Enforcement Notice were served on the person who was understood to have taken over ownership of the land for unauthorised importation and depositing of waste materials on the land.

The Enforcement Notice was appealed by the person who was understood to have taken over ownership of the land and an Inquiry was scheduled for March 1990. However, the appeal was withdrawn in February 1990 and correspondence was received from Solicitors documenting that they had a client who had acquired the land (from the person whom the Enforcement and Stop Notice was served on). It however transpired that the land acquired was only the parcel of land where Guildford Borough Councils direct action was taken over this summer. Accordingly, as it appeared to the County Council that the individual who had acquired the land in 1989 was still in ownership of the adjoining parcel of land on which the majority of waste had been deposited, the individual was successfully prosecuted under the Control of Pollution Act 1974 ("COPA").

In addition to legal proceedings under COPA, in 1990 a planning application was received by the County Council seeking consent for the "importation of small quantities of granular fill, overburden and topsoil to finish off site prior to reseeded to the satisfaction of the County Council to comply with the requirements of the Enforcement Notice". Consultation on the proposal was undertaken with the Council under planning application 90/P/00730. But in view of the level of objection from local residents and the MOD to the application, the County Council considered recommending refusal of the application. The planning application subsequently became redundant followed by a recommendation that the application be withdrawn by the County Council, which it was.

Due to the issues involved with the intended transfer of the land and the breach of planning control, various communications involving the registered landowner's representatives and the County Council's Legal Services Department took place over the following years. During this time works involving the spreading of previously deposited soil and levelling on the land took place, which after due consideration, were accepted by the County Council.

From summer 2013 onwards, whilst the County Council and Environment Agency were investigating the use of Stoney Castle for unauthorised waste disposal, it was also noted that similar mixed waste materials were being periodically disposed of on top of the established vegetated parcel of land to the West of the land. Any access by the adjacent registered landowner onto their own land first needed agreement from the owner of Stoney Castle. The importation of these materials had to pass through his gates, which are operated under his and his representative's control.

This site is privately owned and the landowners and their representatives have a duty to comply with notices provided by either the County or Borough Council.

HM Land Registry (HMLR) registers the ownership of land and property in England and Wales and information about the ownership of this land can be found there.

Members of the public can report pollution to the Environment Agency free 24-hour Incident Hotline 0800 80 70 60.

Reports of suspected waste crime can be reported anonymously to Crime Stoppers on 0800 555111.

