



## WEST OF BEWBUSH JOINT AREA ACTION PLAN

### STATEMENT FROM KTI ENERGY LIMITED RESPONDENT No 59423

#### ISSUE 1: PRINCIPLE OF DEVELOPMENT & IDENTIFICATION OF THE WEST OF BEWBUSH SITE

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- i) We believe there are significant problems associated with the remediation of landfill sites west of Bewbush the complexity of which Horsham District Council and Crawley Borough Council have underestimated. Horsham District Council, in particular, may be keen to restore the landfills for development but encouraging Crest Nicholson Plc to build a community of 2,500 new homes upon them appears foolhardy from evidence submitted by professional consultants.
- ii) The report by SRL Consulting Limited, commissioned by Crest Nicholson Plc, suggested a remediation programme which would render the landfills safe to allow surrender of the Waste Management License. The more critical report, submitted to Government as Core Documents CDHDCCB 33 & 34, is that independently commissioned from URS by Horsham District Council and Crawley Borough Council with Executive Summary clearly stating "it is difficult to recommend the site as a Preferred Option without having a full evidence base that remediation is reasonably achievable".
- iii) The URS Executive Summary in its final paragraph states "the Environment Agency is satisfied with SLR's proactive approach to date and does not envisage any major difficulties in achieving this within the proposed timescale. We have spoken to Miranda Wycherly and Katie Gosling of EA's South East Area office in Frimley to be advised what was meant is that if Crest Nicholson Plc spend limitless funds on remediation then the landfills could be rendered safe. We, for

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our part, challenged Ms Wycherly that to the casual reader the assumption would naturally be made that EA has given the green light to development.

- iv) An inert landfill, as described in the URS report, by definition is one which should have been filled or raised with materials described in Statutory Instruments 1996 No 1528 – The Landfill Tax (Qualifying Material) Order 1996 for the purpose of paying only £2.50 per tonne tax to HM Revenue & Custom rather than £32 per tonne (as of 1 April 2008) for non-inert material sent to controlled landfill.
  
- v) The history of the landfills from their inception in 1976 is vague. Today, West Sussex County Council and Environment Agency would hold records for tax purposes. The attached site plan, previously attached to our letter dated 8 December to Ann Symonds of Environment Agency (already submitted in evidence), shows outlined in green that major landraise operated by PJ Brown until 2006 (with demolition waste still recycled in its west corner) which documentation submitted to Government claims is inert. The anomaly is an adjacent 10.6 hectare landfill (as opposed to landraise) which observers local to Faygate claim was unlicensed. In fact, there still exists today road access from the PJ Brown landfill to the alleged unlicensed landfill. Ms Wycherly, on behalf of Environment Agency, confirmed verbally on 19 December that neither the fill used in the alleged unlicensed landfill, nor its depth, are known.
  
- vi) The Executive Summary of the URS report recommends more trial pits and bore holes should be dug in the central and north-western portions of the site. We, for our part, have studied analyses in Vol II of the report particularly quoted pH values. We cite, for example, a pH value of 4.91 in TP111 and 5.08 in TP120 indicating relatively strong acid. At the other end of the scale, a pH value of 10.59 in TP127 and 11.73 in BH3 indicating relatively strong alkali. Neither strong acid nor strong alkali should be present in inert waste.

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- vii) The conclusion we draw from the pH analyses is that controlled substances, namely relatively high concentrations of acid and alkali, were unlawfully deposited by persons unknown which are not yet fully leached out of the inert landfill. Furthermore, scientific evidence confirms acid does attack Portland Cement which suggests piles and other concrete foundations might have to be constructed using special design techniques and materials. And we have not touched upon the probability of other toxic materials unlawfully deposited.
- viii) Land north of the rail line, private homes are planned on a concave cross-section of farmland rising steeply from rail line to Kilnwood Lane. These homes presumably will be terraced as will be their access roads. There is no evidence submitted by any party on land slip containment or of how an out-of-control vehicle might be prevented from rolling down the slope onto the rail line at worst in collision with a passenger train.
- ix) On balance, the principal by which long term environmental liability for landfills, which we believe we have proved not to be inert, from the shoulders of the landowner, PJ Brown and Horsham District Council, onto Crest Nicholson Plc by the Inspector permitting 2,500 new homes to be built on and around the landfills is fraught with legal implications which we recommend the Planning Inspectorate should studiously avoid. We conclude therefore the West of Bewbush Joint Area Action Plan is unsound.
- x) We recommend instead the PJ Brown landfill, along with Bewbush Brook, should be remediated into a public open space using Landfill Tax Credits if Government permits. We recommend planning a new community of 2,500 new homes on available virgin farmland north of Kilnwood Lane. We invite the Inspector to consider the alleged unauthorised landfill outlined in the purpose described in our Statement on Issue 2: Alternative Development Options.



LAND  
RAISING WITH  
INGERT (?)  
MATERIAL

DISUSED LANDFILL  
(UNAUTHORISED ?)

STREAM

PROBABLE  
DISUSED  
LANDFILL

Virgin FARMLAND

ADS 3 ?

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