



Phase 1 Contamination Assessment Report



The Chalet, Bal East Lane, Polgooth, PL26 7AU

For Mrs Lange

February 2024

Report No P240202

Contamination Reports South West



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1.0 Object and Scope of This Assessment

Contamination Reports South West was commissioned to undertake a Phase 1 Contaminated Land Assessment of a site at The Chalet, Bal East Lane, Polgooth, PL26 7AU. The work was undertaken on the instructions of Rowett Architecture on behalf of Mrs Lange for the purpose of supporting a planning application. This report describes the work carried out and presents the data obtained.

This report has been prepared in general accordance with:

- The National Planning Policy Framework (NPPF) 2023.
- R&D Publication 66: 2008. Guidance for the Safe Development of Housing on Land Affected by Contamination
- BS 10175:2017: Investigation of Potentially Contaminated Sites – Code of Practice
- BS5930:2020: Code of Practice for Site Investigations.
- Department of the Environment (1995) DoE Industry Profiles.
- LCRM 2023: Land Contamination Risk Management Framework.

A Contaminated Land Assessment is usually required if the proposed use will be particularly vulnerable or sensitive to the presence of contamination, including any residential building, schools, nurseries or allotments.

The object of the Phase 1 Contaminated Land Assessment is to provide information on the likely ground and groundwater conditions at the site, to provide data to enable an initial assessment of the site in relation to the known development proposals.

The information has been obtained from the following:

Desk Study - This comprised a search of available historical and current records and maps to identify potential on-site and off-site sources, pathways and receptors of contamination.

Site Walkover - A site walkover survey was undertaken to confirm the information gathered for the desktop study and to reveal any features which may suggest possible sources of contamination.

Risk Assessment - A preliminary risk assessment has been carried out using the information from the desktop study and site walkover to identify possible pollutant linkages and enable the development of a site conceptual model.



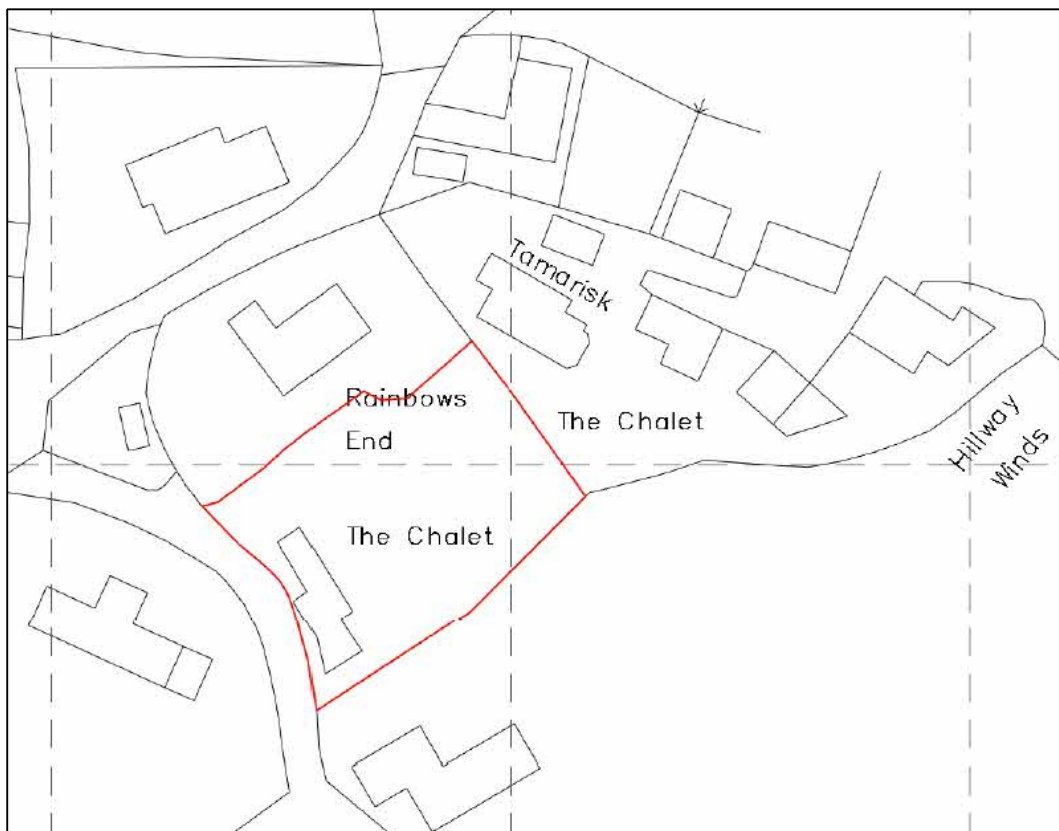
2.0 Site Details

Site address: The Chalet
Bal East Lane
Polgooth
Cornwall

Post Code: PL26 7AU

Grid Reference: 199742, 50388

A site location plan provided by Rowett Architecture is presented below.



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It is understood that it is proposed to demolish the existing building and construct a new residential property on the site. A proposed development plan provided by Rowett Architecture is shown below. A copy of the drawing is included in Appendix 1.



Proposed layout plan taken from drawing provided by Rowett Architecture



3.0 Site Use

3.1 Current Site Use

A walkover survey of the site and immediate area was undertaken in February 2024 by Contamination Reports South West.

The site comprises an existing timber chalet style property together with a private garden.

An outbuilding contained a bin and various household items.

No features of any note were observed during the walkover survey.

3.2 Adjacent Land Use

Residential premises to the north, west and east. An overgrown former quarry lies to the south.

Photographs of the site taken during the walkover survey are presented as follows:



Main view of the existing building from the east.





Garden.





Outbuilding.





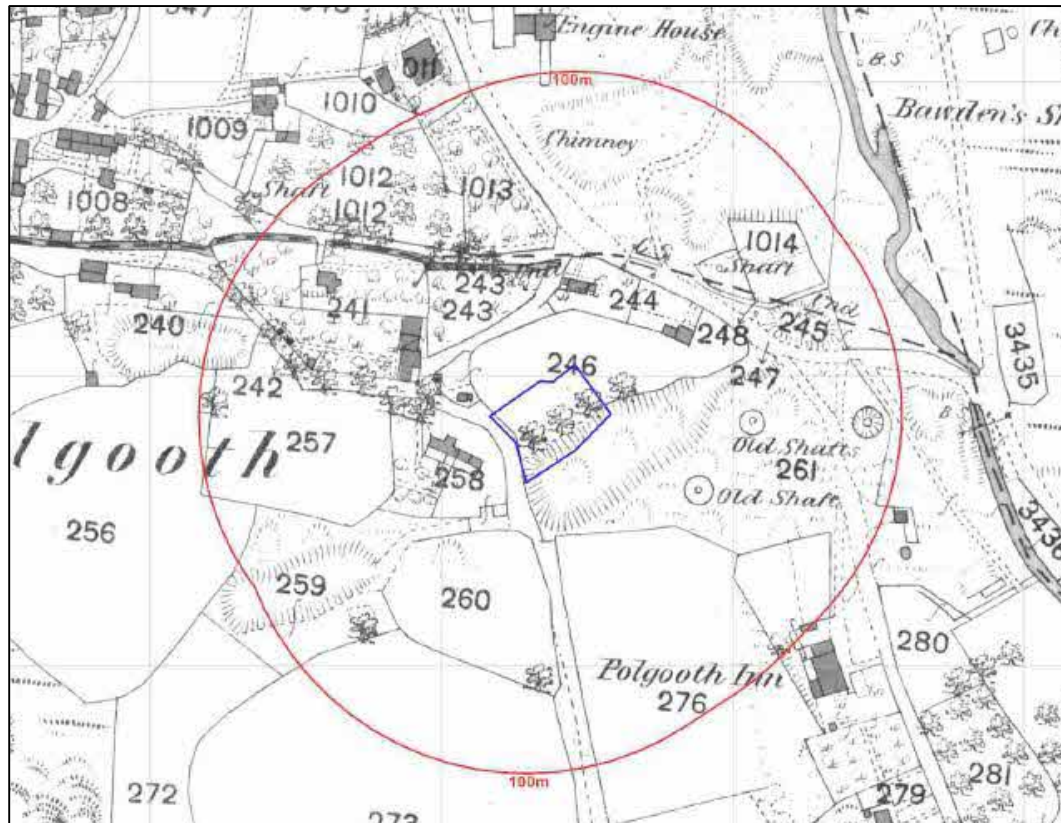
Disused quarry to the south.





3.3 Historical Land Use

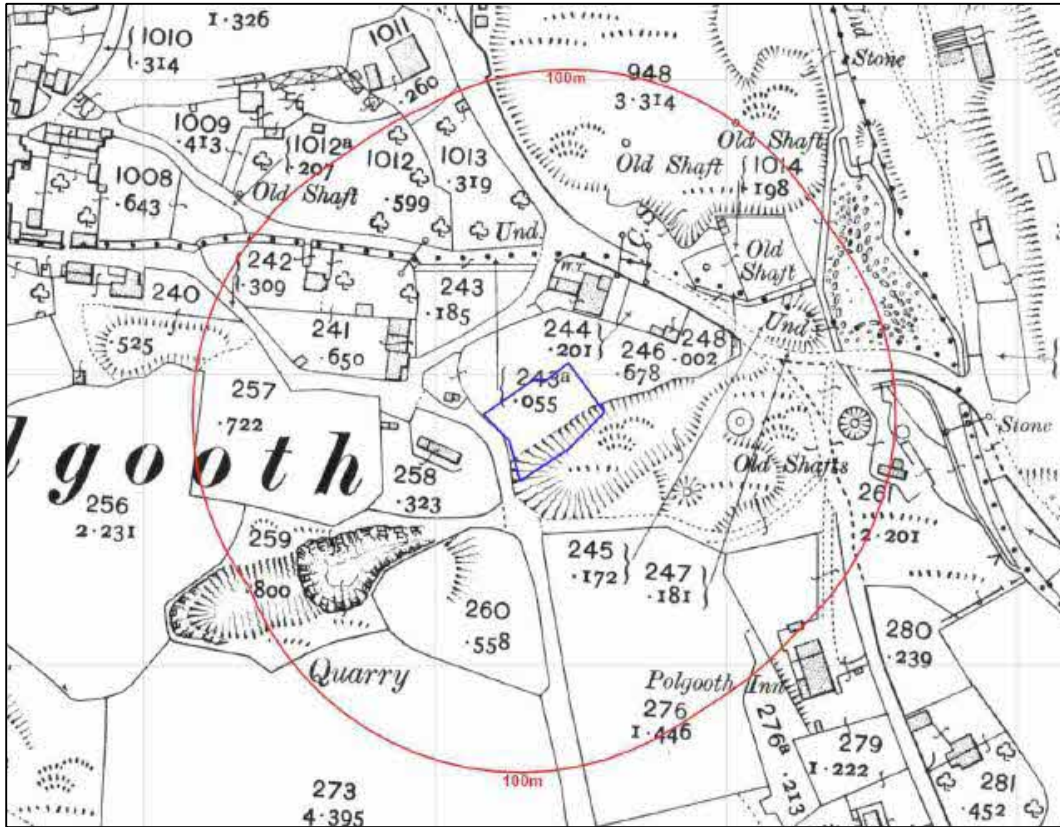
A review of available historical maps has been undertaken to provide information on the historical site and surrounding land use. Extracts of the site and surrounding area and the salient findings of the review are presented below, with the full map extracts included in Appendix 2.



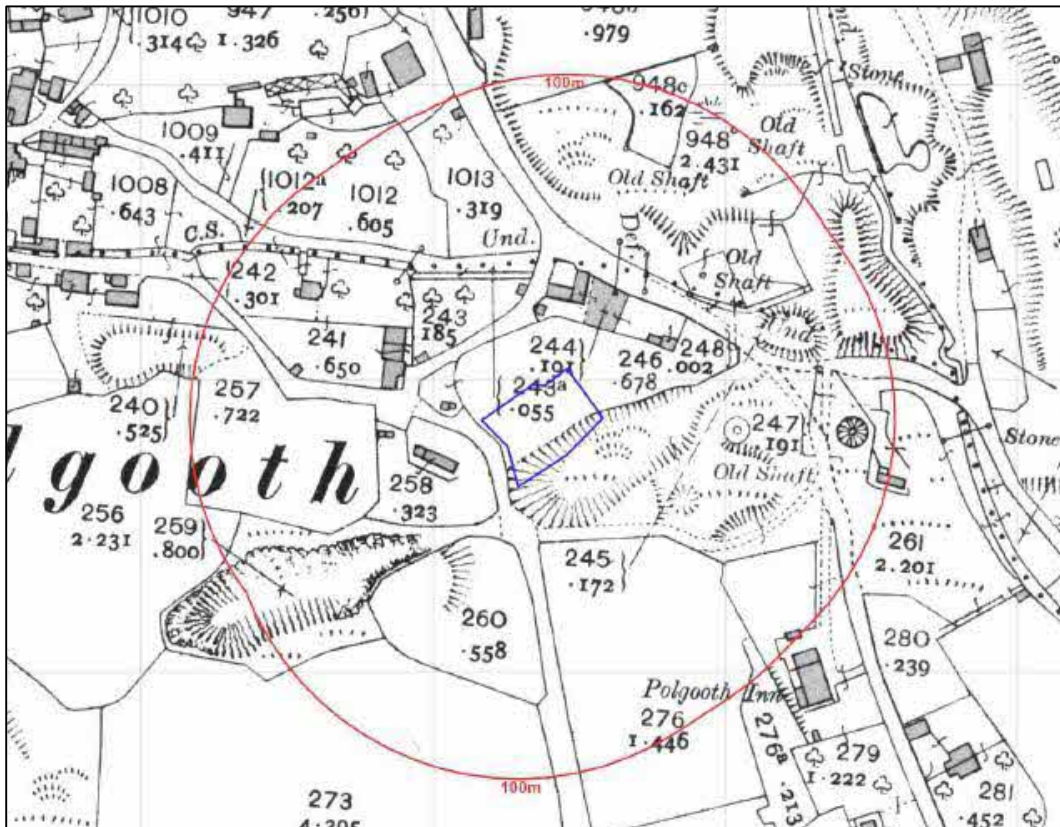
1881 1:2,500 The site comprises a parcel of undeveloped land within the village of Polgooth.

The surrounding area is predominantly related to mining, with several old shafts and engine houses. The quarry to the south is shown.

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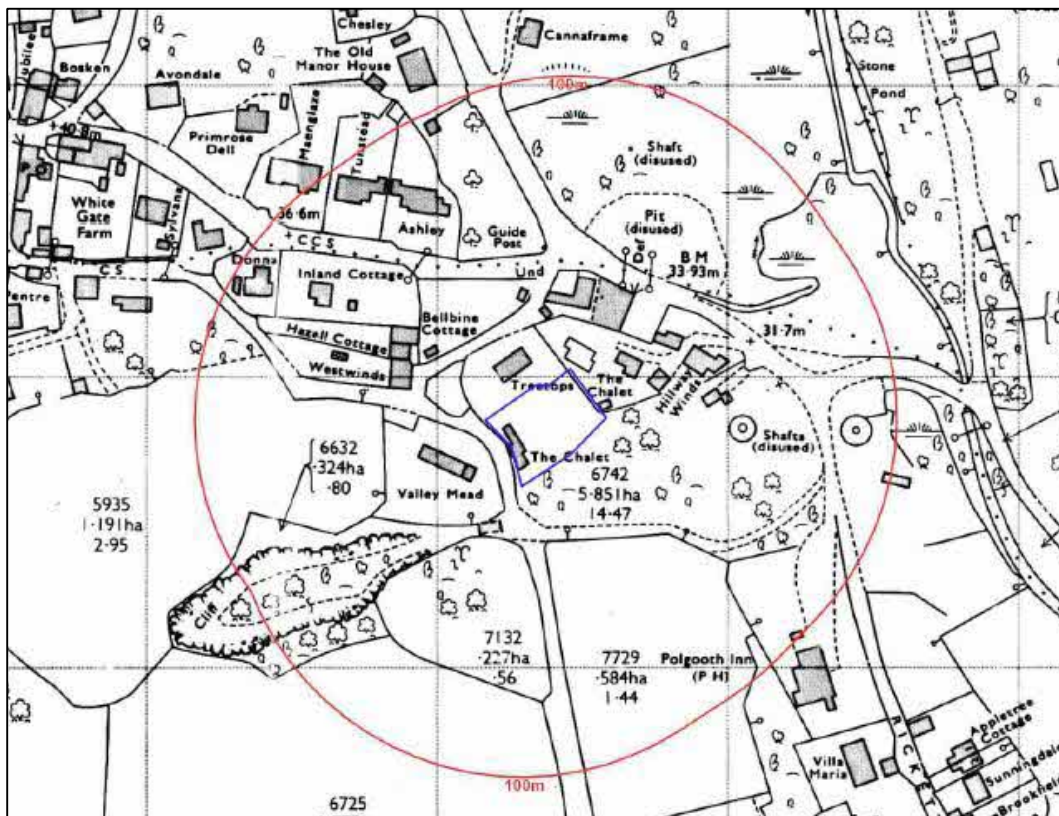


1907 1:2,500 No significant changes within or adjacent to the site are evident.

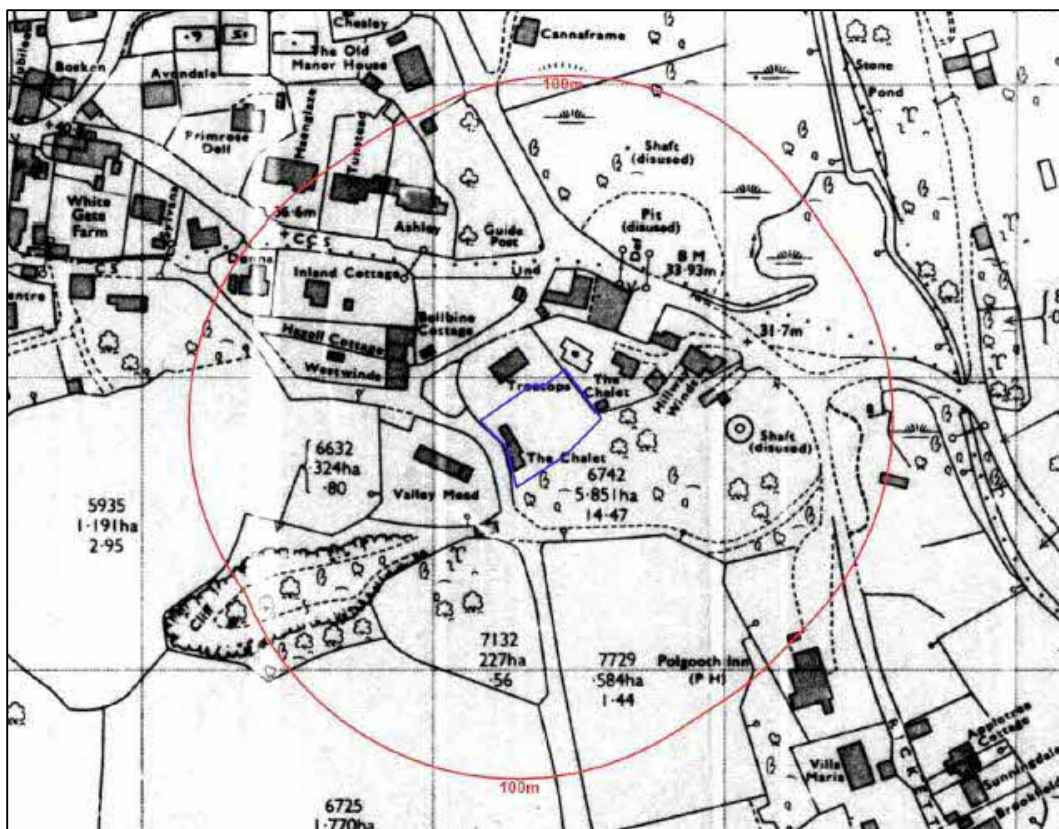


1933 1:2,500 No significant changes within or adjacent to the site are evident.

Contamination Reports South West

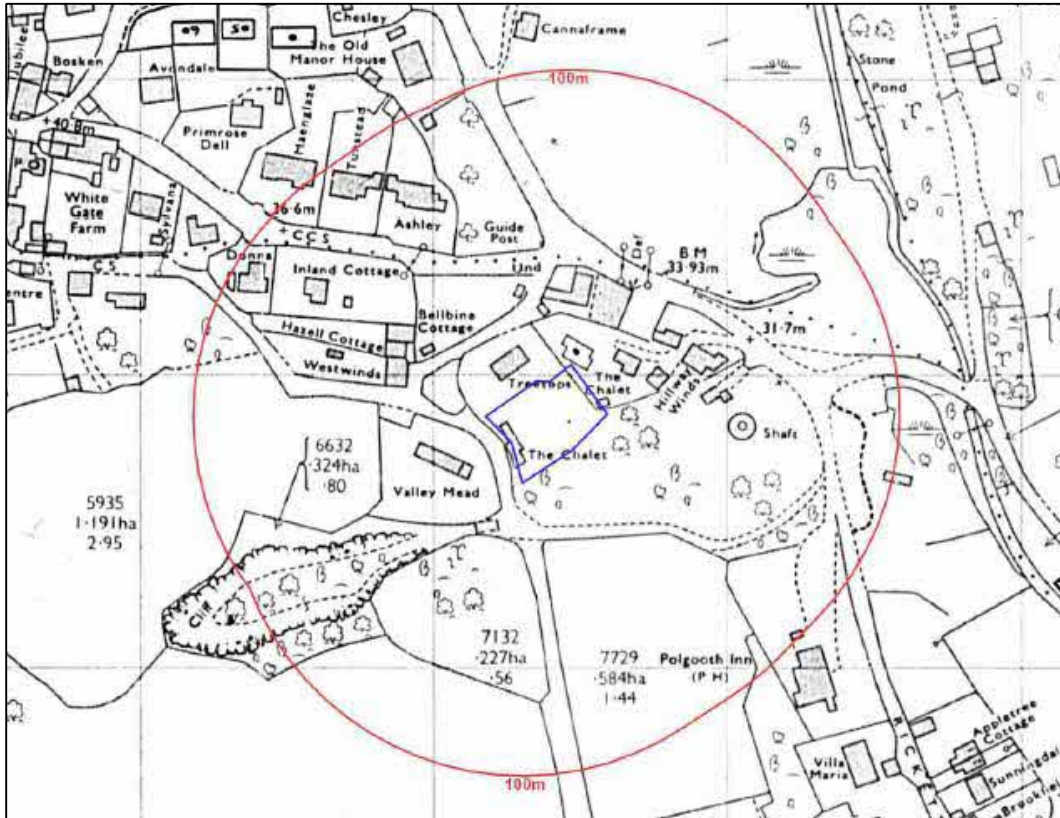


1970 1:2,500 No significant changes within or adjacent to the site are evident.

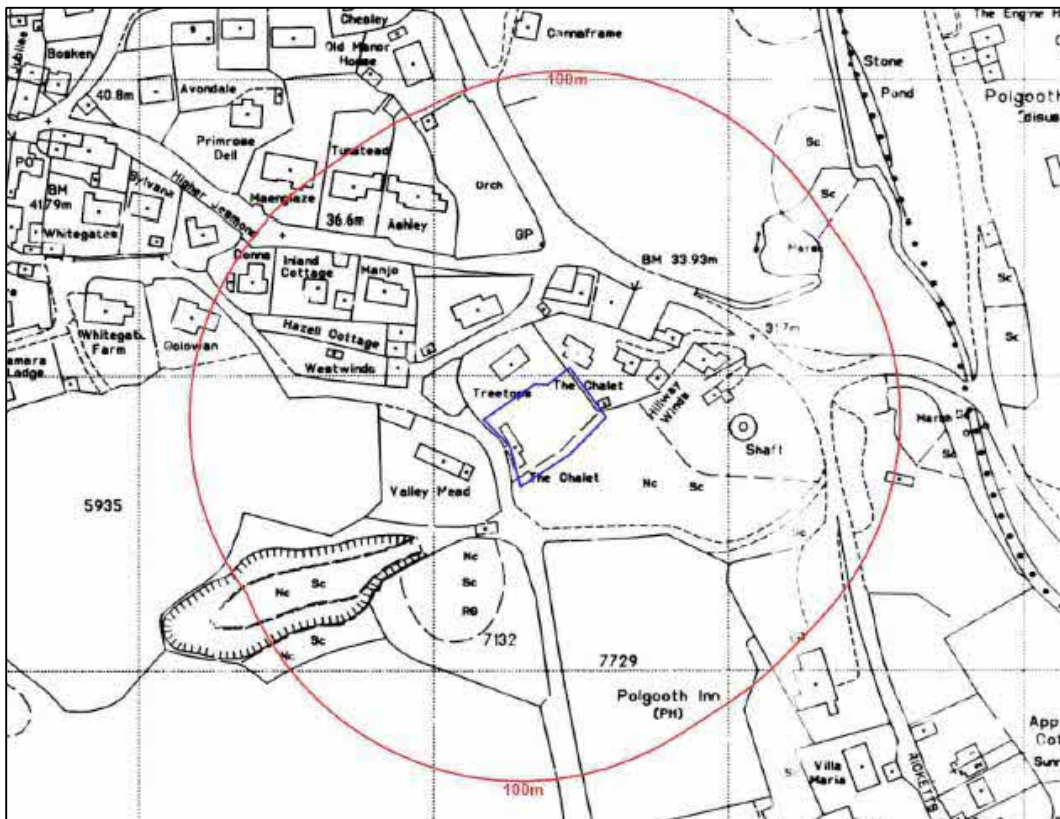


1979 1:2,500 No significant changes within or adjacent to the site are evident.

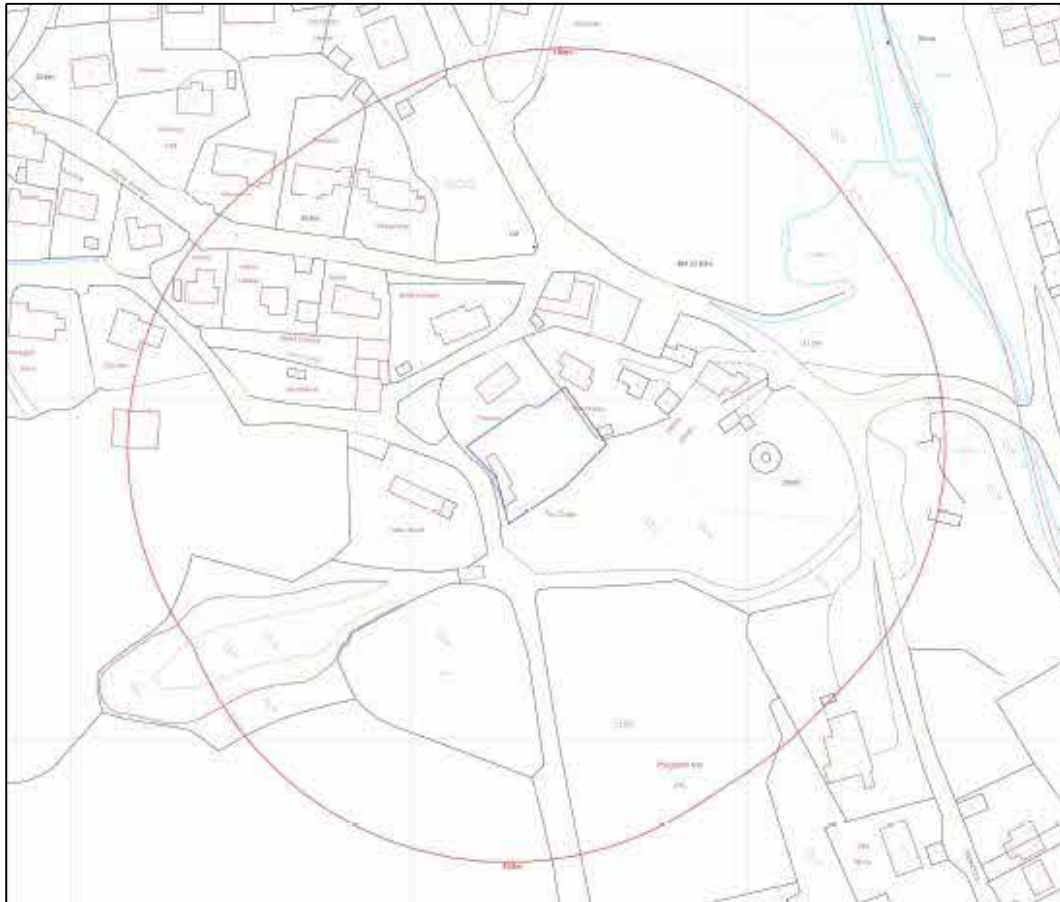
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1983 1:2,500 No significant changes within or adjacent to the site are evident.



1994 1:2,500 No significant changes within or adjacent to the site are evident.



2003 1:1,250 No significant changes within or adjacent to the site are evident.



4.0 Site Conceptual Model

4.1 General

This section uses information from the data obtained to provide a conceptual model and qualitative assessment of the potential risks posed to identified receptors from potential on-site and off-site sources of contamination. The assessment is presented as a 'source-pathway-receptor' model in accordance with Part IIa of the Environmental Protection Act 1990. This assessment is used to determine whether the site may be considered as contaminated land, which is defined by Part IIa of the Environmental Protection Act 1990 as:

'any land which appears to the local authority in whose area it is situated, to be in such a condition, by reason or substances in, on, or under the land, that: significant harm is being caused or there is a significant possibility of such harm being caused; or pollution of controlled water is being or is likely to be caused.'

Where there is a plausible linkage between identified sources, pathways and receptors, then the land may be deemed contaminated where there is significant risk of significant harm to such receptors.

The conceptual model is based on the understanding that the site will be redeveloped with a residential dwelling and gardens.

4.2 Potential Contaminant Sources

4.2.1 On site potential sources relating to current use

The site is currently a residential property and garden and no sources of contamination were evident.

Therefore the site's current use is not considered to present a significant risk of a source of gross contamination.

4.2.2 On site potential sources relating to historical use

The site appears to have remained undeveloped land prior to the construction of the existing property.

On this basis the site's historical use is not considered to present a significant risk of a source of gross contamination.

4.2.3 Off site potential sources relating to current use

The buildings in the vicinity of the site are residential, with an overgrown disused quarry to the south. The quarry lies some 10m below the site level and no evidence of infilling was observed. Therefore no potential significant contamination sources are associated with the immediate surrounding land uses.

4.2.4 Off site potential sources relating to historical use

The surrounding area has largely remained residential and related to mining. The historical maps and walker survey do not suggest any spoil tipping within the site. Consequently, no potential sources of significant contamination have been identified within the immediate surrounding land use.

4.2.5 Naturally occurring metals

Bedrock Geology: Trendrean Mudstone Formation - Mudstone and siltstone



No Drift Deposits shown.

The underlying geology at the site is not generally associated with elevated levels of naturally occurring heavy metals.

Reference to the British Geological Survey soil chemistry atlas on England (Contaminant distribution in soil) shows the following contaminant averages for the area of the site:

Metal	Range
Arsenic	> 74.4 mg/kg
Cadmium	0.85 to 1.2 mg/kg
Copper	35.0 to 64.2 mg/kg
Nickel	23.5 to 31.9 mg/kg
Lead	99.5 to 242 mg/kg

Although the upper level of the Arsenic exceeds the Land Quality Management Generic Assessment Criteria (LQM GAC) of 37mg/kg for "Residential with Plant Uptake", the GAC is intended to be a value below which no risk is considered to be present. An exceedence of the GAC does not necessarily imply a risk. The average concentration will be less than the GAC. In addition, naturally occurring arsenic is generally accepted to be a lesser risk than anthropogenic derived arsenic.

None of the remaining elements exceed guideline concentrations.

Consequently, it is considered that the naturally occurring metals likely to be present at the site do not present a potential source of contamination.

4.2.6 Landfill gas

Reference to Environment Agency records indicate that the nearest landfill site is located 80m to the north east, listed as Cannafame. No further details are available. However, it appears to be a restored mining area and no evidence of any vegetation die back was observed. On this basis and its distance from the

No other potential sources of hazardous ground gas are anticipated (e.g. extensive Made Ground or organic soils).

Therefore hazardous ground gas (methane and carbon dioxide) from biodegradation is considered unlikely to be a potential source of contamination at the site.

4.2.7 Radon

A radon report obtained for the purpose of this assessment states that the property is in a Radon Affected Area as defined by the Health Protection Agency. The estimated probability of the property being above the Action Level for radon is greater than 30% and full radon protection measures are required. Therefore Radon is considered to present a potential risk. The radon report is presented in Appendix 3 and discussed in Section 6.

4.2.8 Substances detrimental to building fabric

Elevated levels of sulphates or sulphides can cause decay of buried concrete. The bedrock geology of mudstone and siltstone is not associated with elevated



concentrations of sulphates or sulphides and therefore the risk is considered low. However, classification of the concrete design class for the site is beyond the scope of this report and chemical analysis of soil samples should be carried out so that the concrete design class can be determined in accordance with BRE Special Digest 1 (2005).

4.3 Summary of identified potential sources

No potential sources of contamination have been identified.

4.4 Receptors

It is understood that the site will be redeveloped with a new private residential dwelling and private garden. The receptors appropriate to this end use have been identified as follows:

4.4.1 Human Health

- Residential end users.
- Construction workers.

4.4.2 Environmental

Secondary "A" aquifer permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These are generally aquifers formerly classified as minor aquifers.

The site is not within a source protection zone.

The nearest surface water feature is minor tributary to the St Austell River located approximately 150m to the east of the site boundary. At this distance from the site it is not considered to be at risk from any potential on site contaminants.

Flora and fauna – no special designations within or adjacent to the site.

4.5 Pathways

Possible pathways between the identified potential sources and receptors are discussed as follows:

4.5.1 Receptor - End user

- Dermal contact with soil.
- Ingestion of soil.
- Indoor and outdoor inhalation of soil dust or hydrocarbon vapours.
- Ingestion of produce or soil particles on produce grown on site.
- Consumption of drinking water contaminated by transmission of hydrocarbons through plastic pipework.

4.5.2 Receptor - Groundworkers

- Dermal contact with soil or groundwater.
- Ingestion of soil or groundwater.



- Outdoor inhalation of soil dust or hydrocarbon vapours.

4.5.3 Receptor - Groundwater

- Infiltration and leaching of contaminants in soil into groundwater.

4.5.4 Receptor - Nearby surface water

- Migration of contaminants via surface run off.

4.5.5 Receptor - Flora and Fauna

- Uptake via root system.
- Displacement of oxygen from root systems by ground gas.
- Harm to ecosystems from contaminated soil or surface water.



5.0 Risk Assessment

The above source – pathway – receptor linkages are risk assessed in the following table:

Source	Receptor	Pathway	Likelihood	Severity	Risk
No potential contamination sources identified.	Residential end users	Direct ingestion, ingestion of produce grown on site Dermal contact Inhalation of dust or vapours	Unlikely: No sources identified	Medium	Low
	Construction worker	Direct ingestion, dermal contact and inhalation of dust or vapours	Unlikely: No sources identified	Medium	Low
	Water supply pipes	Permeation through pipes	Unlikely: No hydrocarbon sources identified	Medium	Low
	Groundwater	Infiltration and leaching of contaminants in soil into groundwater Migration of impacted water via drainage system	Unlikely: No sources identified	Medium	Low
	Surface Water	Migration of impacted groundwater into nearby surface water	Unlikely: No sources identified	Medium	Low
	Flora and fauna	Uptake via root system Displacement of oxygen from root systems Harm to ecosystems from impacted surface water	Unlikely: No sources identified	Medium	Low
Radon	Residential end users	Indoor inhalation	Possible	Medium	Moderate
Ground gases	Residential end users	Asphyxiation or explosion	Unlikely: No sources identified	Severe	Low



6.0 Conclusions

The site appears to have comprised undeveloped land prior to the construction of the existing property throughout its history, with no evidence of potentially contaminative processes or materials within or adjacent to the site.

Although the site lies within a historic mining area, there is no evidence of spoil tipping within or adjacent to the site. The soils are associated with naturally occurring levels of arsenic, however these are unlikely to present a significant risk to human health.

Therefore the site is considered to be **low risk** with regards to contamination and landfill gas and no remedial measures are considered to be necessary in this regard.

The site was greenfield prior to the construction of the existing property and this assessment has indicated no sources of contaminants with the potential to attack plastics within the soils anticipated to be at pipe laying depth and as such standard pipework should be suitable for the site. Confirmation should be sought from the water supply company at the earliest opportunity.

There is a **moderate risk** from indoor inhalation of radon. A radon report obtained for the purpose of this assessment states that the property is in a Radon Affected Area as defined by the Health Protection Agency. The estimated probability of the property being above the Action Level for radon is greater than 30% and full radon protection measures are required. Details on full radon protection measures are given in BRE 211 and should be agreed with the local authority, who may have their own particular requirements. The radon report is presented in Appendix 3.



7.0 Limitations

The information used in this report was obtained from a walk over inspection of the site together with a study of available historical Ordnance Survey maps and data from the Environment Agency and the British Geological Survey. It is possible that other information exists which has not been obtained.

The opinions given in this report have been dictated by the finite data on which they are based and are relevant only to the purpose for which the report was commissioned. The information reviewed should not be considered exhaustive and has been accepted in good faith as providing true and representative data pertaining to site conditions. Should additional information become available which may affect the opinions expressed in this report, Contamination Reports South West reserve the right to review such information and, if warranted, to modify the opinions accordingly.

It should be noted that the levels of risk identified in this report are perceived risks based on the information reviewed. No physical investigation or testing has been carried out; actual risks can only be assessed following a physical investigation of the site. Further work, including physical investigation, laboratory testing and ground gas monitoring may be required by the appropriate regulators to confirm actual conditions. Contamination Reports South West does not warrant or guarantee that the site is free of hazardous or potentially hazardous materials or conditions.

It is recommended that procedures are employed to identify unusual ground conditions, discolouration or odours located during any construction works.

No assessment of factors relating to geotechnical matters has been carried out.



8.0 Risk Definitions

In this report, the definition of the terms of **Severity**, **Probability** and **Risk** are defined as follows.

Severity is defined as the adverse effects (or harm) arising from a defined hazard, which impairs the quality of human health or the environment in the short or longer term.

Probability is defined as the chance of a particular event occurring in a given period of time. For example, a “High Likelihood” could be defined as “where an event would appear very likely in the short-term and almost inevitable over the long-term, or there is evidence at the receptor of harm or pollution”.

Risk - the following classification of risk has been developed to assist in qualitative assessment of potentially unacceptable risks.

Probability (likelihood)	Consequence			
	Severe	Medium	Mild	Minor
High likelihood	Very high risk	High risk	Moderate risk	Low risk
Likely	High risk	Moderate risk	Moderate/low risk	Low risk
Possible	Moderate risk	Moderate/low risk	Low risk	Very low risk
Unlikely	Low risk	Low risk	Very low risk	Very low risk

Term	Description
Very high risk	There is a high probability that severe harm could arise to a designated receptor from an identified hazard at the site without appropriate remediation action.
High risk	Harm is likely to arise to a designated receptor from an identified hazard at the site without appropriate remediation action.
Moderate risk	It is possible that without appropriate remediation action, harm could arise to a designated receptor. It is relatively unlikely that any such harm would be severe, and if any harm were to occur it is more likely that such harm would be relatively mild.
Low risk	It is possible that harm could arise to a designated receptor from an identified hazard. It is likely that, at worst if any harm was realised, any effects would be mild.
Very low risk	The presence of an identified hazard does not give rise to the potential to cause harm to a designated receptor.

Appendix 1

Drawings



Site Survey Plan as Existing
1 : 200



Notes

1. This drawing has been prepared solely for the purpose of the stage indicated on the drawing. As such this drawing may not include sufficient detail for any stage beyond that indicated.
2. This drawing is to be read in conjunction with all other drawings, reports, specifications and schedules including those from other Consultants.
3. DO NOT SCALE FOR CONSTRUCTION PURPOSES - Use figured dimensions. CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND CONFIGURATIONS ON SITE PRIOR TO FABRICATION OR ORDERING OF MATERIALS OR COMPONENTS.
5. The Contractor should inform the architectural office of any discrepancies in the drawings and specifications or additional information they will require to complete the work.

Revision Notes

No.	Date	Description
-----	------	-------------



8 Tregrehan Mills, St Austell, Cornwall. PL25 3TL
 01208 873323 help@rr-as.co.uk
 www.rr-as.co.uk

Project Details

Single detached dwelling
 The Chalet, Bal East Lane, Polgooth,
 PL26 7AU

Client

Mrs Lange

Drawing Title

Site Survey Plan as Existing

Project Number

230806

Date

23.11.2023

Drawn by

AIC



Checked by

SMH

Scale

1 : 200

Drawing Status

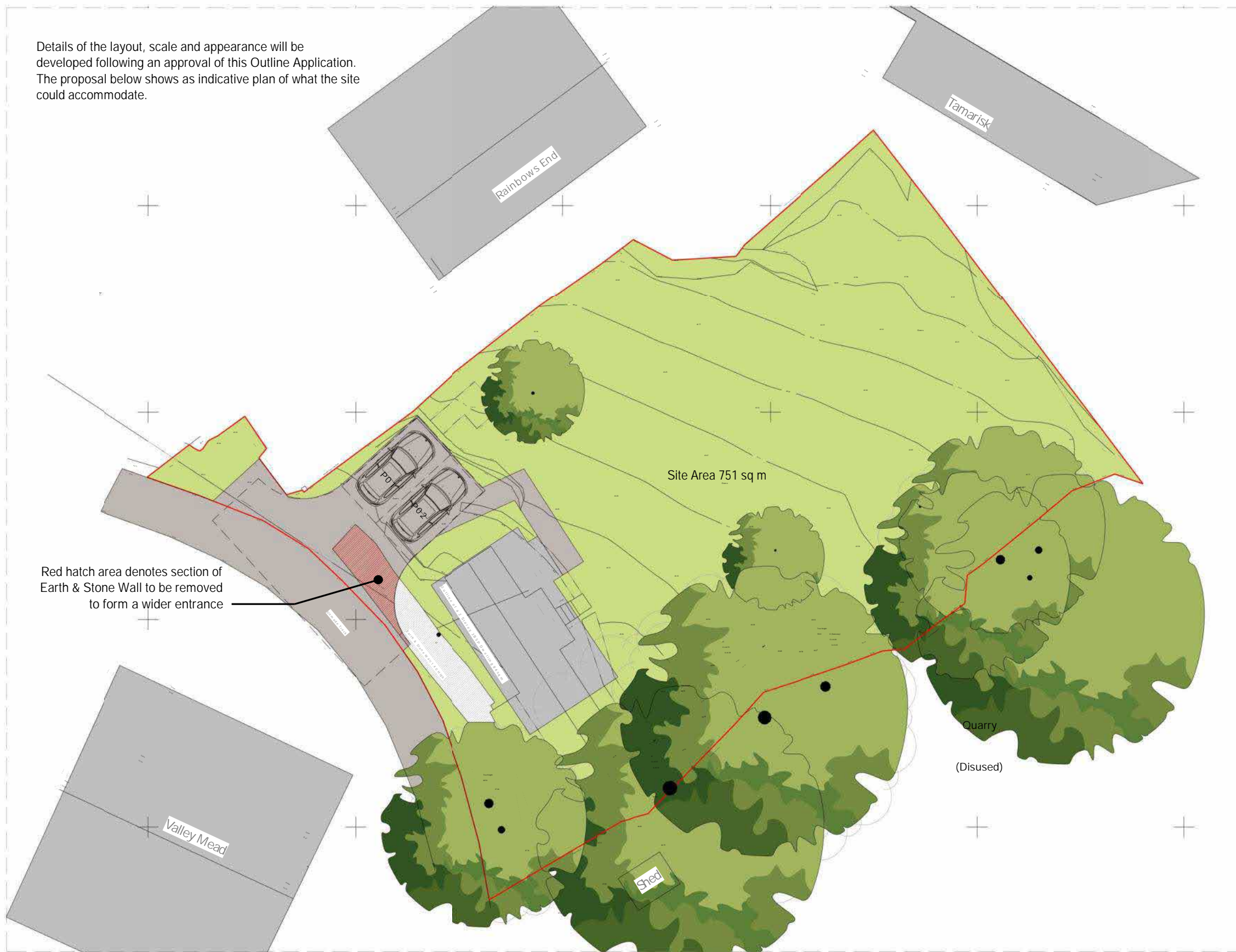
For Information	-
Planning Drawing	Submitted
Building Regulations	-
Tender Document	-
As Built	-

Preliminary | Submitted | Approved

Drawing No
E01

Revision

Details of the layout, scale and appearance will be developed following an approval of this Outline Application. The proposal below shows as indicative plan of what the site could accommodate.



Indicative Site Plan as Proposed

1 : 200



Notes

1. This drawing has been prepared solely for the purpose of the stage indicated on the drawing. As such this drawing may not include sufficient detail for any stage beyond that indicated.
2. This drawing is to be read in conjunction with all other drawings, reports, specifications and schedules including those from other Consultants.
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5. The Contractor should inform the architectural office of any discrepancies in the drawings and specifications or additional information they will require to complete the work.

Revision Notes

No.	Date	Description
-----	------	-------------

Rowett
Architect

8 Tregrehan Mills, St Austell, Cornwall. PL25 3TL

01208 873323 help@rr-as.co.uk

www.rr-as.co.uk

Project Details

Single detached dwelling
The Chalet, Bal East Lane, Polgooth,
PL26 7AU

Client

Mrs Lange

Drawing Title

Site Survey Plan as Proposed

Project Number

230806

Date

23.11.2023

Drawn by

AIC



Checked by

SM H

Scale

1 : 200

Drawing Status

For Information	-
Planning Drawing	Submitted
Building Regulations	-
Tender Document	-
As Built	-

Preliminary | Submitted | Approved

Drawing No
P01

Revision

Appendix 2

Historical Map Extracts

Site Details

THE CHALET, BAL EAST LANE,
POLGOOTH, PL26 7AU

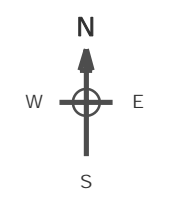
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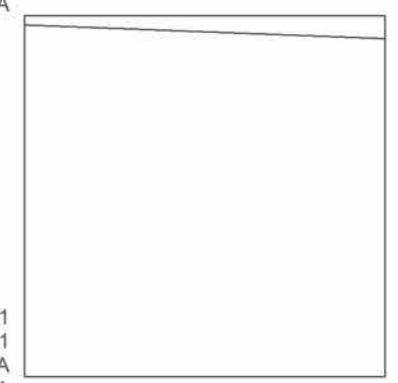
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Surveyed 1881
Revised 1881
Edition N/A
Copyright N/A
Levelled N/A



Surveyed 1881
Revised 1881
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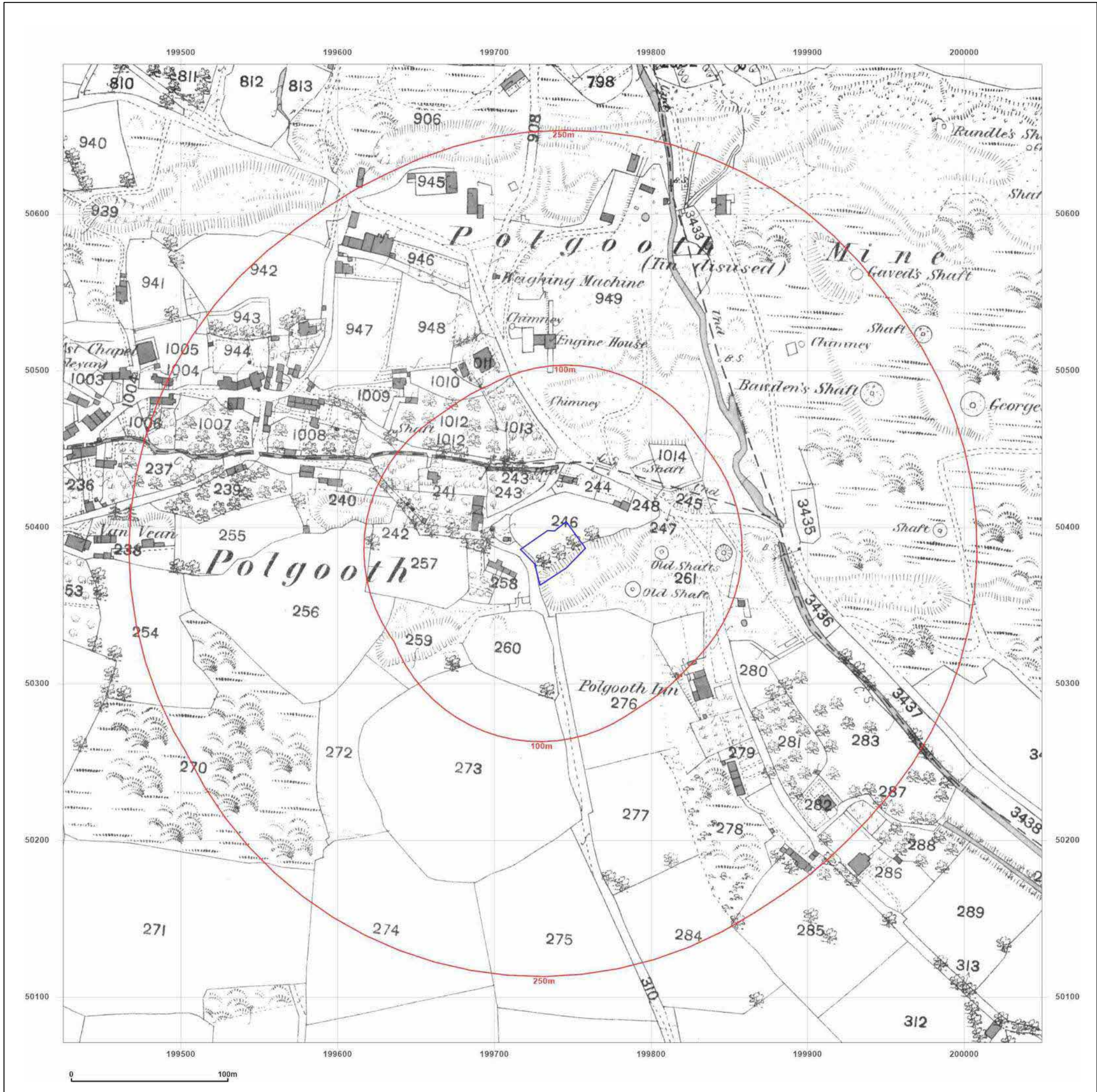


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THE CHALET, BAL EAST LANE,
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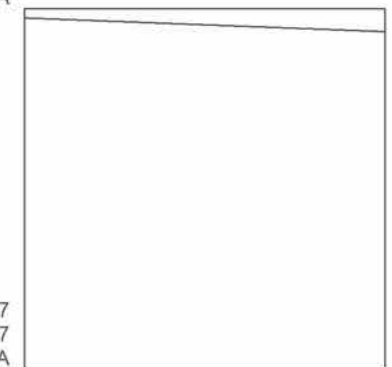
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Surveyed 1907
Revised 1907
Edition N/A
Copyright N/A
Levelled N/A



Surveyed 1907
Revised 1907
Edition N/A
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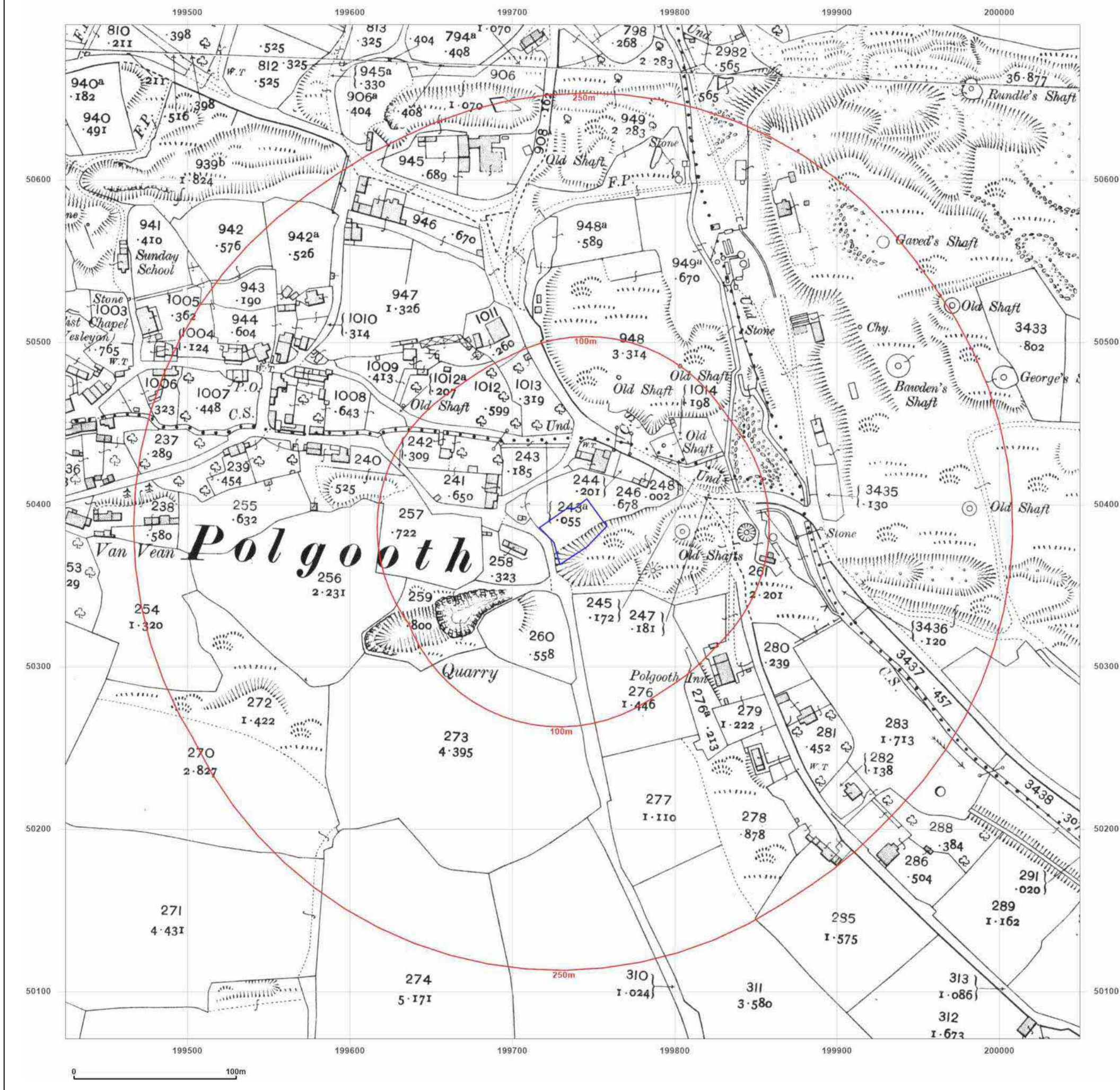


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Site Details

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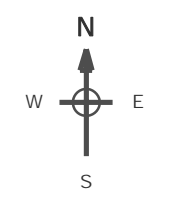
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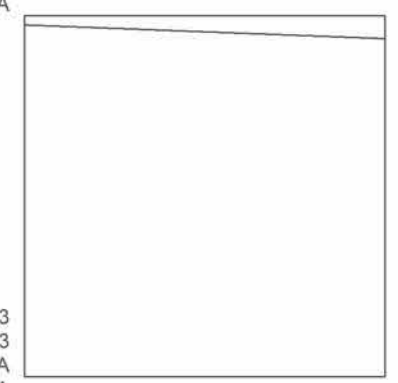
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Surveyed 1933
Revised 1933
Edition N/A
Copyright N/A
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Surveyed 1933
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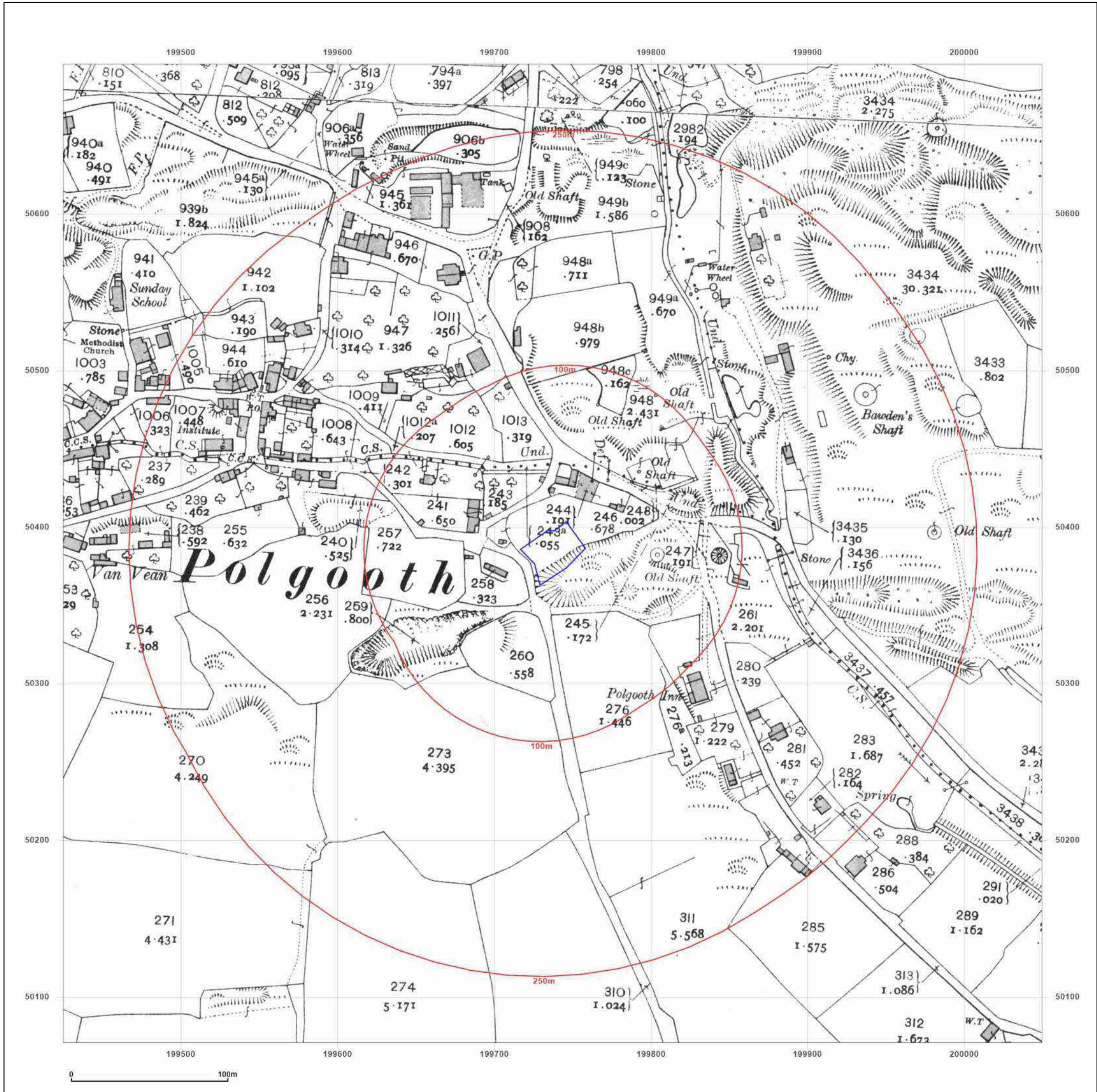


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Site Details

THE CHALET, BAL EAST LANE,
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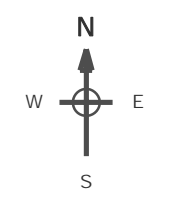
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Scale: 1:2,500

Printed at: 1:2,500



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Revised 1970
Edition N/A
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Levelled 1953

Surveyed 1969
Revised 1969
Edition N/A
Copyright 1970
Levelled 1953

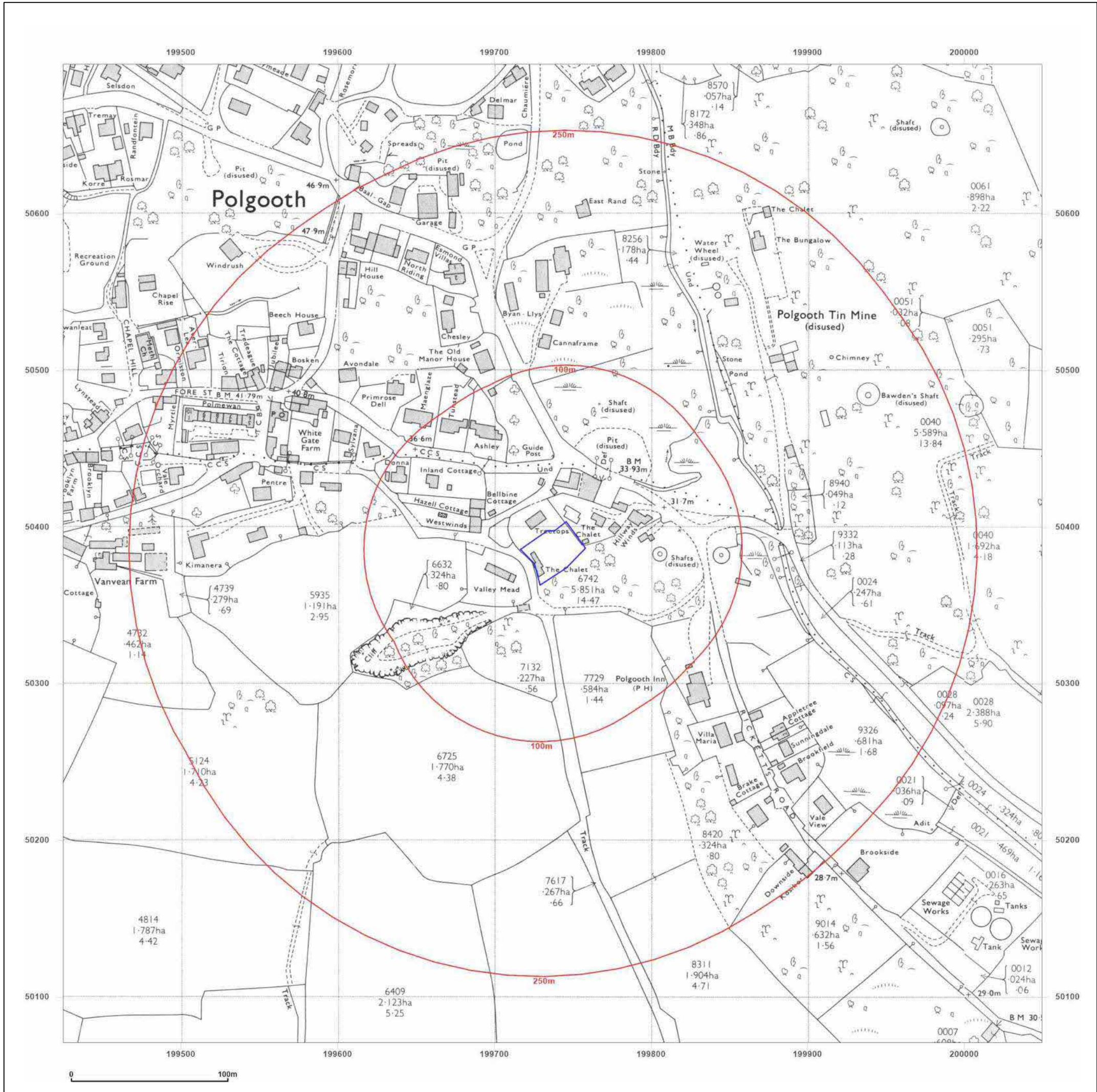


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Site Details

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POLGOOTH, PL26 7AU

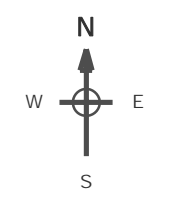
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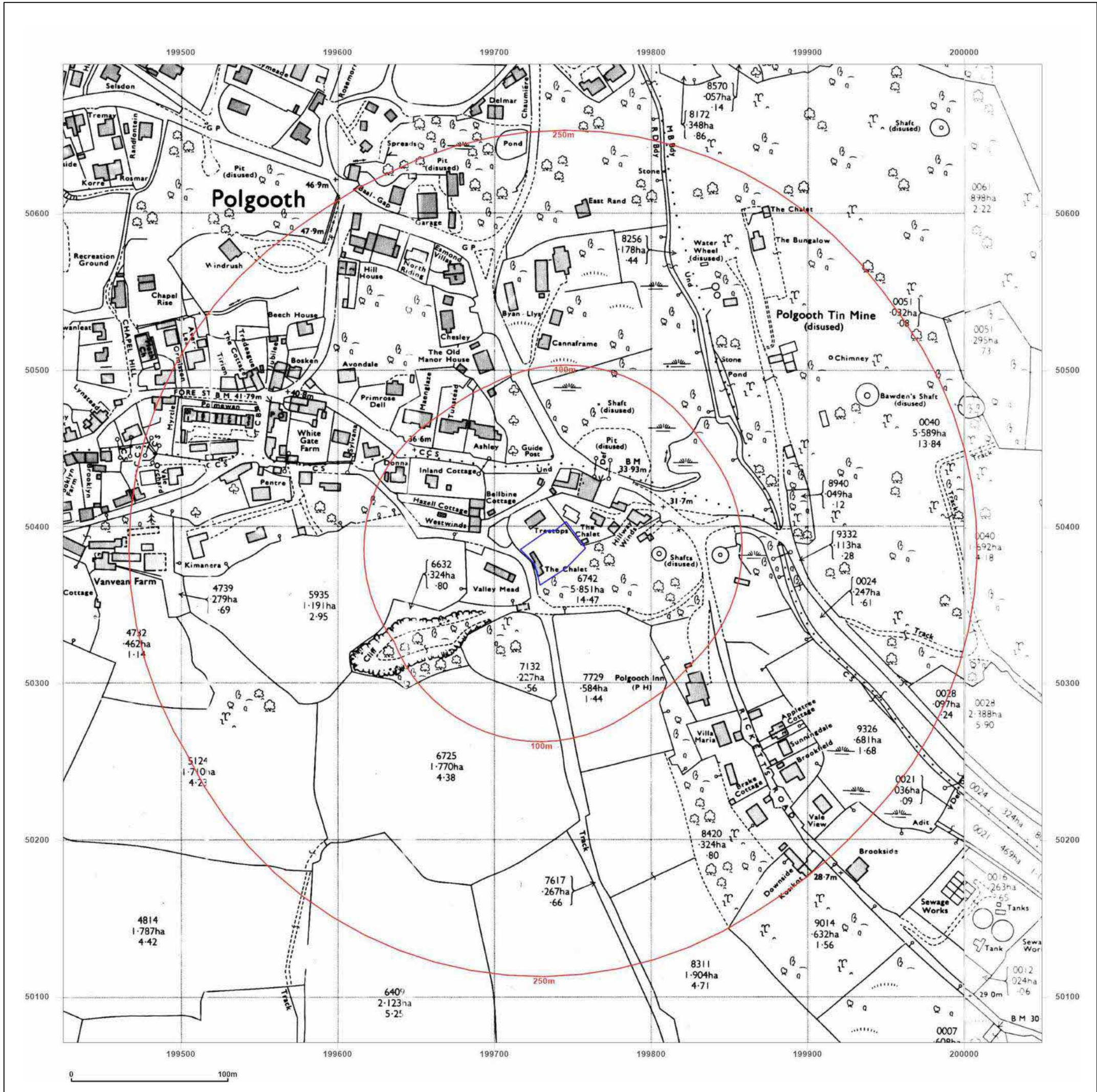


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Site Details

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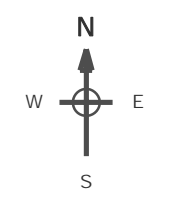
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Grid Ref: 199737, 50383

Map Name: National Grid

Map date: 1972

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Printed at: 1:2,500



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Edition N/A
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Levelled 1972

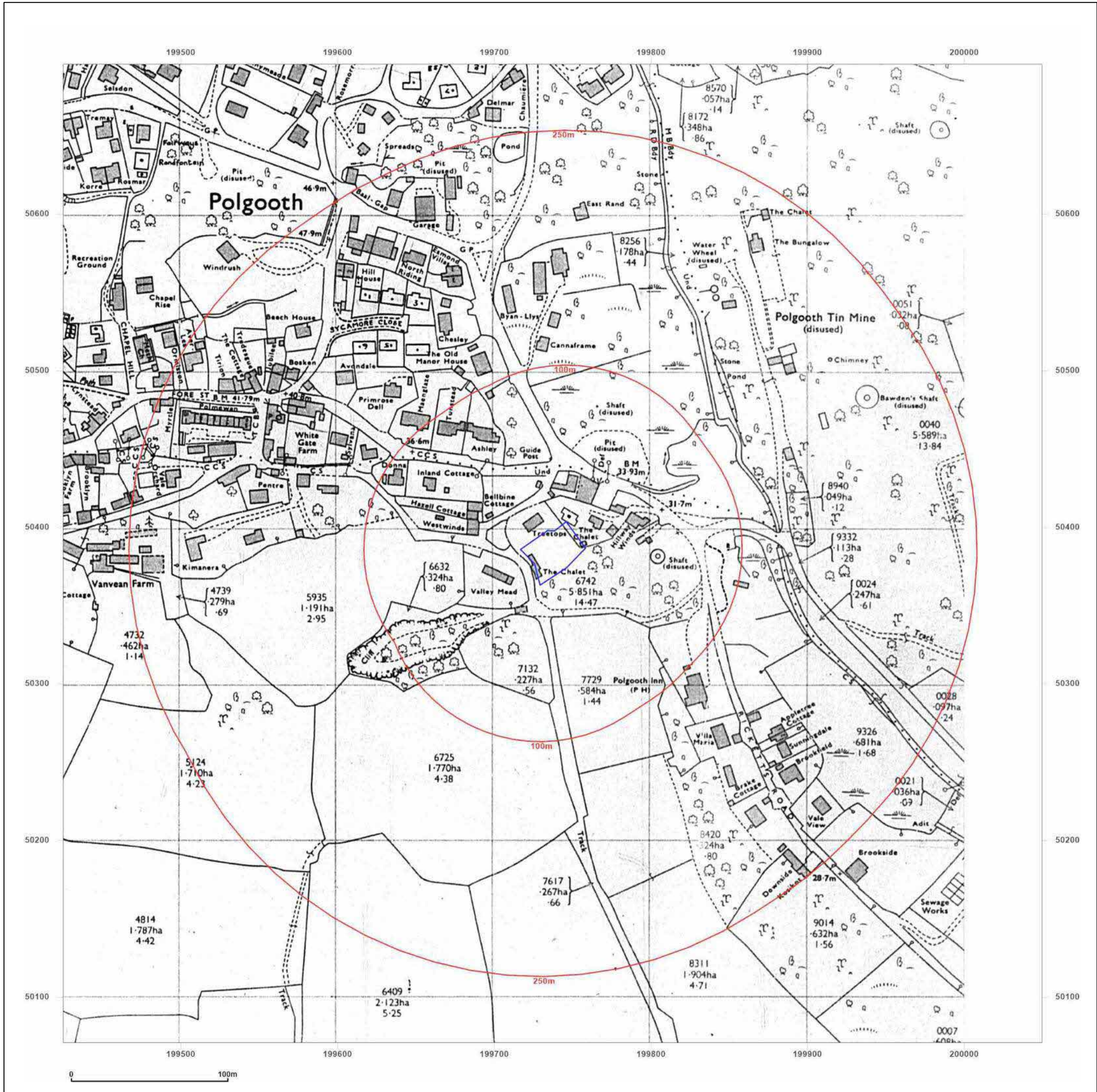


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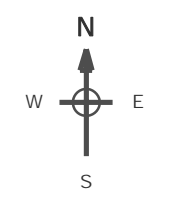
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Map Name: National Grid

Map date: 1979

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Printed at: 1:2,500



<p>Surveyed N/A Revised N/A Edition N/A Copyright N/A Levelled N/A</p>
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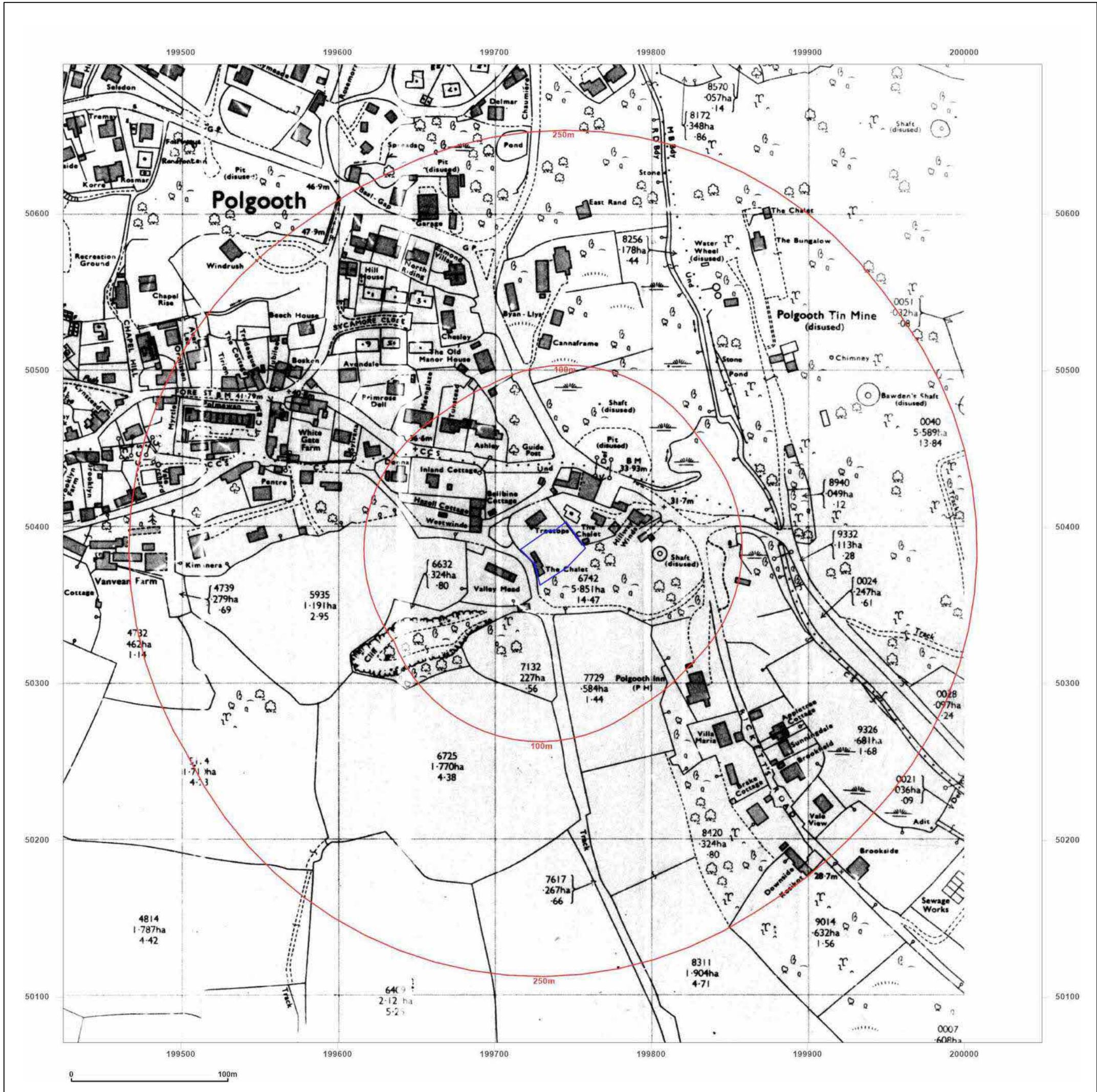


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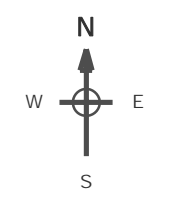
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Surveyed 1972
Revised 1983
Edition N/A
Copyright 1983
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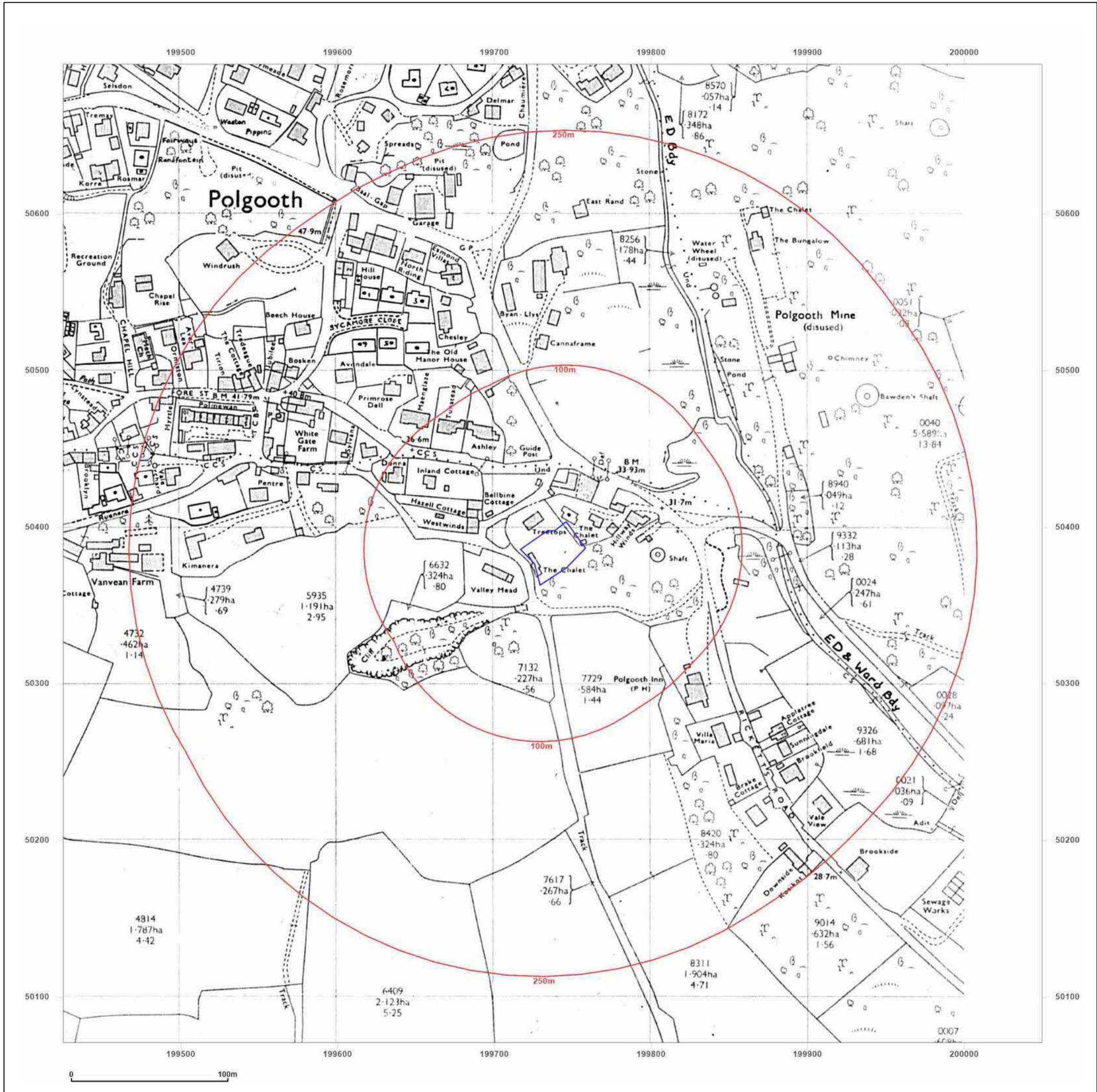


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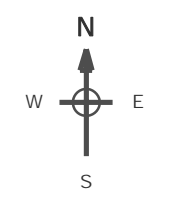
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Map Name: National Grid

Map date: 1991-1994

Scale: 1:2,500

Printed at: 1:2,500



Surveyed N/A Revised N/A Edition N/A Copyright 1994 Levelled 1972	Surveyed 1953 Revised 1991 Edition N/A Copyright 1991 Levelled 1953
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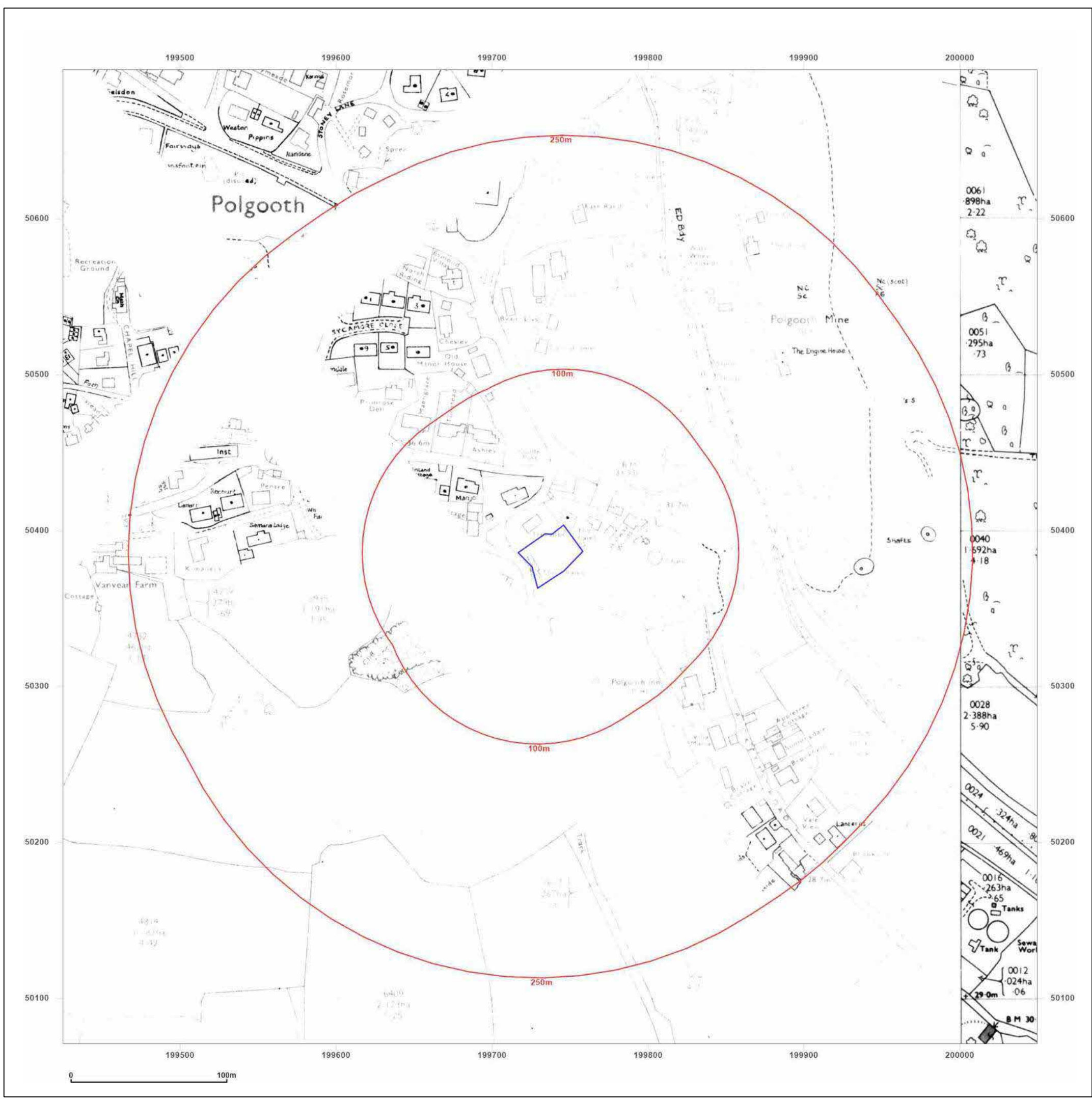


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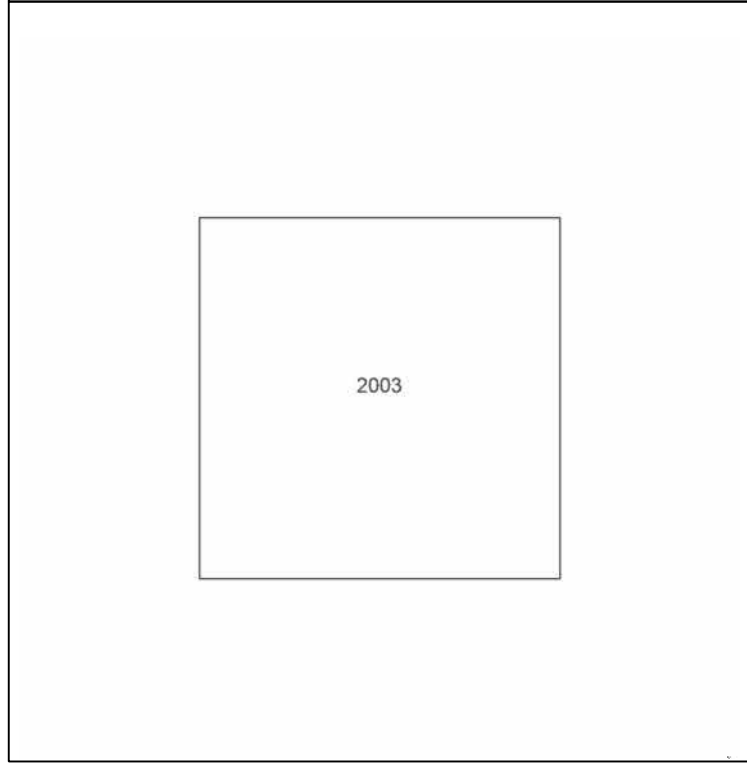
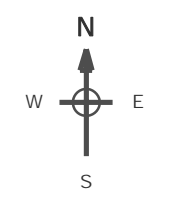
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Report Ref: GS-L7T-CQR-C30-LIX
Grid Ref: 199737, 50383

Map Name: LandLine

Map date: 2003

Scale: 1:1,250

Printed at: 1:1,250



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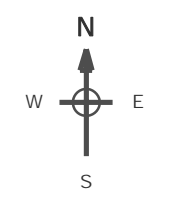
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Grid Ref: 199737, 50383

Map Name: County Series

Map date: 1888

Scale: 1:10,560

Printed at: 1:10,560



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Revised N/A
Edition 1888
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Surveyed 1881
Revised N/A
Edition 1888
Copyright N/A
Levelled N/A

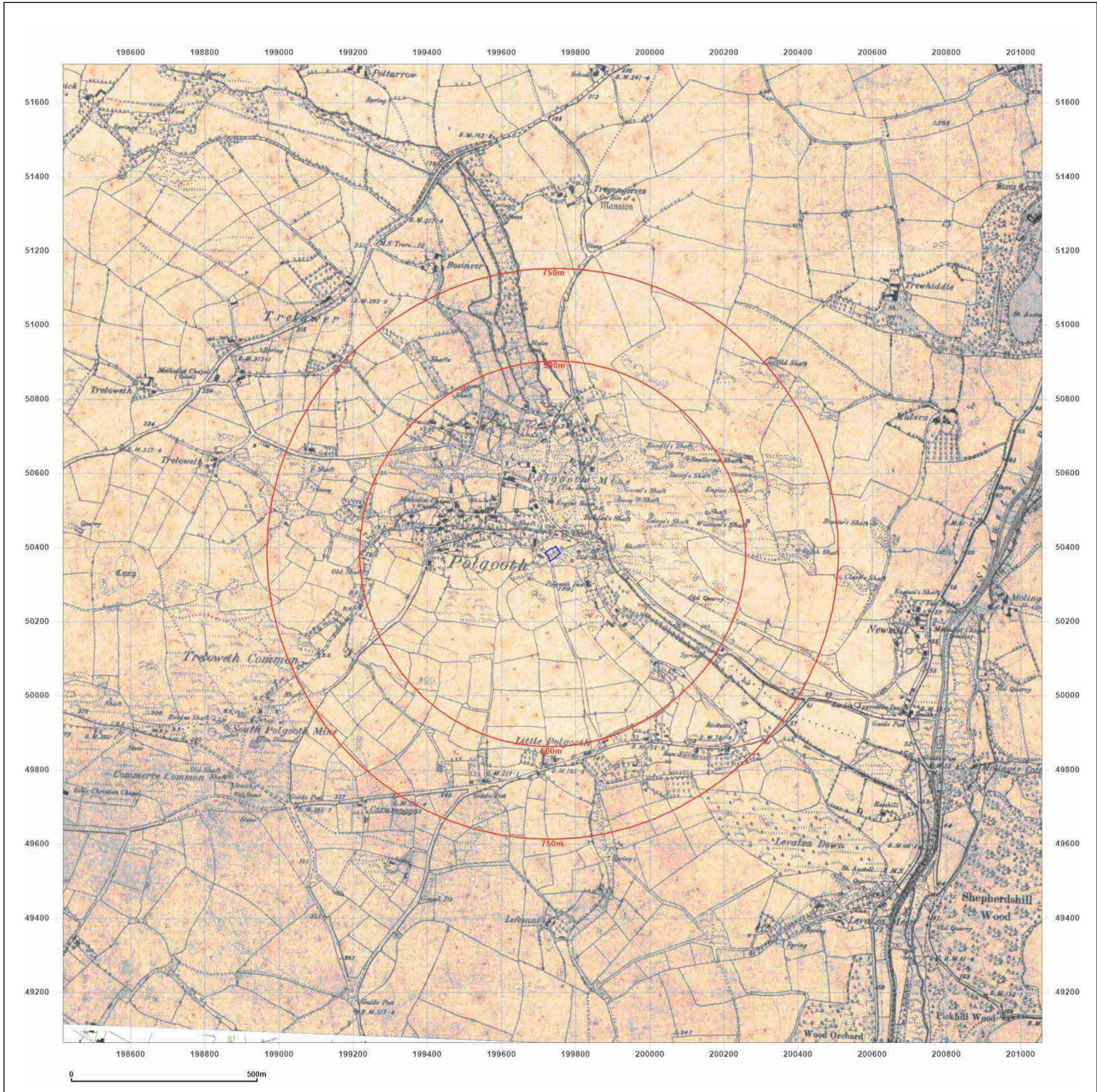


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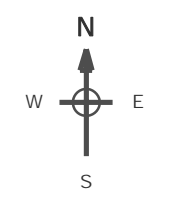
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Map Name: County Series

Map date: 1906-1908

Scale: 1:10,560

Printed at: 1:10,560



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Edition N/A
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Surveyed 1881
Revised 1908
Edition N/A
Copyright N/A
Levelled N/A

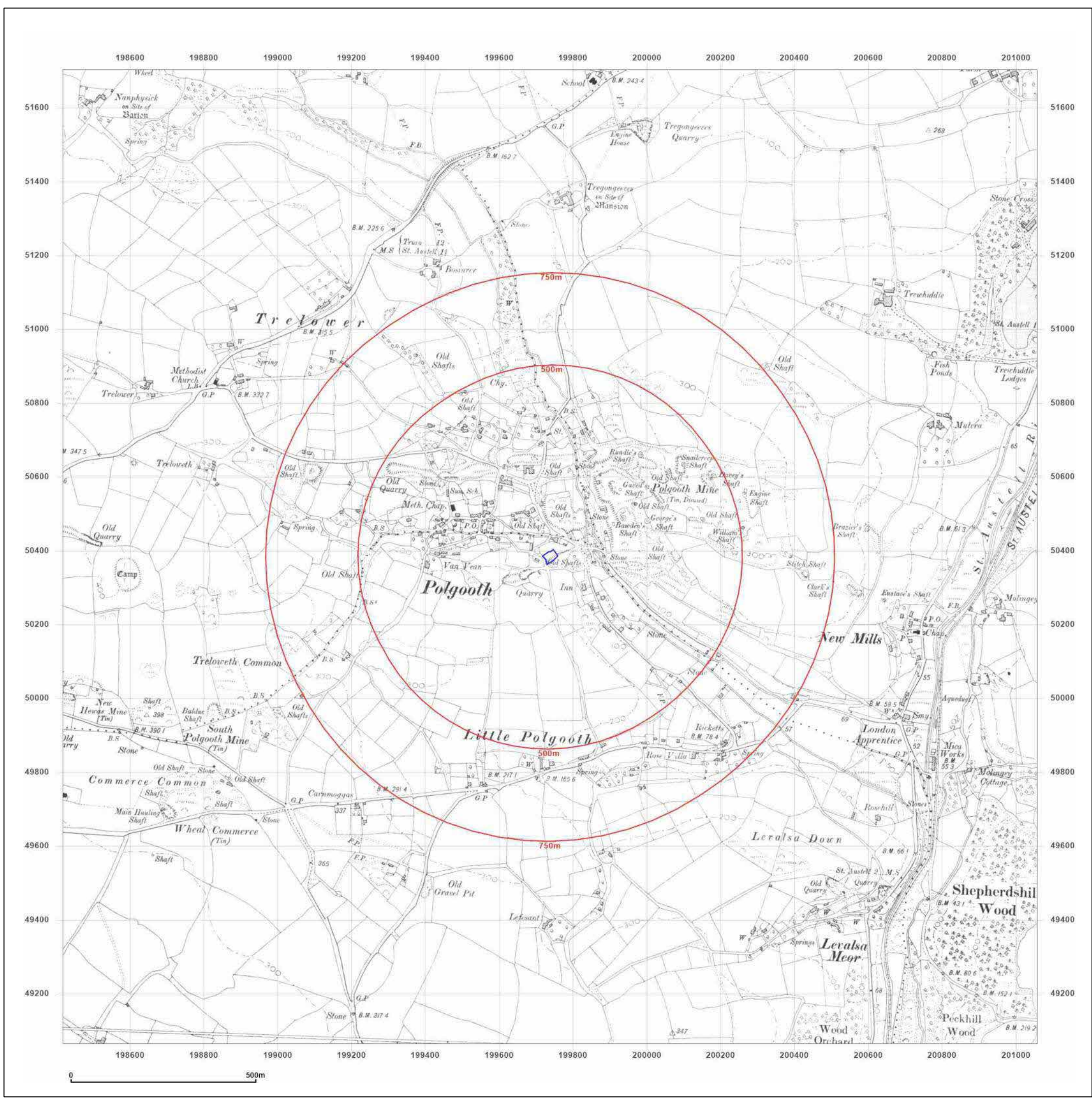


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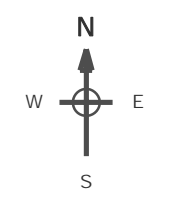
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Grid Ref: 199737, 50383

Map Name: County Series

Map date: 1938

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Printed at: 1:10,560



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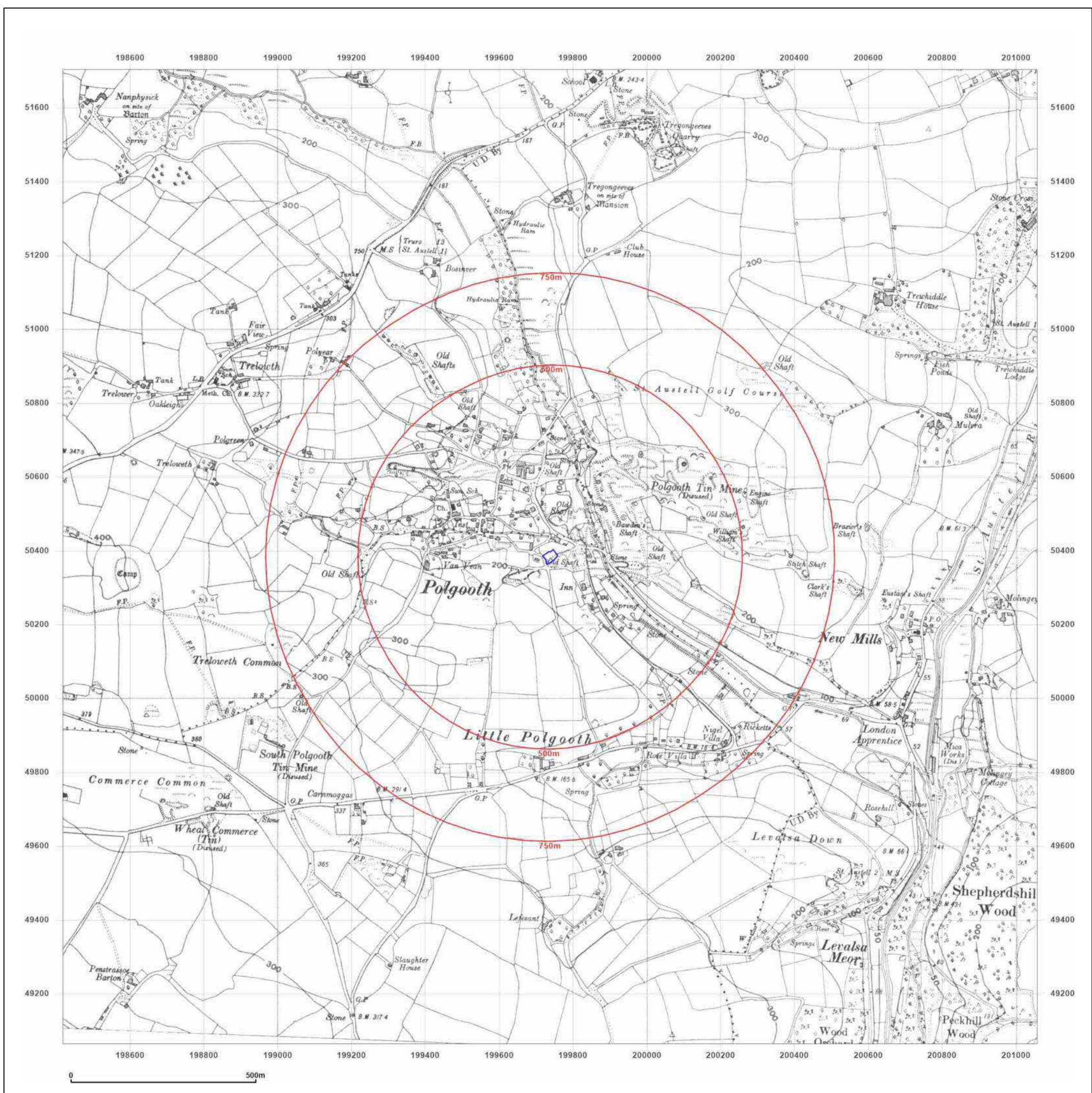


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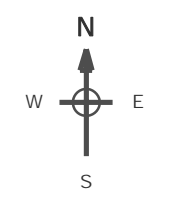
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Map Name: Provisional

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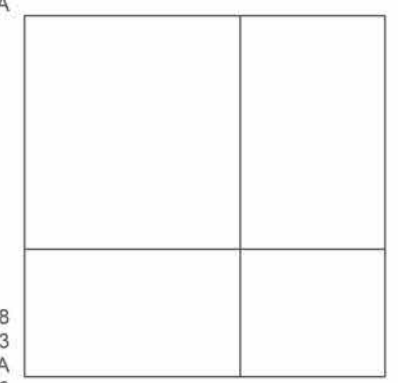
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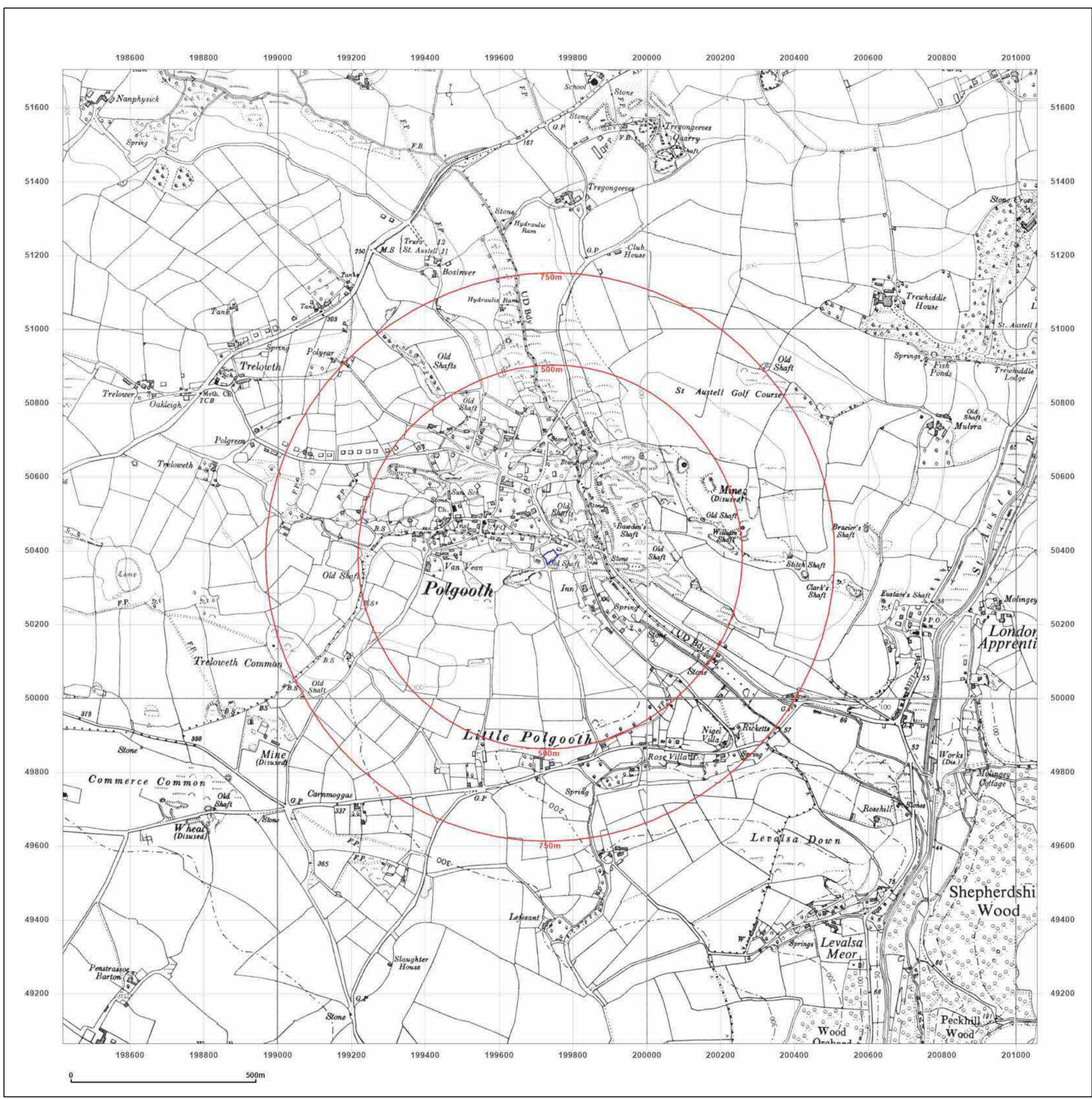


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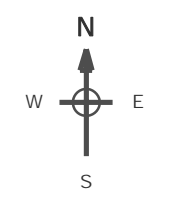
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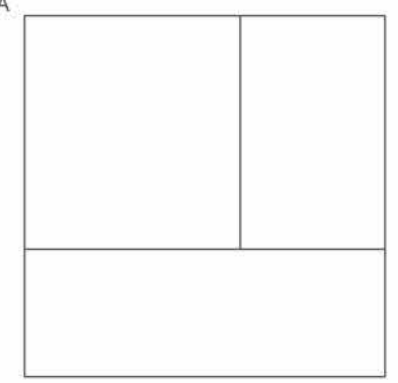
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Revised 1968
Edition N/A
Copyright 1963
Levelled N/A

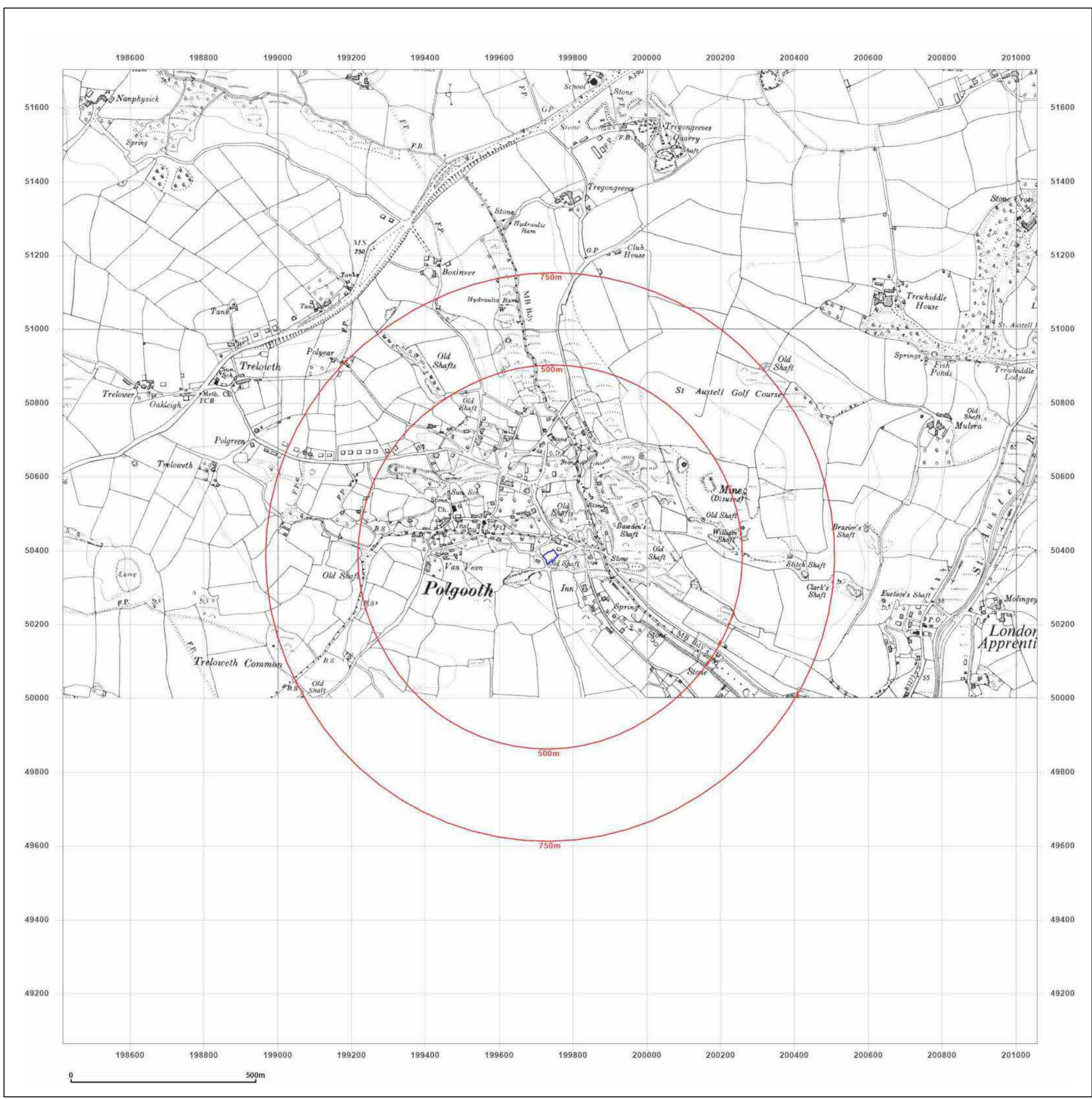


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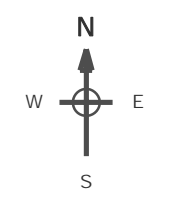
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Map Name: National Grid

Map date: 1975-1980

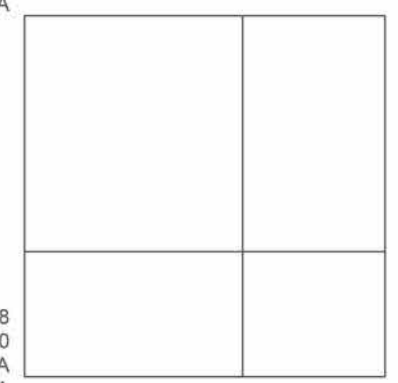
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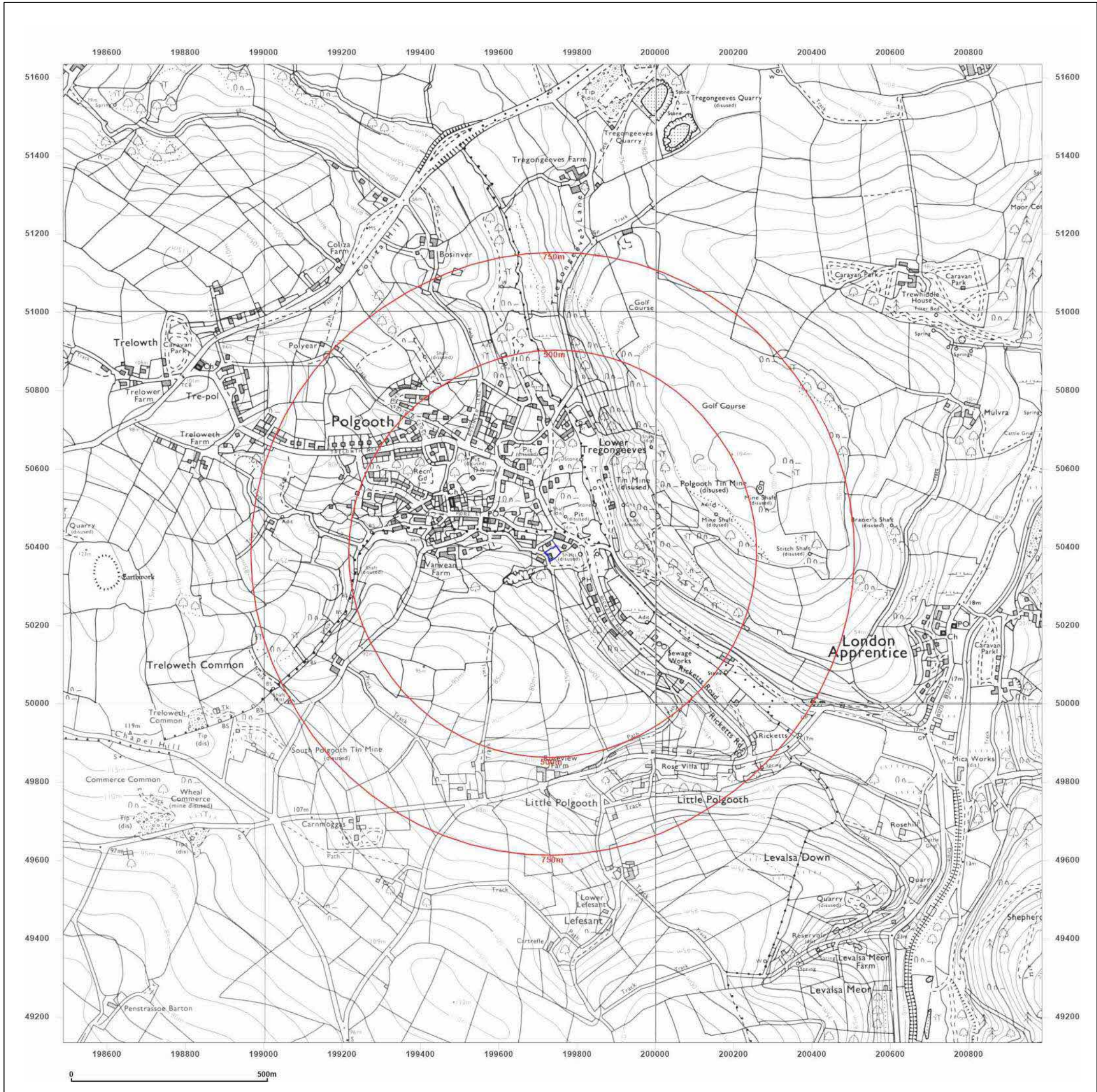


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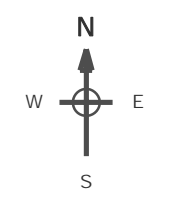
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Map date: 1990-1994

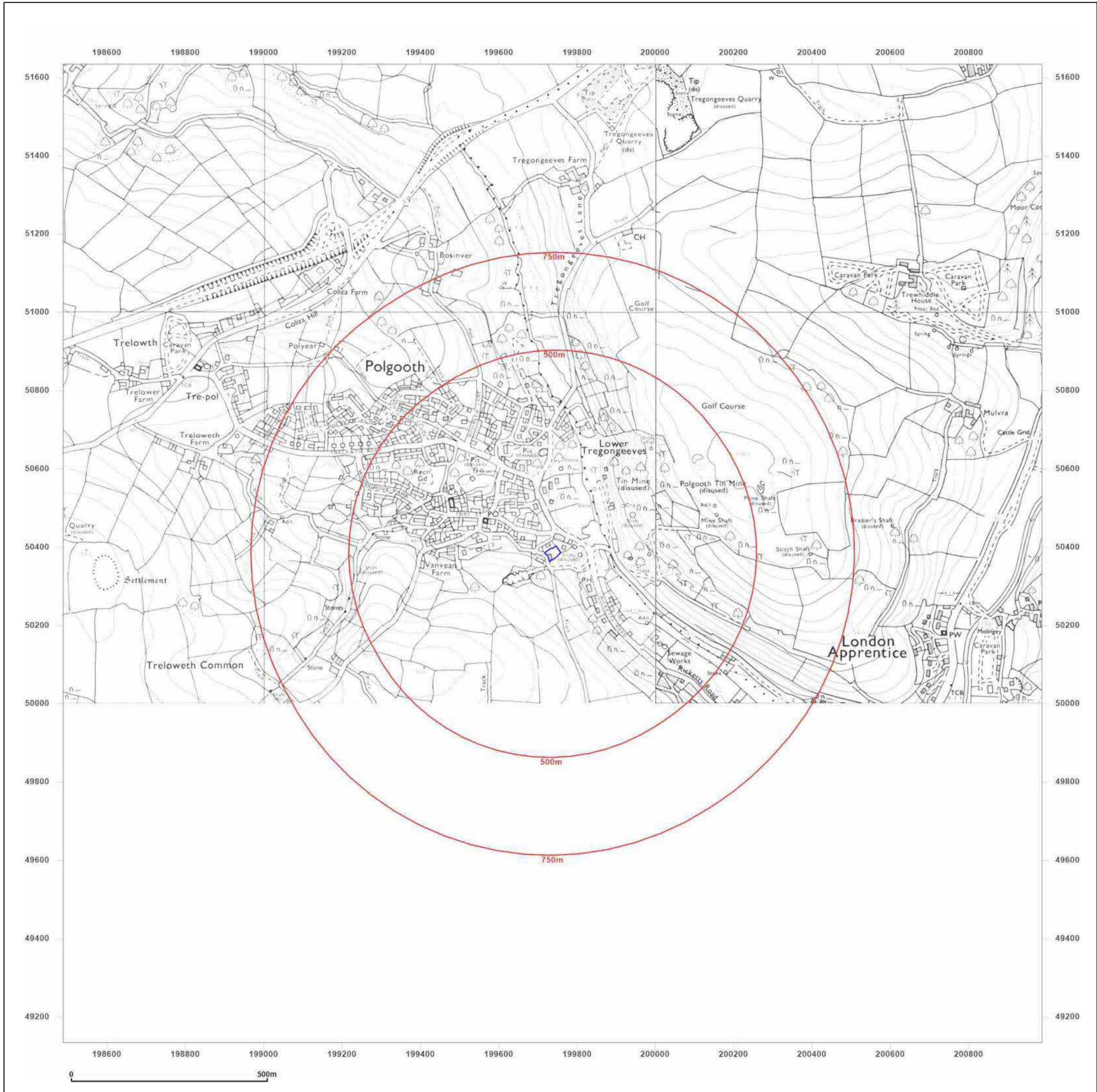
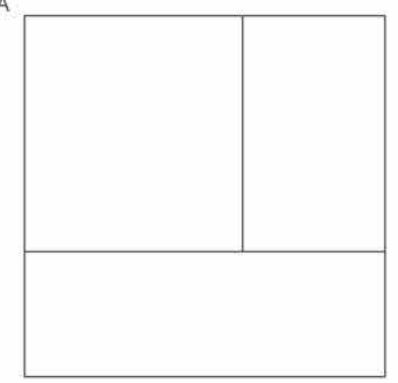
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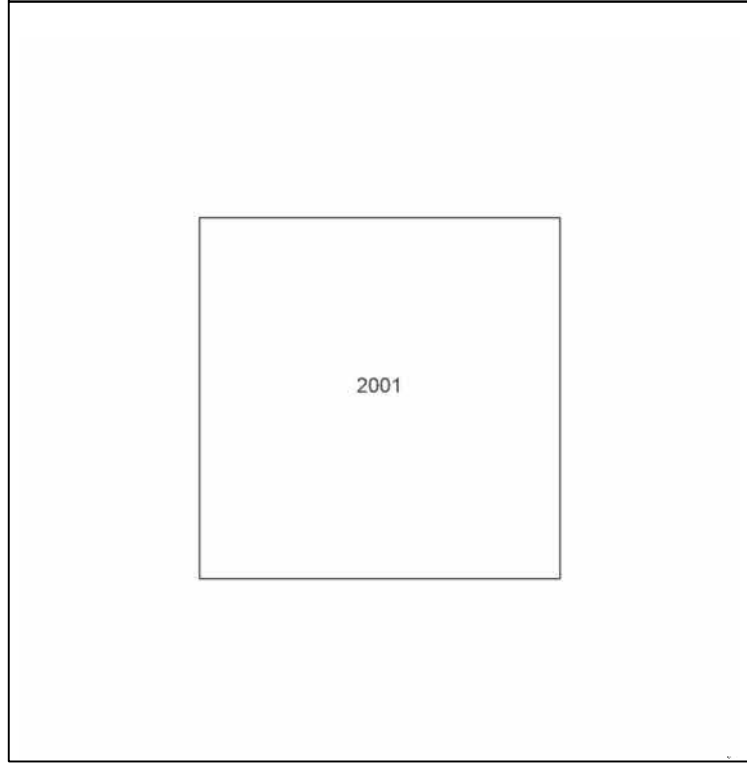
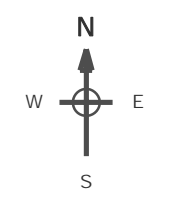
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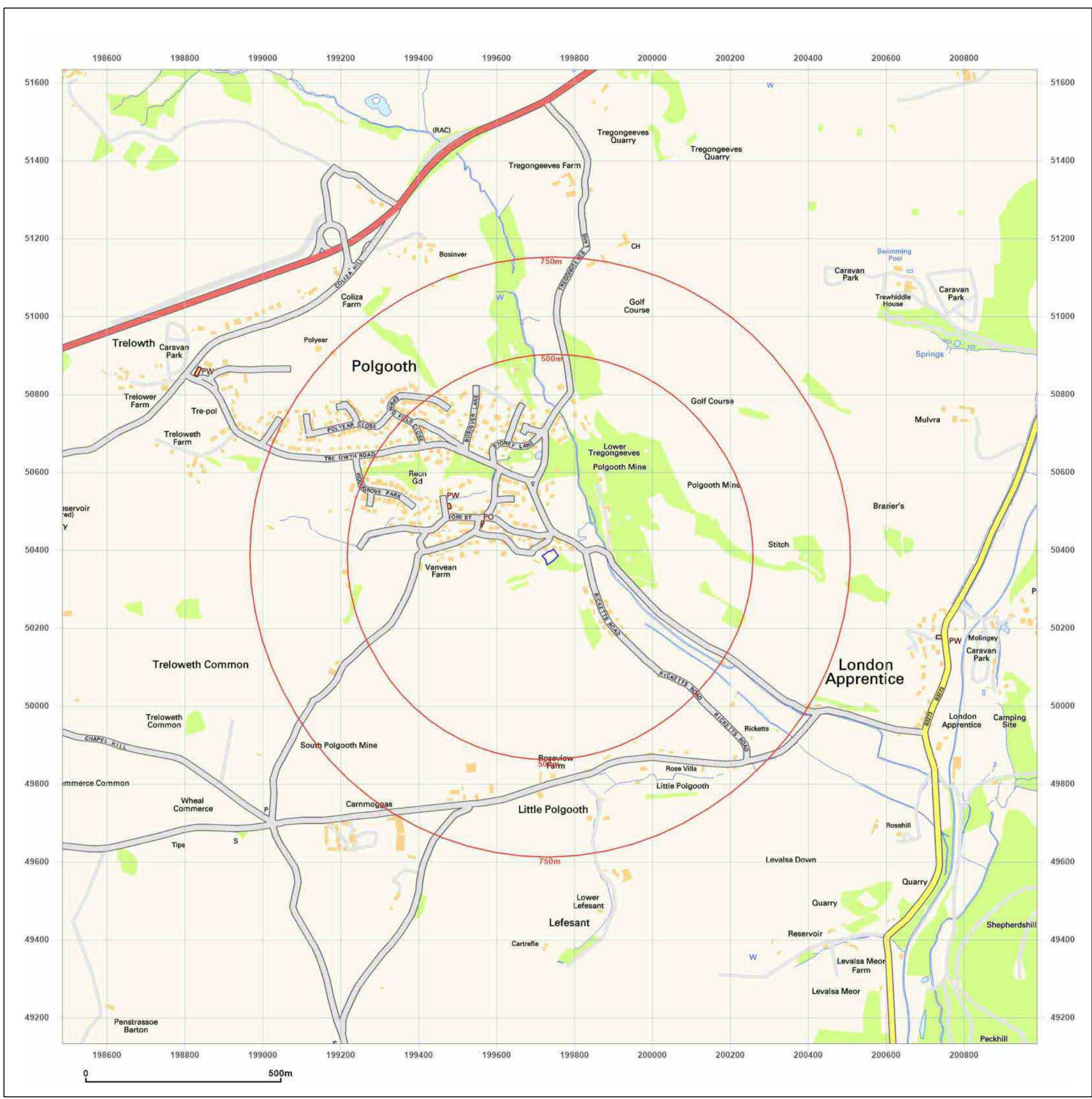


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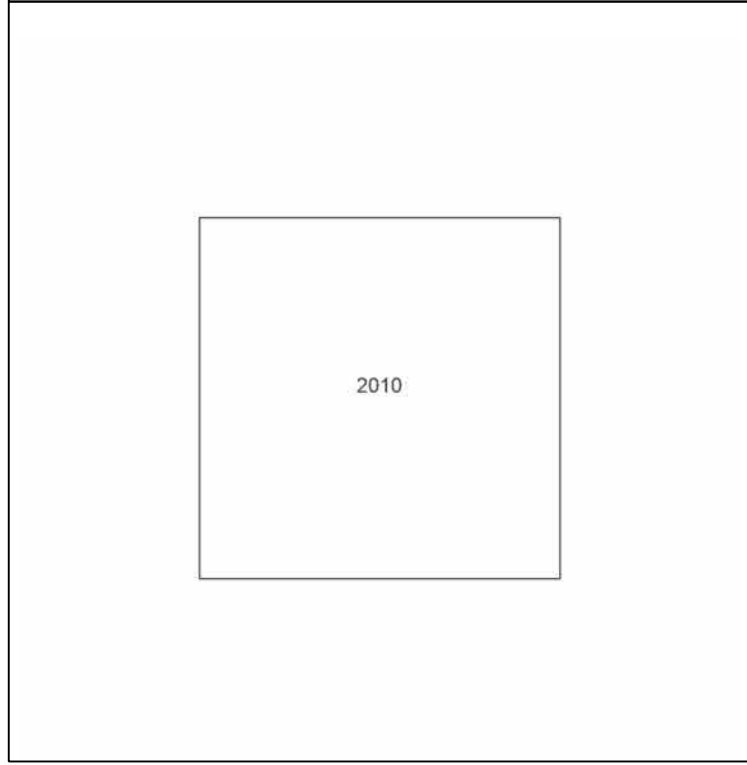
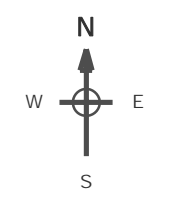
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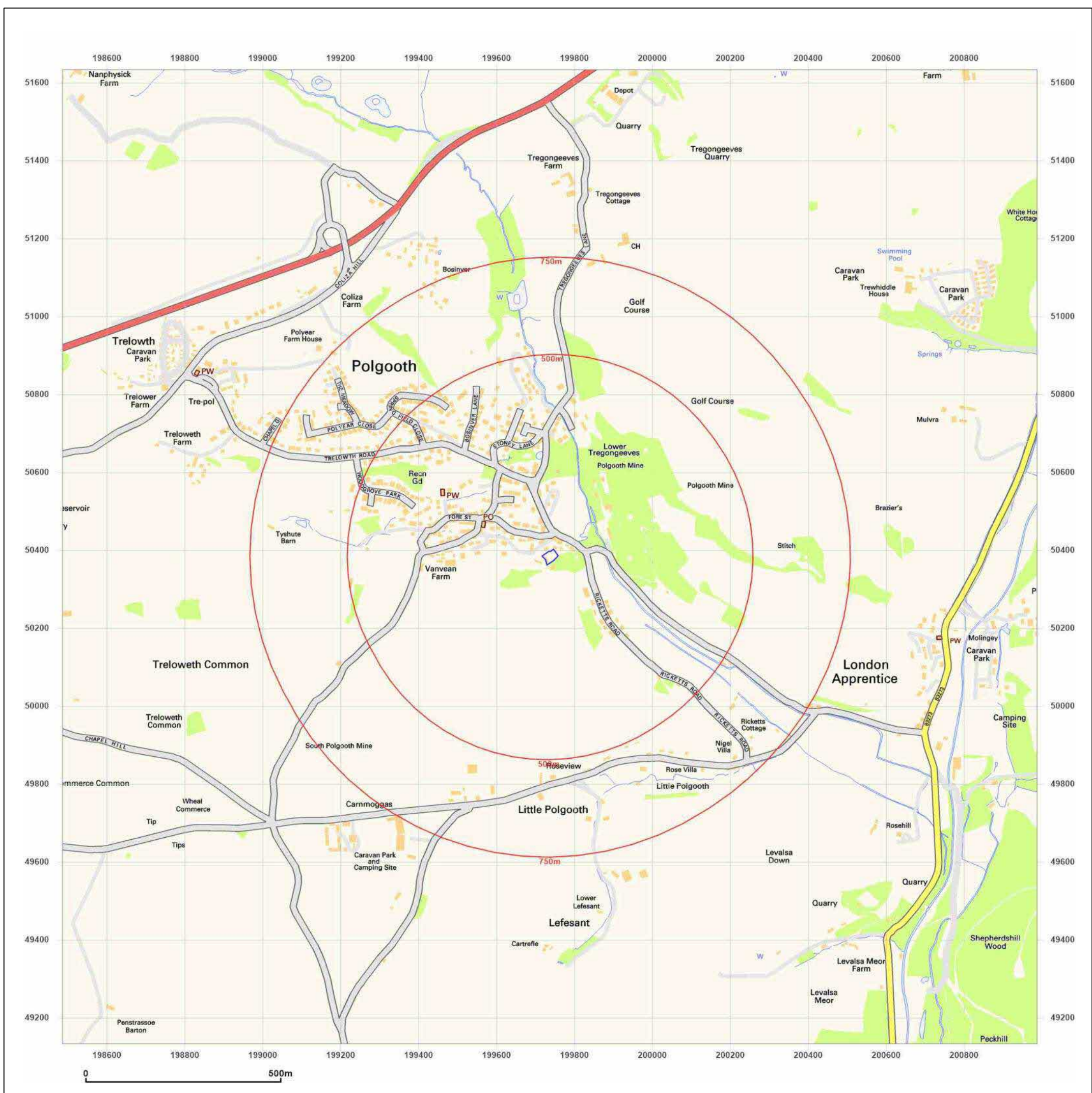


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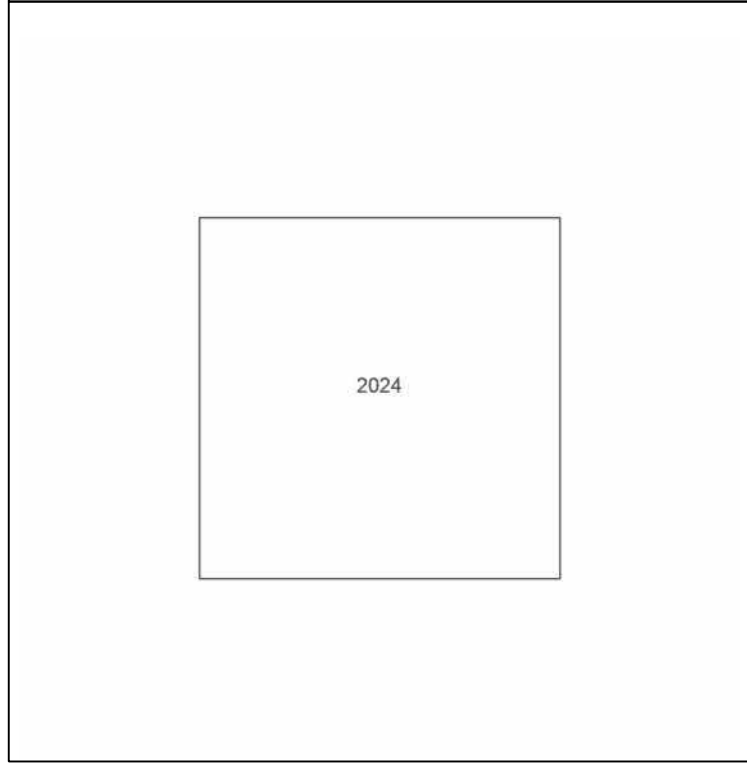
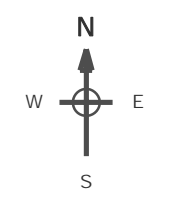
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Grid Ref: 199737, 50383

Map Name: National Grid

Map date: 2024

Scale: 1:10,000

Printed at: 1:10,000



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Appendix 3

Radon Report

THE CHALET, BAL EAST LANE, POLGOOTH, PL26 7AU

Professional opinion

Site plan



Search results

In a radon affected area

The property is in a radon affected area. This could mean that inhabitants are at risk from the harmful effects of radon.

The percentage of homes estimated to be affected by radon in your local area is greater than 30%.

Please see [page 3](#) >

Useful contacts

UK Health Security Agency (UKHSA) / UKRadon
Radon Survey
Chemical, Radiation and Environmental Hazards
Chilton, Didcot
Oxon
OX11 0RQ
<https://www.ukradon.org/> ↗

UK Radon Association
<http://www.radonassociation.co.uk/> ↗

Overview of findings and recommendations

Radon

The property is in an area where elevated radon levels are expected to be found in 30-100% of properties.

Next steps for consideration:

- if the property is a new build, you can check compliance on radon protection with the developer
- if you are buying a currently occupied property, ask the present owner whether radon levels have been measured and, if so, whether the results were above the radon Action Level. If they were, ask what remedial measures were installed, were radon levels re-tested and did the re-testing confirm the measures have been effective
- if testing has not been carried out, it would be a sensible precaution to arrange for the property to be tested with radon detectors. If initial short-term radon screening tests are inconclusive, or the purchaser would prefer to carry out a full three-month test, it may be possible to arrange a 'radon bond'
- high levels of radon can be reduced through carrying out remedial works to the property
- full radon protection measures will be required to be installed in the event that any new buildings or extensions are added to the property
- all basement and cellar areas are considered at additional risk from high radon levels. If an underground room such as a cellar or basement makes up part of the living or working accommodation, the property should be tested regardless of radon Affected Area status
- see <http://www.radonassociation.co.uk/guide-to-radon/information-for-house-buyers-and-sellers/> ↗ for further information

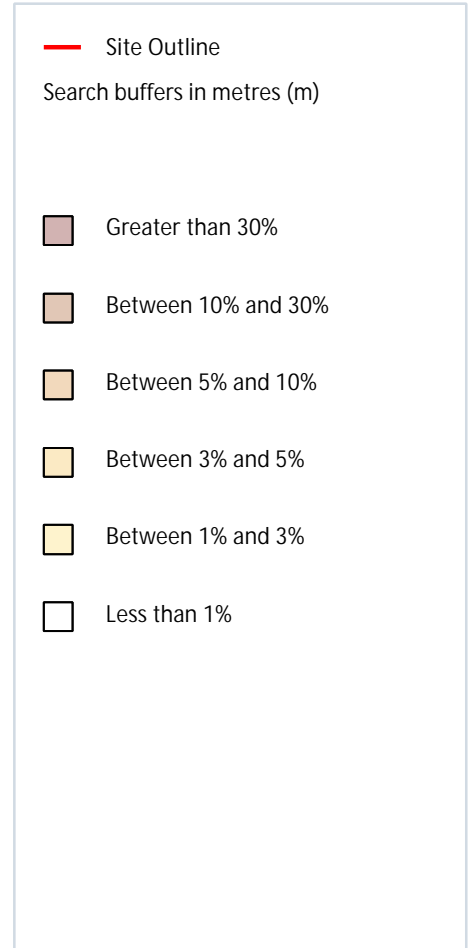
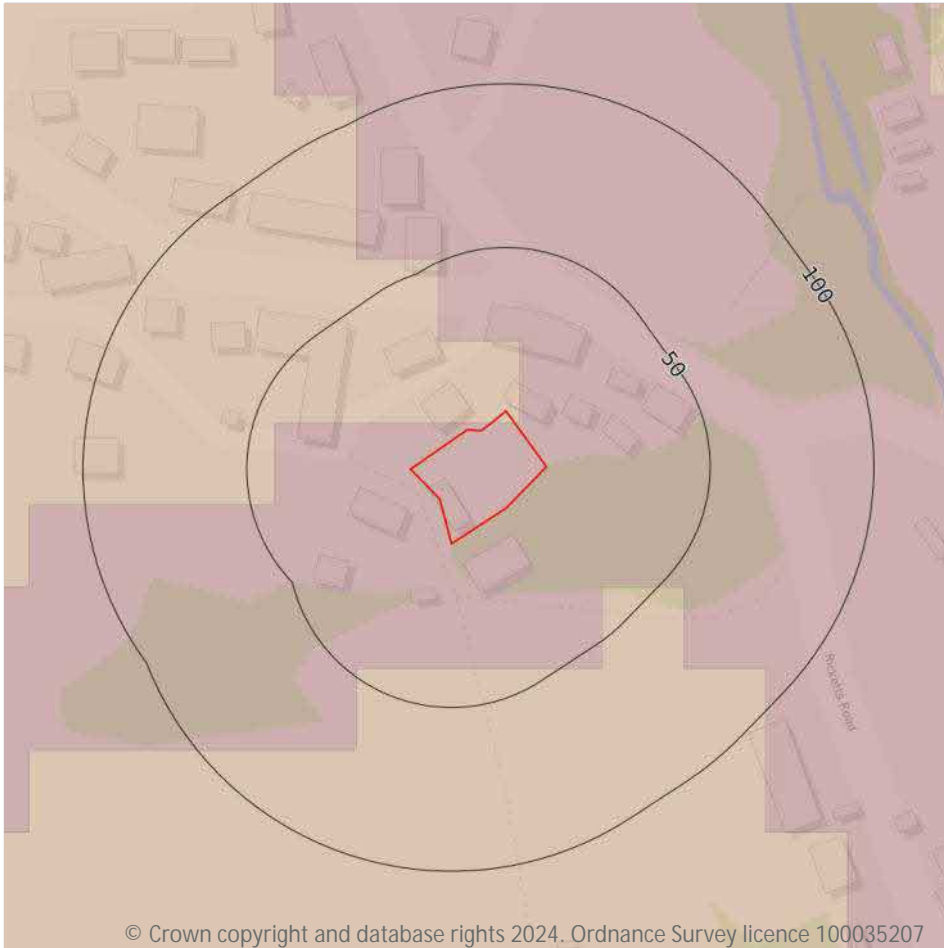


[Back to Summary](#)

Contact us with any questions at:
info@groundsure.com ↗
01273 257 755

Ref: GS-KVB-GUV-IGV-TNA
Your ref: P240202
Grid ref: 199739 050385

Radon



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The property is in a radon affected area, meaning there is an increased risk that properties will contain elevated levels of radon.

In order to determine if there is a problem at your property, a radon measurement in the building must be taken. Access to a testing service and further information on radon is available from UK Health Security Agency (UKHSA) or www.ukradon.org.

Radon is a colourless, odourless radioactive gas present in all areas of the United Kingdom, usually at levels that pose a negligible risk. However, the property is situated in an area where levels of radon can be much higher and pose a health risk. High levels of radon can cause lung cancer, particularly for smokers and ex-smokers. The higher the level and the longer the period of exposure, the greater the risk.

Please see [page 2](#) > for further advice.

This data is sourced from the British Geological Survey/UK Health Security Agency.

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- liaise, at your request, with anyone acting formally on your behalf

Complaints should be sent to:

Operations Director, Groundsure Ltd, Nile House, Nile Street, Brighton, BN1 1HW. Tel: 01273 257 755. Email: info@groundsure.com

↗ If you are not satisfied with our final response, or if we exceed the response timescales, you may refer the complaint to The Property Ombudsman scheme (TPOs): Tel: 01722 333306, E-mail: admin@tpos.co.uk ↗ We will co-operate fully with the Ombudsman during an investigation and comply with their final decision.

Groundsure's Terms and Conditions can be viewed online at this link: www.groundsure.com/terms-and-conditions-april-2023/ ↗

Important consumer protection information

All of the advice and reports that Groundsure produces are covered by a comprehensive Remediation Contribution policy to ensure customers are protected, see www.groundsure.com/remediation ↗ for full details.

Data providers

Groundsure works with respected data providers to bring you the most relevant and accurate information in your Radon Check report. To find out who they are and their areas of expertise see www.groundsure.com/sources-reference ↗.

Appendix 4

Terms and Conditions



Contamination Reports South West

TERMS AND CONDITIONS

Definitions

Content means any data, information services and other content and documentation or support materials in Reports or Services or in any other way by Contamination Reports South West and shall include Contamination Reports South West developed and Third Party Content.

Property Site means a land site on which Contamination Reports South West provides a Service.

References to **We, Us** and **Our** are references to Contamination Reports South West.

References to **You/Your/Yourself** refer to the contracting party who places an Order with Contamination Reports South West.

Report includes any information that Contamination Reports South West supplies to You including all reports or information contained in them.

Services means the provision of any service by Contamination Reports South West pursuant to these Terms, including without limitation, any Report.

Suppliers means any organisation who provides data or information of any form to Contamination Reports South West.

Terms means these Terms & Conditions.

Third Party Content means the services, software, information and other content or functionality provided by third parties and contained in the Services.

1. Terms & Conditions

1.1 These Terms govern the relationship between You and Contamination Reports South West. Where these Terms are not expressly accepted by You they will be deemed to have been accepted by You, and You agree to be bound by these Terms when You place any Order, or pay for any Services provided:

1.2 These Terms shall prevail at all times to the exclusion of all other terms and conditions including any terms and conditions which You may purport to apply even if such other provisions are submitted in a later document or purport to exclude or override these Terms and neither the course of conduct between parties nor trade practice shall act to modify these Terms.

1.3 Contamination Reports South West reserves the right to refuse to supply any or all Services to You without notice or reason.

2. Services

2.1 Contamination Reports South West will use reasonable care and skill in providing the Services to You, however, the Services are provided on the express basis that some information and data supplied in the Services are derived from third party sources and Contamination Reports South West does not warrant the accuracy or completeness of such information or data. Contamination Reports South West does not claim that these sources represent an exhaustive or comprehensive list of all sources that might be consulted.

3. Liability

3.1 As some of the information contained in the Services is provided to Contamination Reports South West by others, Contamination Reports South West cannot control its accuracy or completeness, nor is it within the scope of Contamination Reports South West's Services to check the information. Accordingly, Contamination Reports South West will only be liable to You for any loss or damage caused by its negligence or willful default and subject to clause 3.8 below neither Contamination Reports South West nor any person providing information contained in any Services shall in any circumstances be liable for any inaccuracies, faults or omissions in the Services, nor shall Contamination Reports South West have any liability if the Services are used otherwise than in accordance with these Terms.

3.2 Save as precluded by law, Contamination Reports South West shall not be liable for any indirect or consequential loss, damage or expenses (including loss of profits, loss of contracts, business or goodwill) howsoever arising out of any problem, event, action or default by Contamination Reports South West.

3.3 Contamination Reports South West will not be liable for any defect, failure or omission relating to Services that is not notified to Contamination Reports South West within six months of the date of the issue becoming apparent and in any event, within twelve years of the date of the Service.

3.4 You acknowledge that:

a, Subject to clause 3.8 below You shall have no claim or recourse against any Third Party Content supplier nor any of our other Suppliers. You will not in any way hold us responsible for any selection or retention of, or the acts of omissions of Third Party Content suppliers or other Suppliers (including those with whom We have contracted to operate various aspects or parts of the Service) in connection with the Services (for the avoidance of doubt Contamination Reports South West is not a Third Party Content supplier). Contamination Reports South West does not promise that the Content will always be complete, accurate, precise, free from defects of



Contamination Reports South West

any other kind, computer viruses, software locks or other similar code although Contamination Reports South West will use reasonable efforts to correct any inaccuracies within a reasonable period of them becoming known to us;

b, Contamination Reports South West's only obligation is to exercise reasonable skill and care in providing Phase 1 Contaminated Land Risk Assessments for Planning Applications and You hereby acknowledge that You require the Services for that purpose only.

c, no intrusive investigation of the Property Site reported on is carried out as part of any Services offered by Contamination Reports South West and Contamination Reports South West do not warrant that all land uses or features whether past or current will be identified in the Services. The Services do not include any information relating to the actual state or condition of any Property Site nor should they be used or taken to indicate or exclude actual fitness or unfitness of a Property Site for any particular purpose nor should it be relied upon for determining salability or value or used as a substitute for any physical investigation or inspection.

d, You will on using the Services make a reasonable inspection of any results to satisfy Yourself that there are no defects or failures. In the event that there is a defect You will notify us in writing of such defect within seven days of its discovery;

3.5. If Contamination Reports South West provides You with any additional service obtained from a third party, including but not limited to any interpretation or conclusion, risk assessment or environmental report or search carried out in relation to a Report on Your Property Site, subject to clause 3.8 below Contamination Reports South West will not be liable in any way for any information contained therein or any issues arising out of the provision of those additional services to You. Contamination Reports South West will be deemed to have acted as an agent in these circumstances and the supply of these additional services will be governed by the terms and conditions of those Third Parties.

3.6 If You wish to vary any limitation of liability as set out in these Terms, You must request such variation prior to ordering the Service. Contamination Reports South West shall use its reasonable endeavours to agree such variation but shall not be obliged to do so.

3.7 Ordnance Survey have undertaken a positional accuracy improvement programme which may result in discrepancies between the positioning of features used in datasets in the Services and the updated Ordnance Survey mapping. Subject to clause 3.8 below, Contamination Reports South West and its Suppliers exclude all and any liability incurred as a result of the implementation of such positional accuracy improvement programme.

3.8 Notwithstanding the provision of any such risk assessment conclusion you should carefully examine the remainder of the Report and should not take or refrain from taking any action based solely on the basis of the risk assessment

3.9 Contamination Reports South West obtains some of the information contained in its Report from third parties. Contamination Reports South West will not accept any liability to You for any negligent or incorrect entry, or error or corruption in the Third Party Content supplied to Contamination Reports South West, but Contamination Reports South West's Suppliers may be liable for such negligent or incorrect entries, or errors or corruptions, subject to the terms and conditions on which they supply the Third Party Content to Contamination Reports South West.

4. Events Beyond Our Control

4.1 You acknowledge that Contamination Reports South West shall not be liable for any delay, interruption or failure in the provision of the Services which are caused or contributed to by any circumstance which is outside our reasonable control including but not limited to, lack of power, telecommunications failure or overload, computer malfunction, inaccurate processing of data, or delays in receiving or checking data, corruption of data whilst in the course of conversion in the course of electronic communication or printing.

5. Severability

5.1 If any provision of these Terms are found by either a court or other competent authority to be void, invalid, illegal or unenforceable, that provision shall be deemed to be deleted from these Terms and never to have formed part of these Terms and the remaining provisions shall continue in full force and effect.

6. Governing Law

6.1 These terms shall be governed by and construed in accordance with English law and each party agrees irrevocably submit to the exclusive jurisdiction of the English courts. If any dispute arises out of or in connection with this agreement (a "Dispute") the parties undertake that, prior to the commencement of Court proceedings, they will seek to have the Dispute resolved amicably by use of an alternative dispute resolution procedure acceptable to both parties with the assistance of the Centre for Dispute Resolution (CEDR) if required, by written notice initiating that procedure. If the Dispute has not been resolved to the satisfaction of either party within 60 days of initiation of the procedure or if either party fails or refuses to participate in or withdraws from participating in the procedure then either party may refer the Dispute to the Court.

7. General

7.1 No waiver on Contamination Reports South West's part to exercise, and no delay in exercising, any right, power or provision hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or provision hereunder preclude the exercise of that or any other right, power or provision.

7.2 Unless otherwise stated in these Terms, all notices from You to Contamination Reports South West must be in writing and sent to Contamination Reports South West.

7.3 A person who is not a party to any contract made pursuant to these Terms shall have no right under the Contract (Right of Third Parties) Act 1999 to enforce any terms of such contract and Contamination Reports South West shall not be liable to any such third party in respect of any Services supplied.