

South Somerset District Council
Brympton Way
Yeovil
Somerset BA20 2HT

Attn. Simon Fox, Case Officer

By email and post

Copy by email to Ric Pallister, Leader of the Council

Your ref: 14/02554/OUT

Our ref: MUD1-001/LF

Email: lfoster@richardbuxton.co.uk

1 November 2017

Dear Sirs

Land at Upper Mudford, Primrose Lane near Yeovil (“the Site”)

We are instructed by Mudford Parish Council (“MPC”) in relation to the above development site presently allocated in the Local Plan (Policy YV2). We are writing in relation to the proposed Early Review of the Local Plan and the request by MPC to have the Site removed from the Local Plan due to the risk of Anthrax contamination. MPC’s position is that the Site has not been adequately investigated for the presence of Anthrax spores and given the lack of certainty caused by the lack of robust testing there is a serious issue of deliverability due to costs associated with a robust sampling strategy and any future remediation costs.

To provide an objective basis for their concerns, MPC commissioned Land Quality Management Ltd (“LQM”) (specialist contaminated land experts) to review the tests in respect of Anthrax at the Site carried out to date. Based on this review, LQM gave their professional judgment as to whether the proposed number and type of tests are reasonable in order to investigate for the presence of anthrax at the Site. The LQM report (Report Number 1356-0 dated October 2017) is enclosed. The LQM report considers the work reported by Hydrock (2014), Forge Environmental Management Ltd (2015) and relevant excerpts from the Abbey Manor Environmental Statement (2015).

The Site comprises 54 hectares of agricultural land which is suspected of being contaminated *inter alia* with waste from historic tanneries in the Mudford area and the burial of Anthrax-diseased cattle carcasses. The evidentiary basis for the risk derives from statements from local residents identifying episodes of Anthrax in the 1950s, 1960s and 1970s. South Somerset District Council concedes that the disposal of tannery waste is a possibility and has a record of animal burial at the Site.

In relation to the testing to date, LQM conclude:

- (1) The testing carried out to date and proposed additional testing is not sufficient to investigate the possible presence of anthrax at the Site.

- (2) The principal deficiencies are, (i) too few sampling locations, (ii) the lack of a robust sampling strategy, (iii) the sampling that has been done to date fails to follow industry standard guidance and (iv) LQM question the robustness of the proposed future sampling plan. **“The proposed number and type of tests are not reasonable to investigate for the possible presence of anthrax at the site. It is not in line with current guidance and is not based on a justifiable sampling strategy. It would appear to be actively seeking to minimise the number of tests required....”**
- (3) The level of sampling and potential risk management required for a developer to secure a safe development as required under the National Planning Policy Framework calls into question the viability of delivering of the Site for eventual housing.

For completeness, we note that the Ground Conditions Chapter in the Abbey Manor Environmental Statement is based on flawed testing and does not reflect the fact that the possible presence of Anthrax at the site is an unresolved issue requiring further work before a decision is made on the application in order to fully assess the environmental impacts arising from the proposed development of the Site.

MPC therefore urge this issue to be given serious consideration during the Early Plan Review with the expectation that the lack of certainty raises serious doubts about deliverability of the Site such that it should be removed from the Local Plan.

Yours faithfully

Richard Buxton

Richard Buxton Environmental and Public Law