

Matter 3  
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ME10 1GA

06 February 2017

Dear Madam Inspector,

### **Swale BC Local Plan Examination**

I am writing following the Inquiry examination last Wednesday, 1 February 2017, when you indicated that, owing to the shortness of time, you would be prepared to receive further representations in writing.

At the Inquiry I raised a concern that parts of the land proposed to be allocated for housing were immediately adjacent to a closed former landfill site that has a high risk of causing contamination to adjoining property and the environment. You may recall I mentioned that this landfill was constructed and in use long before environmental legislation and regulation required safe construction and operation of such facilities.

I will not repeat the matters that I raised at the Inquiry pointing out the factors giving rise to the risks but wish to express my concern at the Councils response when they advised that they had consulted with the Kent County Council. The Swale Planning Officer indicated that Kent County (who are responsible for managing and monitoring the former landfill) had made no comment on the Local Plan housing allocation thus effectively implying that they had given a green light.

From my years of experience in project managing contamination remediation works I find it difficult to accept that the County Council would have given such a response in view of their obligations under the Environmental Protection Act and Hazardous Waste Regulations. I therefore contacted the County Council officers responsible for managing this site and they told me it is not their policy to approve any form of development adjacent to such facilities, rather they would advise that it would be for a developer to demonstrate that they are able to undertake sufficient measures for the protection of the public and the environment.

In addition to the consultation with Kent County Council I believe that Swale BC have an obligation under the General Development Order to also have consulted with the Environment Agency for any development within 250 metres of such hazardous sites. It was not mentioned whether such consultation has been undertaken and I have been unable to confirm this with the EA.

It was mentioned by the developer at the Inquiry that he had obtained an environmental survey suggesting that there are no environmental risks but, since this had not been previously made available for anybody to review, I understand the statement is to be disregarded.

I would be grateful if you would take my comments into account when reaching your decision.

Yours sincerely

K B Hicks MRICS