

Minutes 20 March 2017 - Annex 2**Written response to Mr Kye Gbangbola**

In relation to Mr Gbangbola's assertion that there is an error in paragraph 4 of the Council's original written response, the following should be noted:

Mr Gbangbola appears to be referring to a report published in 2010 by environmental consultants Peter Brett Associates, who undertook a desk study on behalf of the Environment Agency in respect of a planning application for the erection of a relief lock keeper's hut on Thames Side adjacent to the Lavender's Pit South landfill. The written response given in relation to Mr Gbangbola's original question to the Joint Committee is correct because the report does not **conclude** that there is an 'unacceptable risk'.

Whilst the study reported a high *potential* for *some* contamination to be present at the former landfill, it does not find that there is likely to be *significant* contamination, stating that the *potential* for contamination to be present on the lock keeper's site was "very low". The report was prepared under the planning regime and not under Part 2A of the Environmental Protection Act 1990. Under planning laws an "unacceptable risk" is where the risk is "above minimal risk", a much lower threshold than the threshold for considering risks under Part 2A of the Environmental Protection Act 1990, for which there must be "significant potential of significant harm".

Further, the study did not have access to any monitoring data for the landfill or any previous assessments. The authors consequently took a cautious approach and concluded that there was a "moderate" potential for ground gas generation.

Additionally, since 2010 when the Peter Brett Associates Report was published, testing has been undertaken and no data has been found to suggest the presence of hazardous gases, much less at levels that pose a potential harm to life.

Additional written response

Since Zane Gbangbola's very sad death in 2014, Spelthorne Borough Council has supported the family's search for answers through the Coroner's inquest process. The Council was fully involved in the two year process and participated in a five week inquest in July last year. The findings of the inquest have been widely reported and the Coroner's verdict (which was released in September 2016) is publicly available. The Coroner found that the cause of Zane's death was carbon monoxide from a petrol pump and not hydrogen cyanide emanating from nearby landfill.

It is not appropriate for the Spelthorne Borough Council, or indeed this Joint Committee, to question the findings of what was a detailed inquest which explored a range of issues and examined a substantial amount of information, technical data and witness evidence.

The Coroner's factual finding in the inquest was that "whilst it is clear from the evidence that landfill can be a potential source of toxic gases, including HCN, none of the land/ soil or water testing conducted at the house or the land behind it... found any evidence of a source of HCN (or any other toxic gases)".

Whilst the Council has the utmost sympathy for the family for the loss of their beloved son Zane, it is important to reiterate that there remains no evidence of a link between Zane's tragic death and the landfill close to the family home.

This page is intentionally left blank