

6 Natural Ground Subsidence

The National Ground Subsidence rating is obtained through the 6 natural ground stability hazard datasets, which are supplied by the British Geological Survey (BGS).

The following GeoSure data represented on the mapping is derived from the BGS Digital Geological map of Great Britain at 1:50,000 scale.

What is the maximum hazard rating of natural subsidence within the study site** boundary? Low

6.1 Shrink-Swell Clays

The following Shrink Swell information provided by the British Geological Survey:

ID	Distance (m)	Direction	Hazard Rating	Details
1	0.0	On Site	Negligible	Ground conditions predominantly non-plastic. No special actions required to avoid problems due to shrink-swell clays. No special ground investigation required, and increased construction costs or increased financial risks are unlikely likely due to potential problems with shrink-swell clays.
2	30.0	N	Very Low	Ground conditions predominantly low plasticity. No special actions required to avoid problems due to shrink-swell clays. No special ground investigation required, and increased construction costs or increased financial risks are unlikely due to potential problems with shrink-swell clays.

6.2 Landslides

The following Landslides information provided by the British Geological Survey:

ID	Distance (m)	Direction	Hazard Rating	Details
1	0.0	On Site	Very Low	Slope instability problems are unlikely to be present. No special actions required to avoid problems due to landslides. No special ground investigation required, and increased construction costs or increased financial risks are unlikely due to potential problems with landslides.
2	30.0	N	Low	Possibility of slope instability problems after major changes in ground conditions. Consideration should be given to stability if changes to drainage or excavations take place. Possible increase in construction cost to reduce potential slope stability problems. Existing property - no significant increase in insurance risk due to natural slope instability problems.

* This includes an automatically generated 50m buffer zone around the site

6.3 Ground Dissolution of Soluble Rocks

The following Ground Dissolution information provided by the British Geological Survey:

ID	Distance (m)	Direction	Hazard Rating	Details
1	0.0	On Site	Negligible	Soluble rocks are present, but unlikely to cause problems except under exceptional conditions. No special actions required to avoid problems due to soluble rocks. No special ground investigation required, and increased construction costs or increased financial risks are unlikely due to potential problems with soluble rocks.

6.4 Compressible Deposits

The following Compressible Deposits information provided by the British Geological Survey:

ID	Distance (m)	Direction	Hazard Rating	Details
1	0.0	On Site	Negligible	No indicators for compressible deposits identified. No special actions required to avoid problems due to compressible deposits. No special ground investigation required, and increased construction costs or increased financial risks are unlikely due to potential problems with compressible deposits.

6.5 Collapsible Deposits

The following Collapsible Rocks information provided by the British Geological Survey:

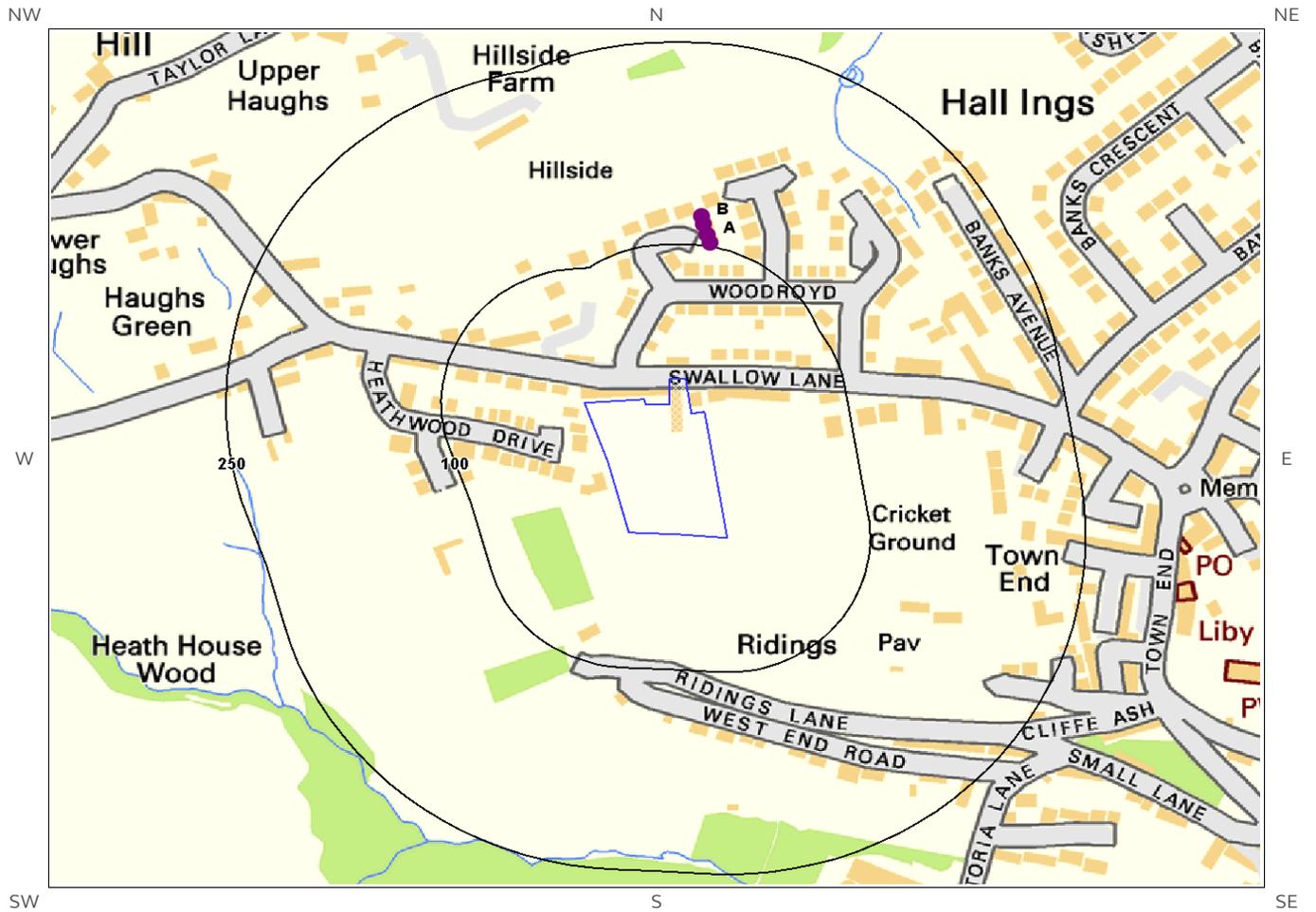
ID	Distance (m)	Direction	Hazard Rating	Details
1	0.0	On Site	Very Low	Deposits with potential to collapse when loaded and saturated are unlikely to be present. No special ground investigation required or increased construction costs or increased financial risk due to potential problems with collapsible deposits.

6.6 Running Sands

The following Running Sands information provided by the British Geological Survey:

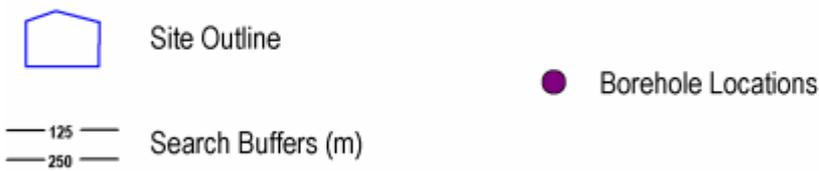
ID	Distance (m)	Direction	Hazard Rating	Details
1	0.0	On Site	Negligible	No indicators for running sand identified. No special actions required to avoid problems due to running sand. No special ground investigation required, and increased construction costs or increased financial risks are unlikely due to potential problems with running sand.

7 Borehole Records map



Borehole Records Legend

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7 Borehole Records

The systematic analysis of data extracted from the BGS Borehole Records database provides the following information.

Records of boreholes within 250m of the study site boundary:

4

ID	Distance (m)	Direction	NGR	BGS Reference	Drilled Length	Borehole Name
1A	102.0	N	409298 416152	SE01NE138	8	WOODROYD, OFF SWALLOW LANE, GOLCAR, HUDDERSFIELD 4.
2A	108.0	N	409296 416158	SE01NE137	6	WOODROYD, OFF SWALLOW LANE, GOLCAR, HUDDERSFIELD 3.
3B	115.0	N	409293 416166	SE01NE136	6	WOODROYD, OFF SWALLOW LANE, GOLCAR, HUDDERSFIELD 2.
4B	121.0	N	409292 416172	SE01NE135	8	WOODROYD, OFF SWALLOW LANE, GOLCAR, HUDDERSFIELD 1.

The borehole records are available using the hyperlinks below: Please note that if the donor of the borehole record has requested the information be held as commercial-in-confidence, the additional data will be held separately by the BGS and a formal request must be made for its release.

#1A: scans.bgs.ac.uk/sobi_scans/boreholes/17696115

#2A: scans.bgs.ac.uk/sobi_scans/boreholes/17696114

#3B: scans.bgs.ac.uk/sobi_scans/boreholes/17696113

#4B: scans.bgs.ac.uk/sobi_scans/boreholes/17696112

8 Estimated Background Soil Chemistry

Records of background estimated soil chemistry within 250m of the study site boundary:

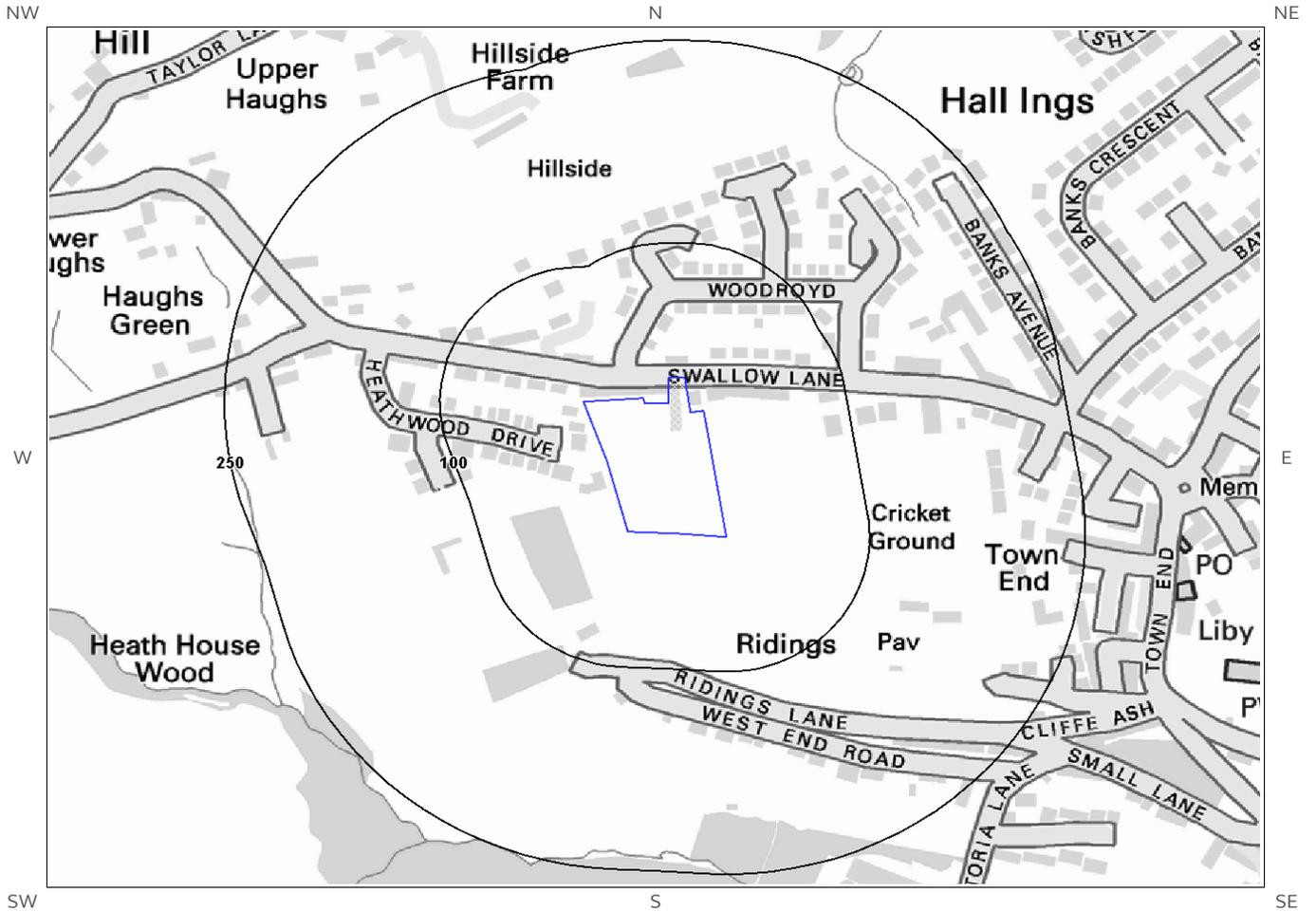
4

For further information on how this data is calculated and limitations upon its use, please see the Groundsure Geo Insight User Guide, available on request.

Distance (m)	Direction	Sample Type	Arsenic (As)	Cadmium (Cd)	Chromium (Cr)	Nickel (Ni)	Lead (Pb)
0.0	On Site	RuralSoil	25 - 35 mg/kg	<1.8 mg/kg	60 - 90 mg/kg	15 - 30 mg/kg	100 - 200 mg/kg
0.0	On Site	RuralSoil	25 - 35 mg/kg	<1.8 mg/kg	60 - 90 mg/kg	15 - 30 mg/kg	200 - 300 mg/kg
0.0	On Site	RuralSoil	25 - 35 mg/kg	<1.8 mg/kg	60 - 90 mg/kg	15 - 30 mg/kg	100 - 200 mg/kg
30.0	N	RuralSoil	15 - 25 mg/kg	<1.8 mg/kg	60 - 90 mg/kg	15 - 30 mg/kg	200 - 300 mg/kg

*As this data is based upon underlying 1:50,000 scale geological information, a 50m buffer has been added to the search radius.

9 Railways and Tunnels map



Railways and Tunnels Legend

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- | | | | | | |
|---|--------------------|---|--|---|---|
|  | Site Outline |  | Underground or Partially Underground Railway / Subway System |  | Railway Track (OpenStreetMap) |
|  | Search Buffers (m) |  | Railway Tunnel (OS Mapping) |  | High Speed 2 |
| | |  | Abandoned or Dismantled Railway (OpenStreetMap) |  | High Speed 2 Revised Proposed Route |
| | |  | Railway Track (OS Mapping) |  | Crossrail 1 |
| | | | |  | Railway and/or Tunnel Feature from Historical Mapping |

9 Railways and Tunnels

9.1 Tunnels

This data is derived from OpenStreetMap and provides information on the possible locations of underground railway systems in the UK - the London Underground, the Tyne & Wear Metro and the Glasgow Subway.

Have any underground railway lines been identified within the study site boundary? No

Have any underground railway lines been identified within 250m of the study site boundary? No

Database searched and no data found.

Any records that have been identified are represented on the Railways and Tunnels map.

This data is derived from Ordnance Survey mapping and provides information on the possible locations of railway tunnels forming part of the UK overground railway network.

Have any other railway tunnels been identified within the site boundary? No

Have any other railway tunnels been identified within 250m of the site boundary? No

Database searched and no data found.

Any records that have been identified are represented on the Railways and Tunnels map.

9.2 Historical Railway and Tunnel Features

This data is derived from Groundsure's unique Historical Land-use Database and contains features relating to tunnels, railway tracks or associated works that have been identified from historical Ordnance Survey mapping.

Have any historical railway or tunnel features been identified within the study site boundary? No

Have any historical railway or tunnel features been identified within 250m of the study site boundary? No

Database searched and no data found.

Any records that have been identified are represented on the Railways and Tunnels map.

9.3 Historical Railways

This data is derived from OpenStreetMap and provides information on the possible alignments of abandoned or dismantled railway lines in proximity to the study site.

Have any historical railway lines been identified within the study site boundary? No

Have any historical railway lines been identified within 250m of the study site boundary? No

Database searched and no data found.

Multiple sections of the same track may be listed in the detail above
Any records that have been identified are represented on the Railways and Tunnels map.

9.4 Active Railways

These datasets are derived from Ordnance Survey mapping and OpenStreetMap and provide information on the possible locations of active railway lines in proximity to the study site.

Have any active railway lines been identified within the study site boundary? No

Have any active railway lines been identified within 250m of the study site boundary? No

Database searched and no data found.

Multiple sections of the same track may be listed in the detail above
Any records that have been identified are represented on the Railways and Tunnels map.

9.5 Railway Projects

These datasets provide information on the location of large scale railway projects High Speed 2 and Crossrail 1 .

Is the study site within 5km of the route of the High Speed 2 rail project? No

Is the study site within 500m of the route of the Crossrail 1 rail project? No

Further information on proximity to these routes, the project construction status and associated works can be obtained through the purchase of a Groundsure HS2 and Crossrail 1 Report.

The route data has been digitised from publicly available maps by Groundsure. The route as provided relates to the Crossrail 1 project only, and does not include any details of the Crossrail 2 project, as final details of the route for Crossrail 2 are still under consultation.

Please note that this assessment takes account of both the original Phase 2b proposed route and the amended route proposed in 2016. As the Phase 2b route is still under consultation, Groundsure are providing information on both options until the final route is formally confirmed. Practitioners should take account of this uncertainty when advising clients.

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BGS Geological Hazards Reports and general geological enquiries



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www.coal.gov.uk



The Coal Authority

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<https://www.gov.uk/government/organisations/public-health-england>
Email: enquiries@phe.gov.uk
Main switchboard: 020 7654 8000



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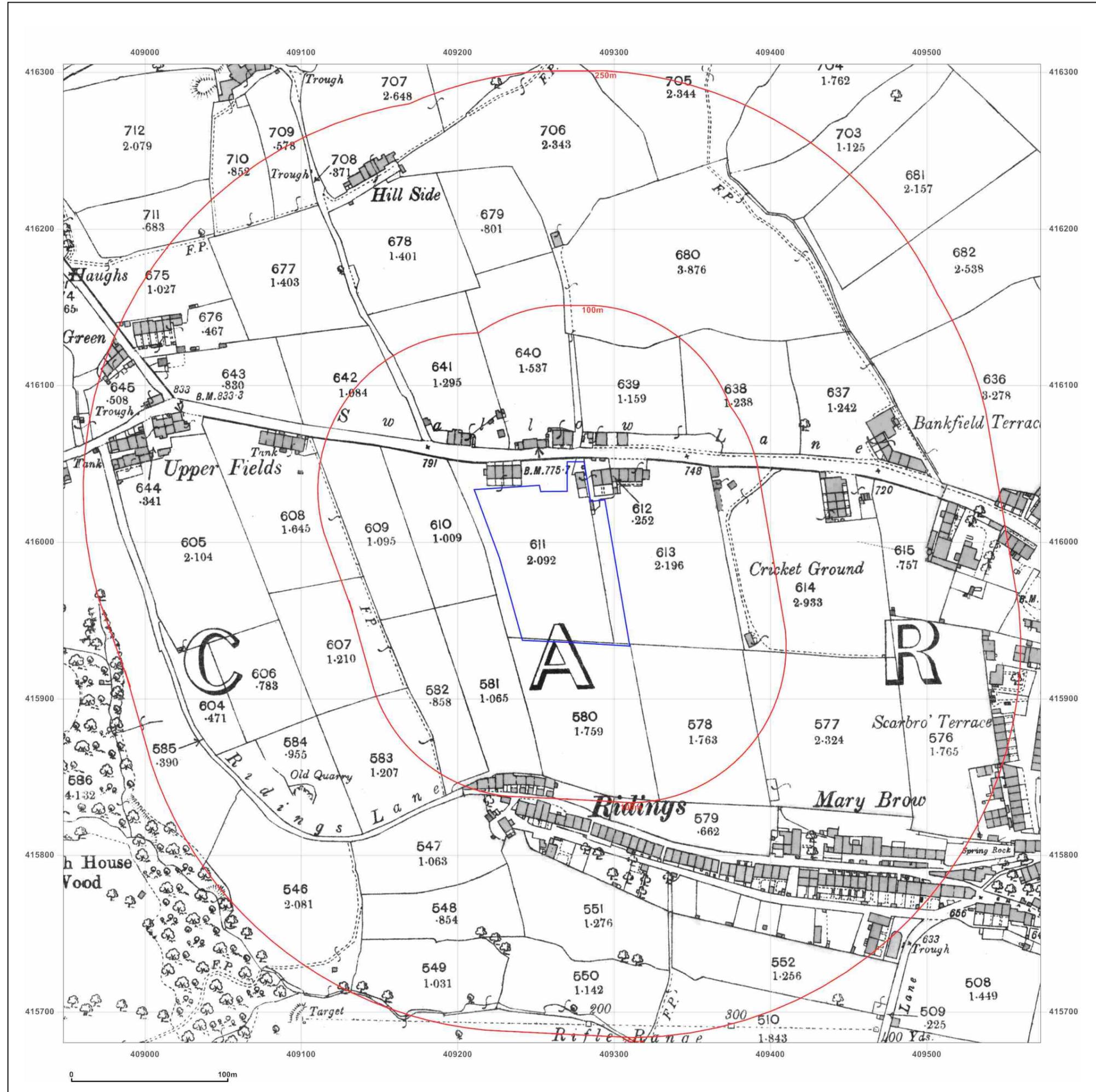
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APPENDIX 7

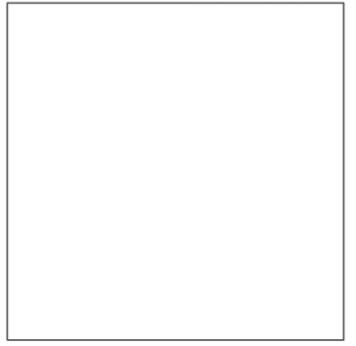
Historical Mapping



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Map Name:	County Series
Map date:	1893
Scale:	1:2,500
Printed at:	1:2,500



Surveyed 1893
 Revised 1893
 Edition N/A
 Copyright N/A
 Levelled N/A

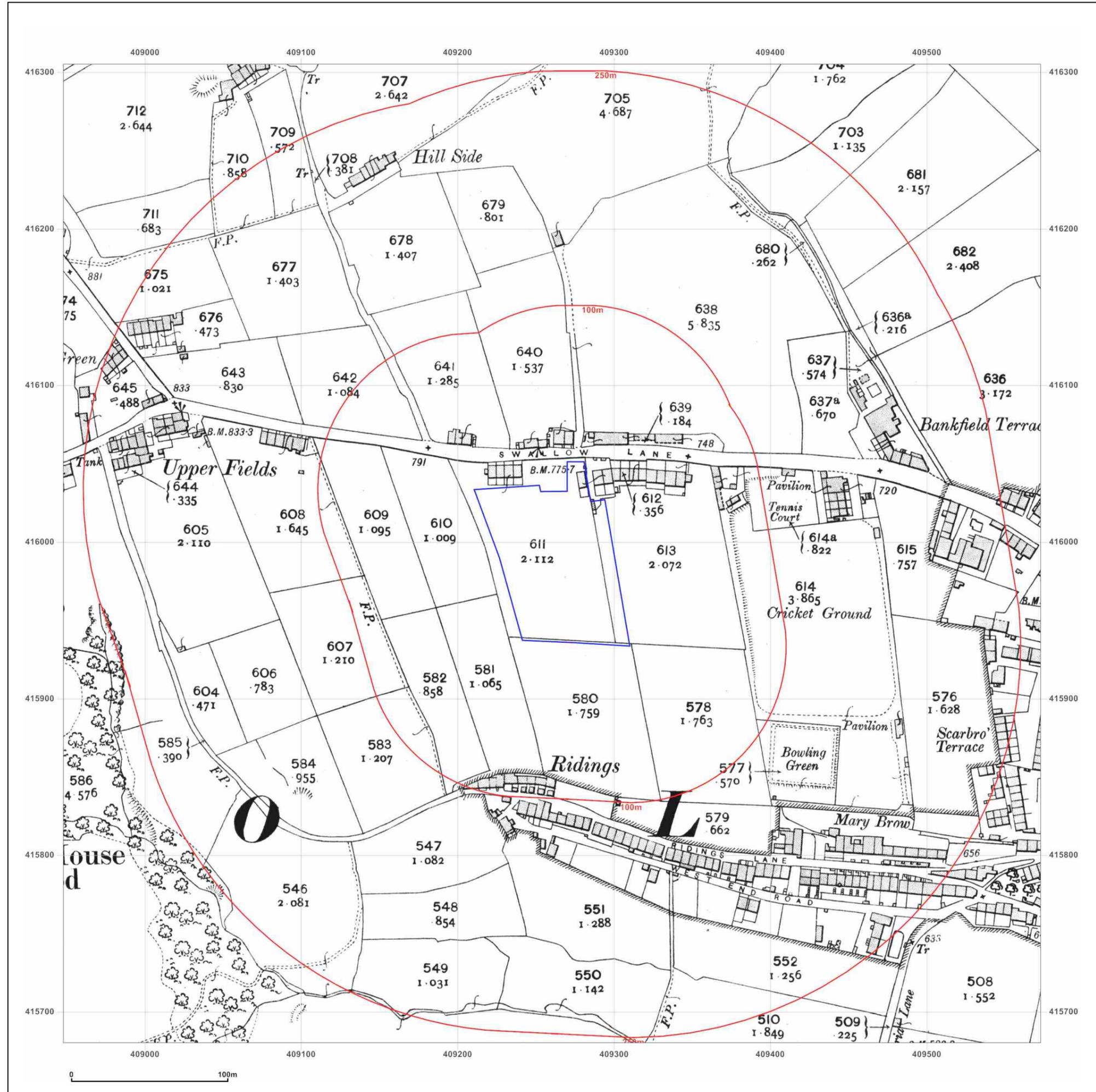


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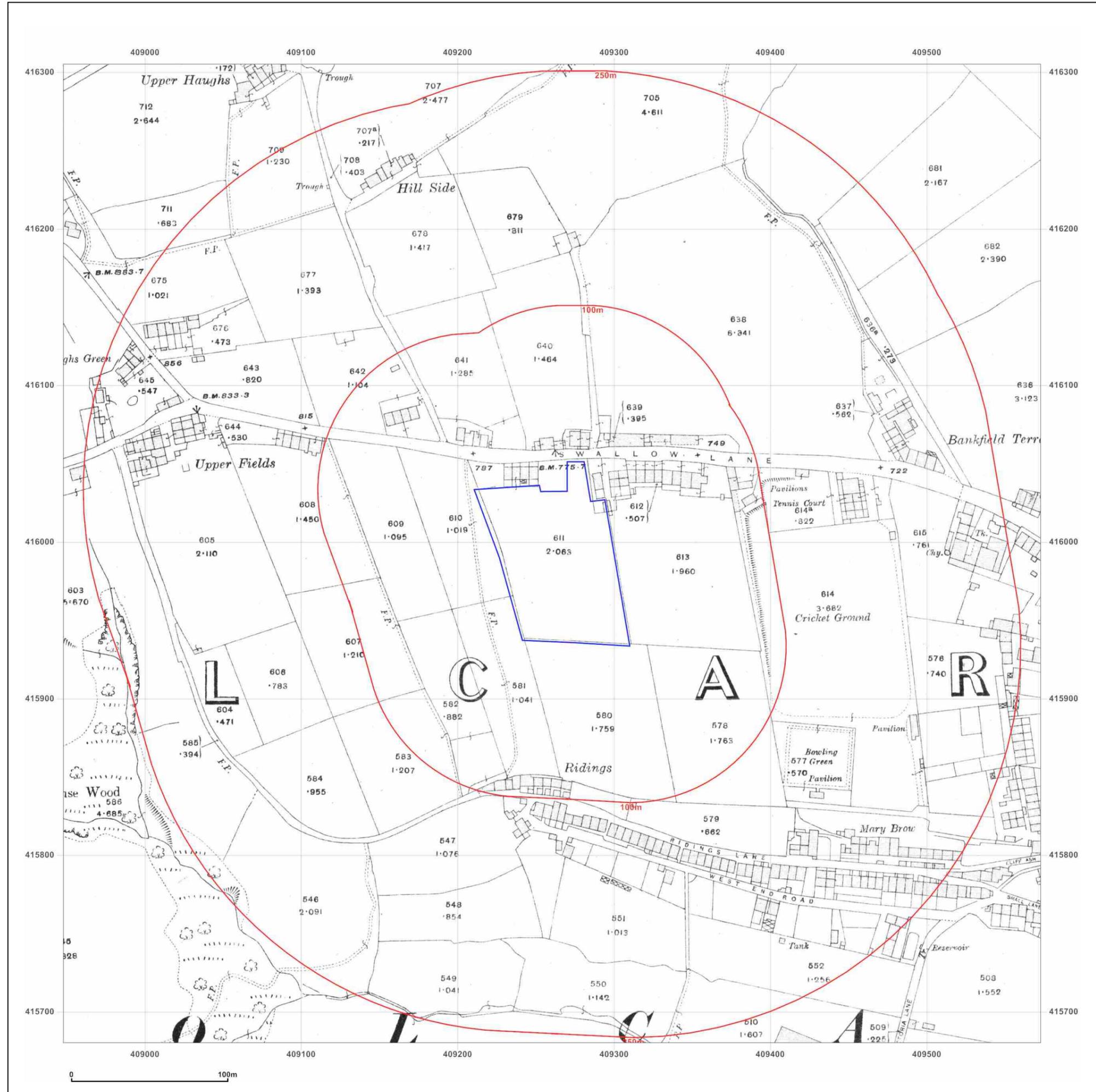


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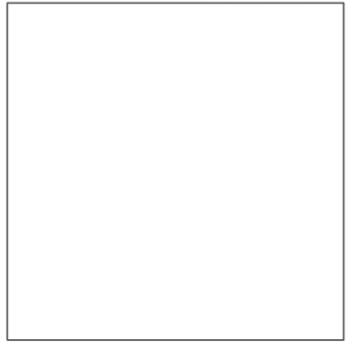
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Map Name: County Series
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Scale: 1:2,500
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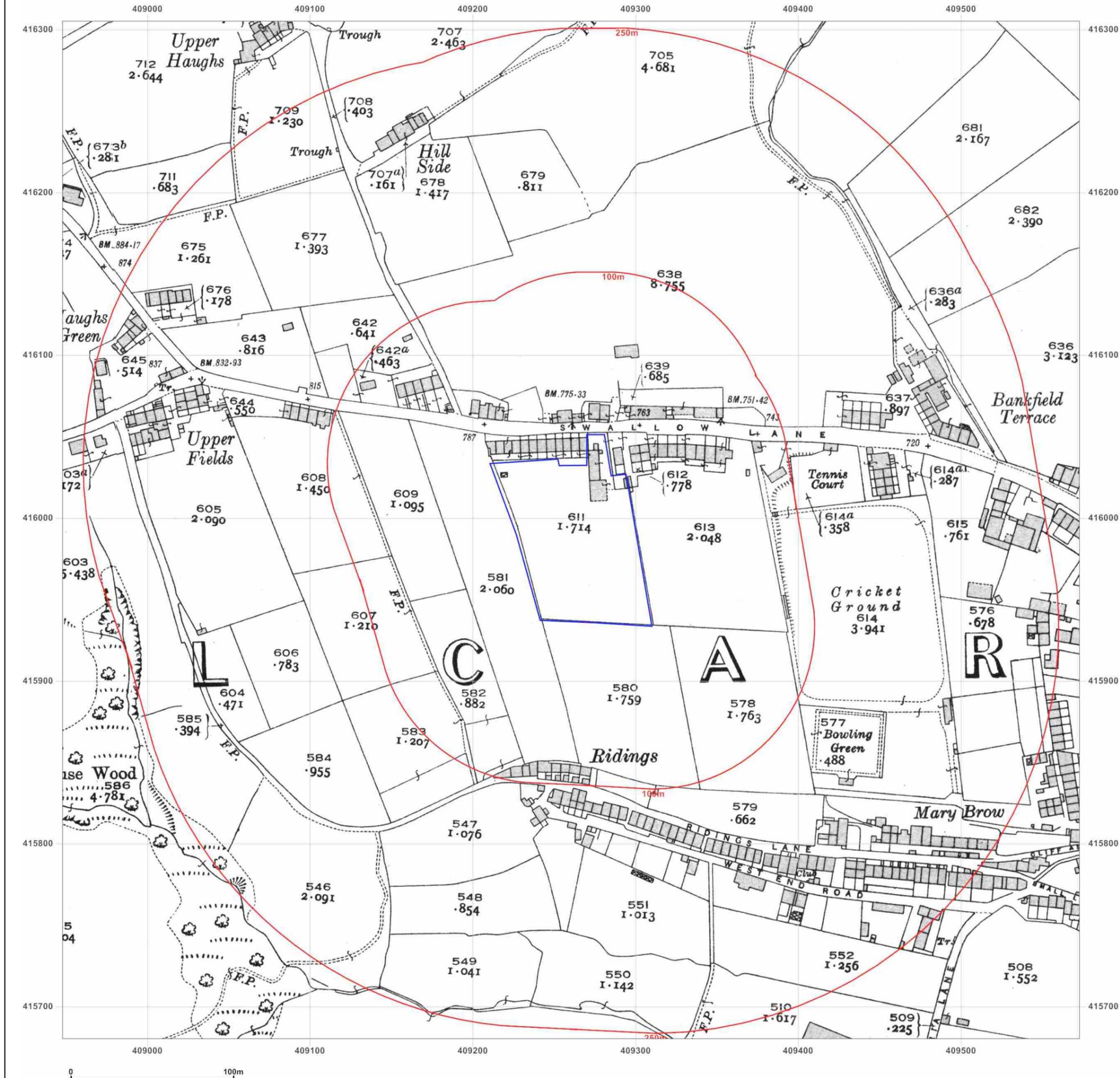


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Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
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Grid Ref: 409260, 415993

Map Name: County Series

Map date: 1932

Scale: 1:2,500

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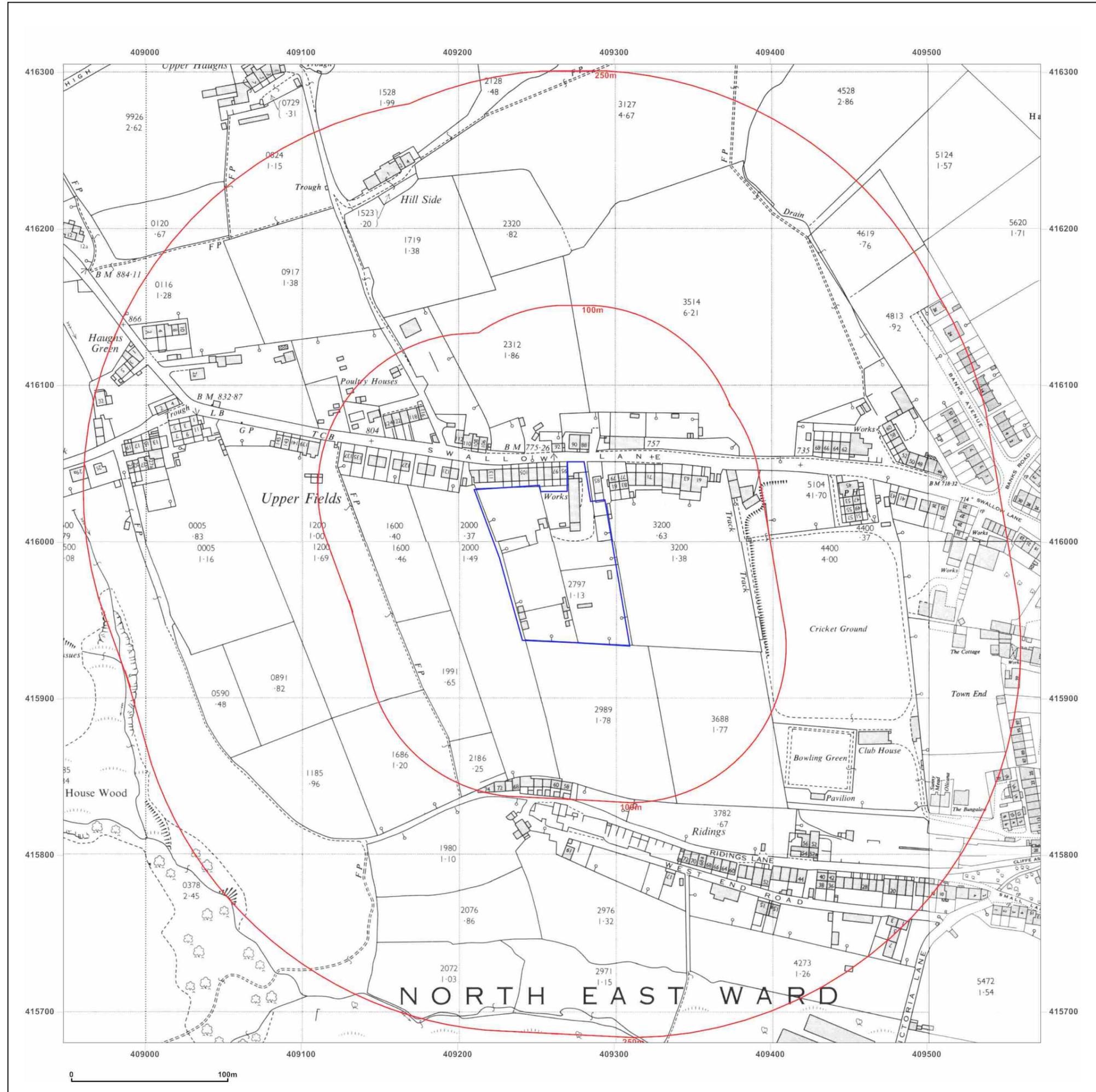


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Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: National Grid
Map date: 1961
Scale: 1:2,500
Printed at: 1:2,500

Surveyed 1961
 Revised 1961
 Edition 1963
 Copyright 1963
 Levelled 1959

Surveyed 1961
 Revised 1961
 Edition 1963
 Copyright 1963
 Levelled 1959

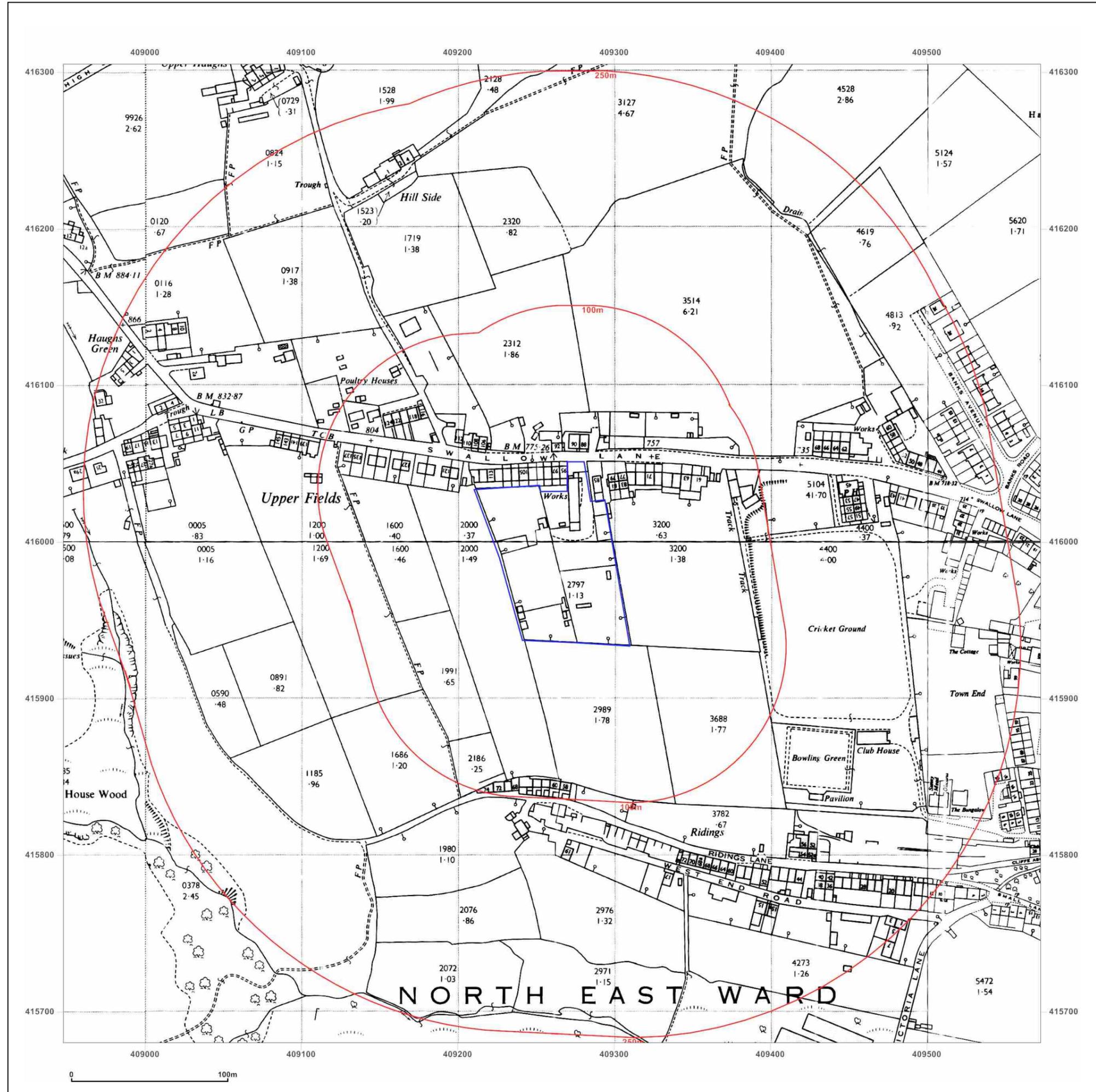
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Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
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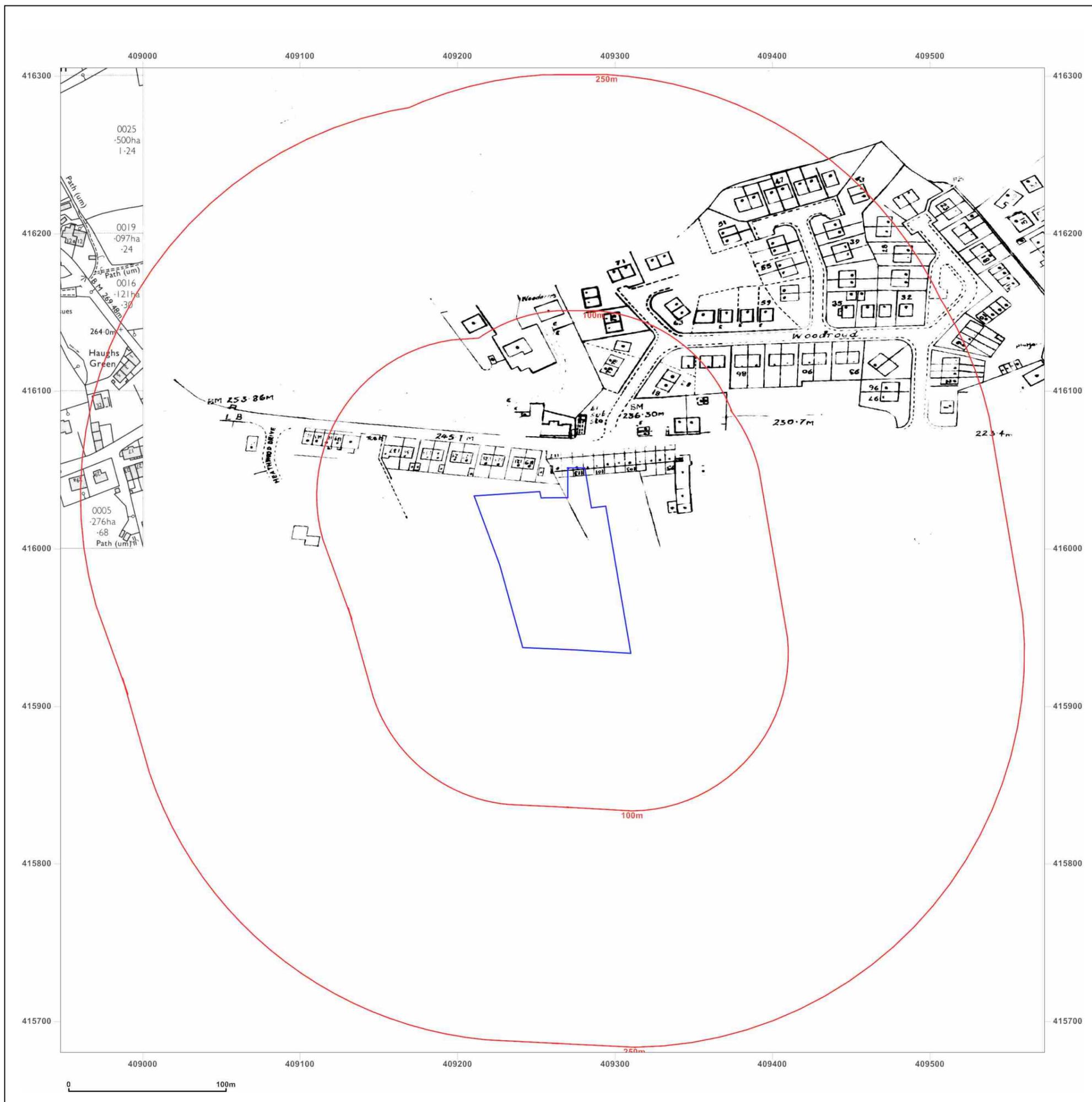


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Grid Ref: 409260, 415993

Map Name: National Grid
Map date: 1978-1980
Scale: 1:2,500
Printed at: 1:2,500



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Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: National Grid
Map date: 1980
Scale: 1:2,500
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Grid Ref: 409260, 415993

Map Name: National Grid

Map date: 1990-1993

Scale: 1:1,250

Printed at: 1:2,000



Surveyed N/A
 Revised N/A
 Edition N/A
 Copyright 1993
 Levelled N/A

Surveyed 1959
 Revised 1990
 Edition N/A
 Copyright 1990
 Levelled 1959

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 Revised N/A
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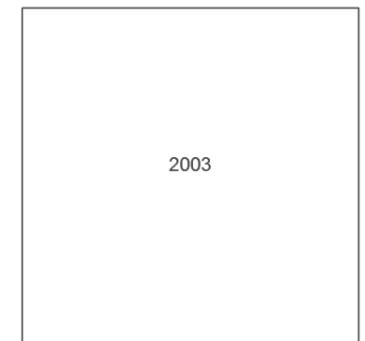
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Map Name: LandLine

Map date: 2003

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Printed at: 1:1,250

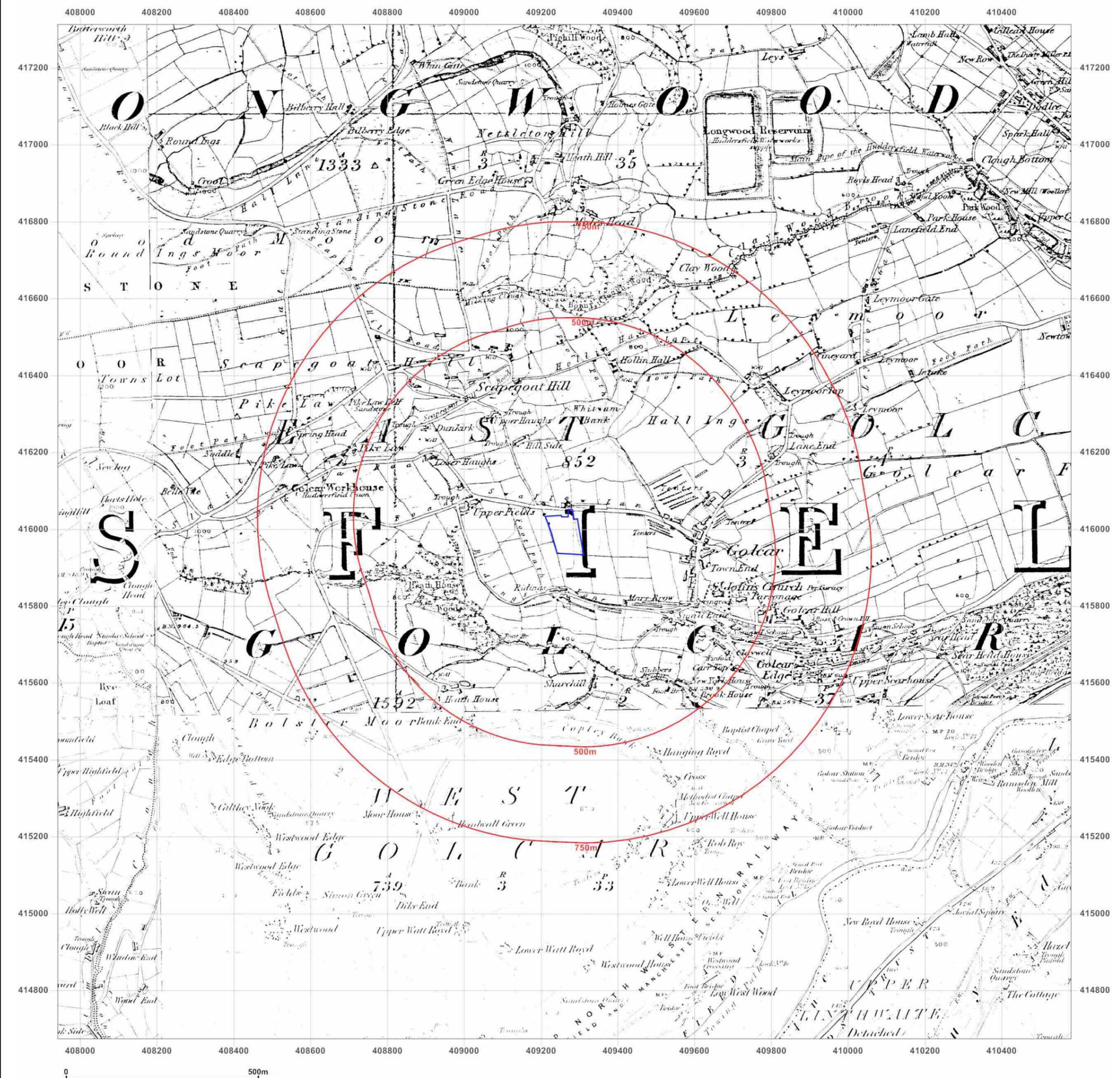


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Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: County Series
Map date: 1854
Scale: 1:10,560
Printed at: 1:10,560



<p>Surveyed 1849 Revised N/A Edition 1854 Copyright N/A Levelled N/A</p>	<p>Surveyed 1850 Revised N/A Edition 1854 Copyright N/A Levelled 1853</p>
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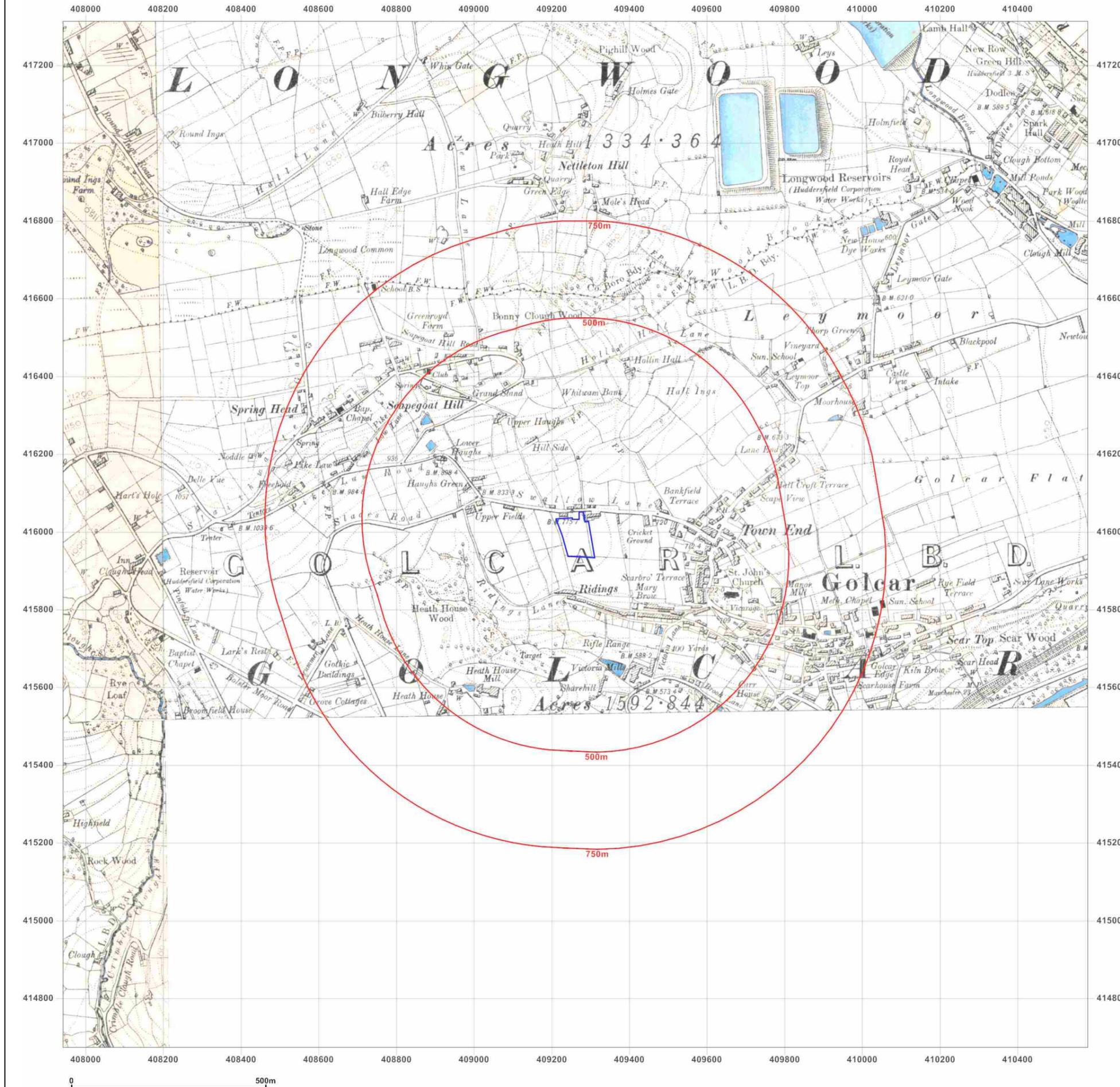
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Grid Ref: 409260, 415993

Map Name: County Series

Map date: 1890-1892

Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1892
 Revised 1892
 Edition N/A
 Copyright N/A
 Levelled N/A

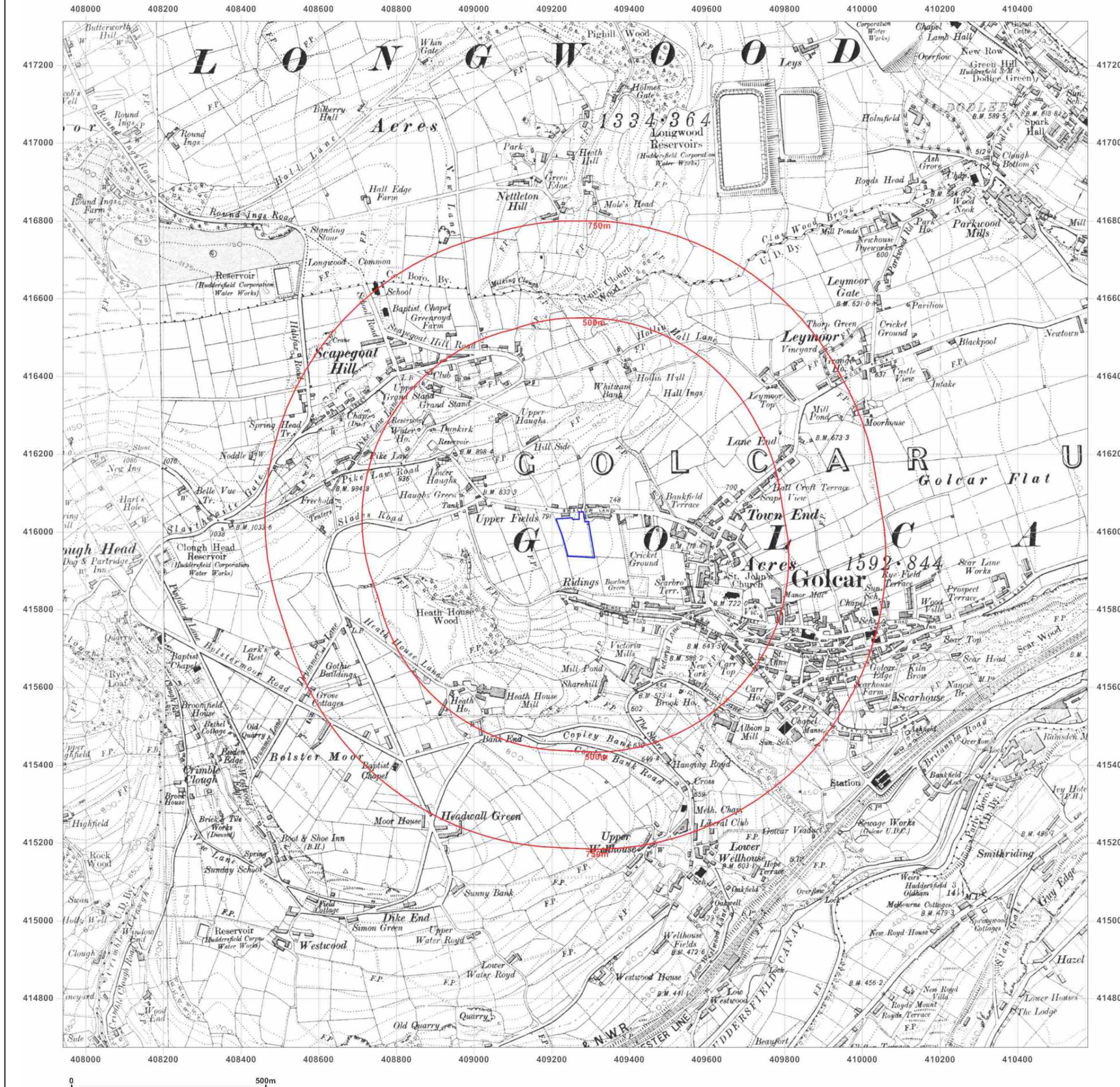
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 Revised 1890
 Edition N/A
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Surveyed 1890
 Revised 1890
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Surveyed 1891
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Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: County Series

Map date: 1904-1908

Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1892
 Revised 1908
 Edition 1908
 Copyright N/A
 Levelled N/A

Surveyed 1890
 Revised 1905
 Edition N/A
 Copyright N/A
 Levelled N/A

Surveyed 1890
 Revised 1904
 Edition N/A
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 Levelled N/A

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 Revised 1905
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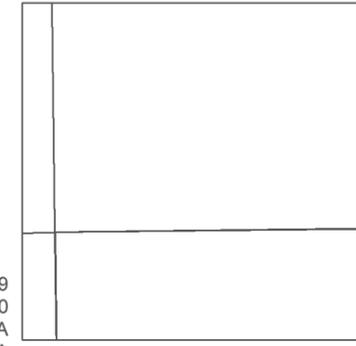
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Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1849
Revised 1930
Edition N/A
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Levelled N/A



Surveyed 1851
Revised 1930
Edition N/A
Copyright N/A
Levelled N/A



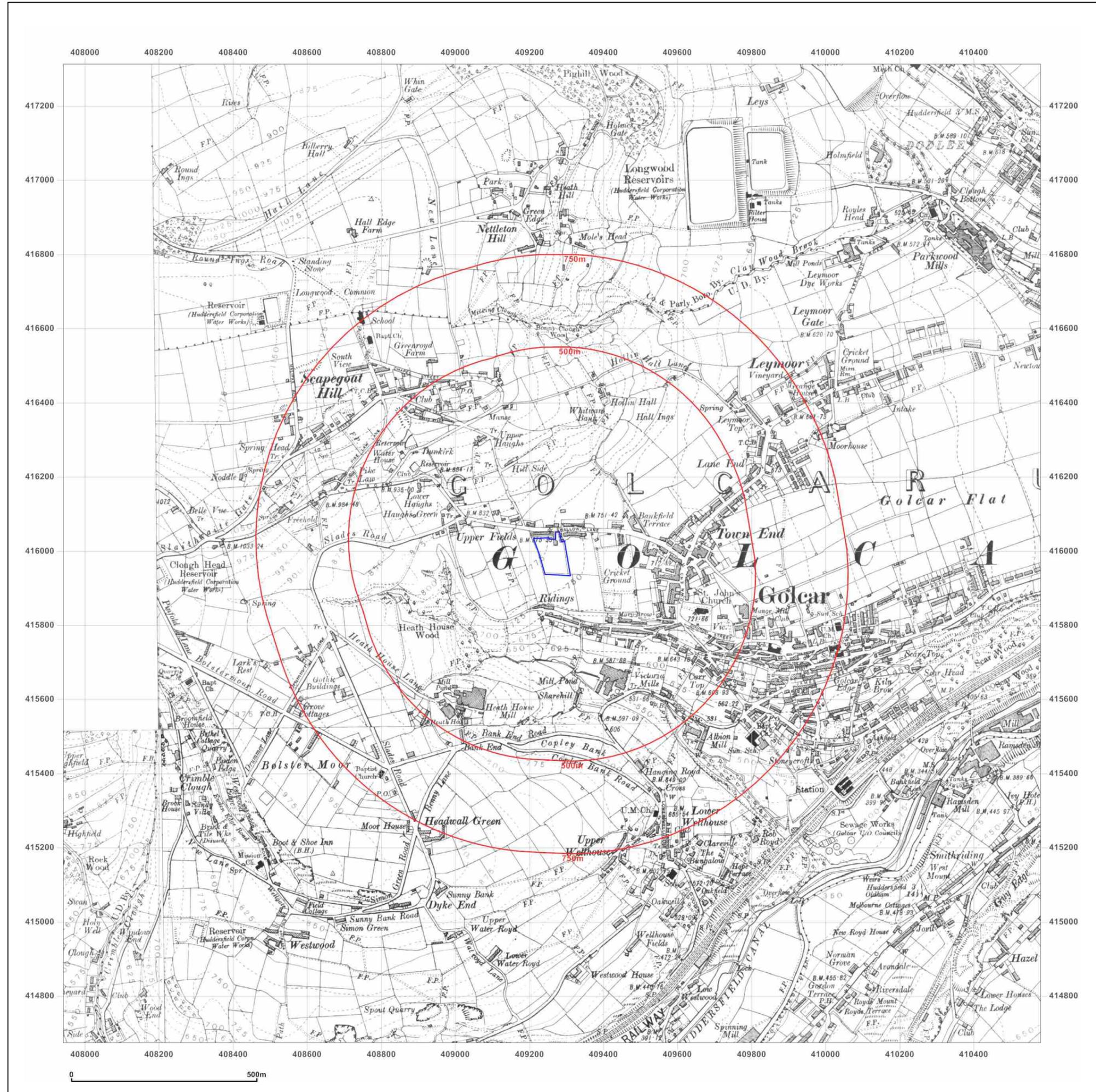
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Production date: 11 October 2019

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Site Details:

409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: County Series

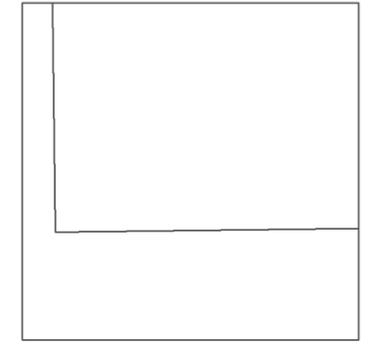
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Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1849
Revised 1938
Edition 1938
Copyright N/A
Levelled N/A



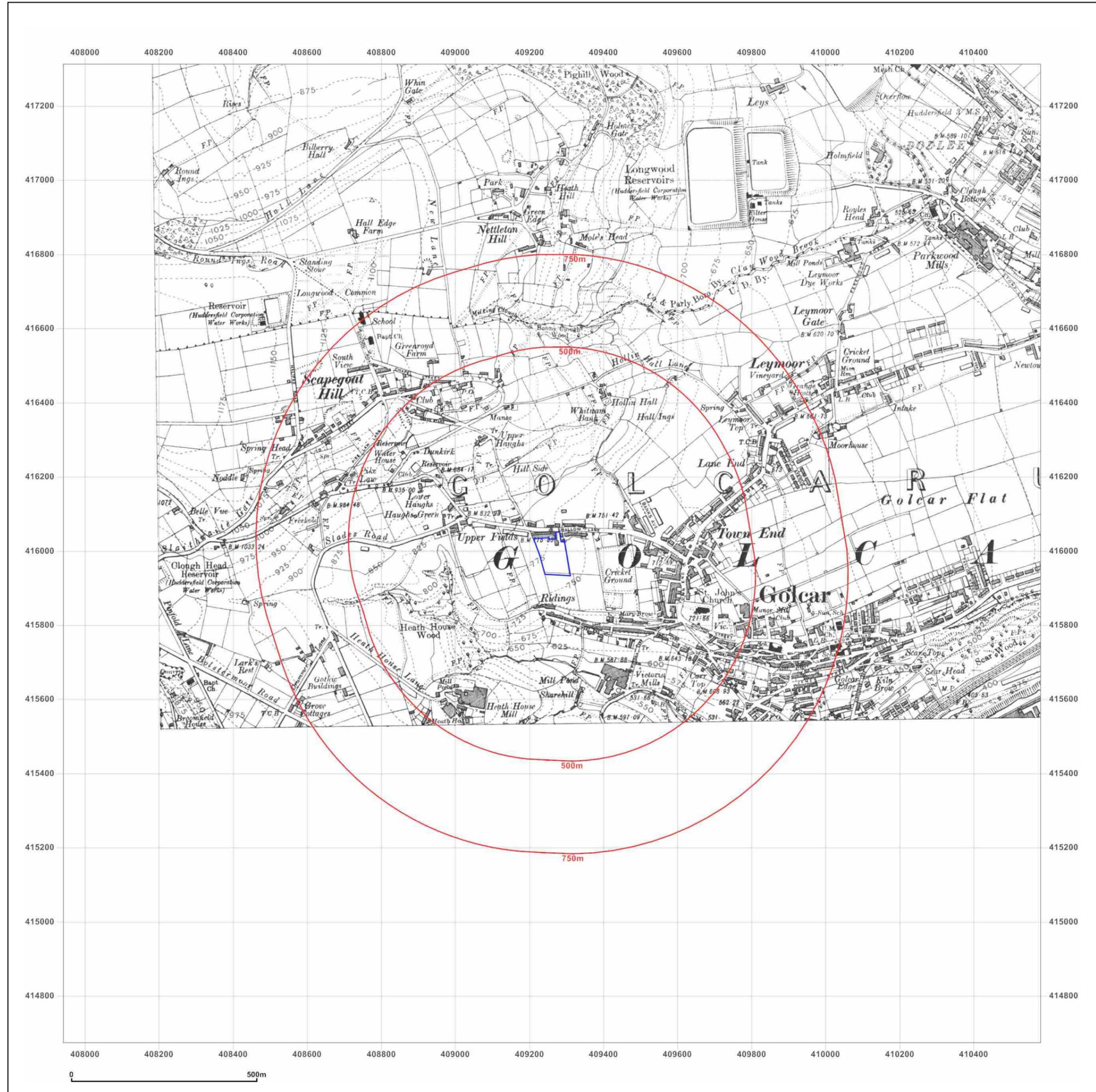
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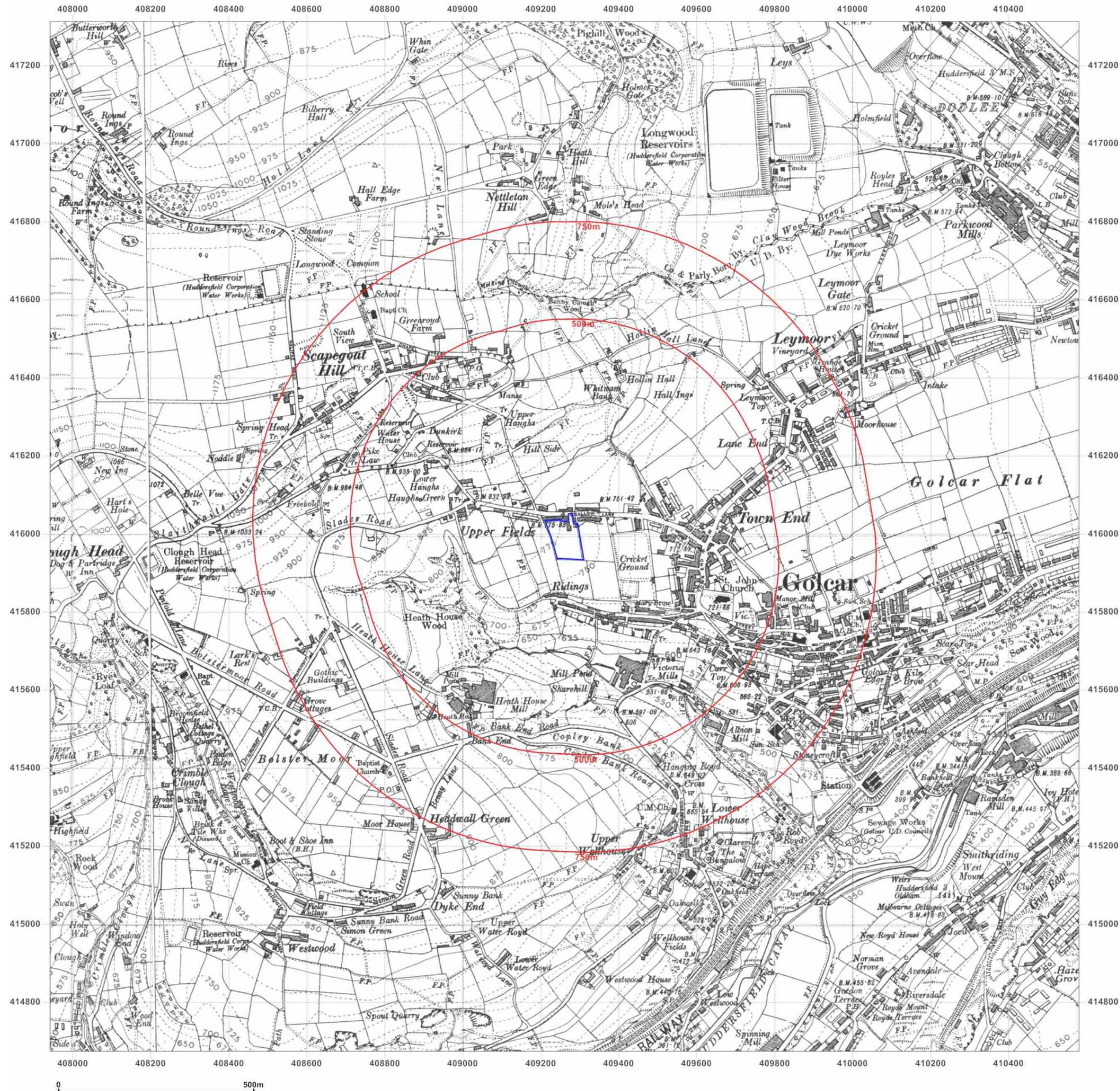


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Site Details:

409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: County Series

Map date: 1948

Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1849
 Revised 1948
 Edition N/A
 Copyright N/A
 Levelled N/A

Surveyed 1849
 Revised 1948
 Edition N/A
 Copyright N/A
 Levelled N/A

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 Levelled N/A



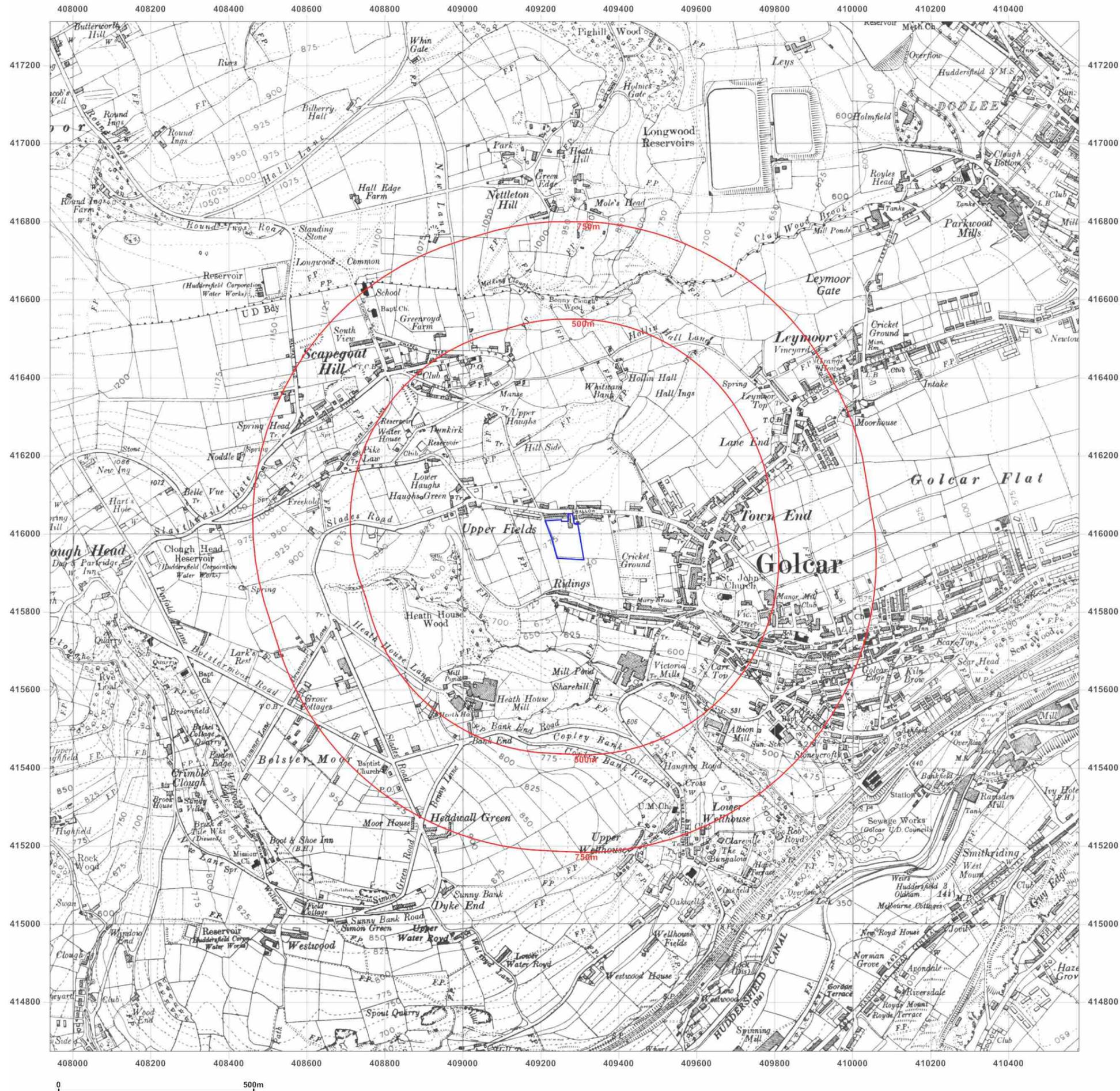
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Site Details:

409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: Provisional

Map date: 1955-1956

Scale: 1:10,560

Printed at: 1:10,560



Surveyed 1951
 Revised 1955
 Edition N/A
 Copyright N/A
 Levelled N/A

Surveyed 1951
 Revised 1951
 Edition N/A
 Copyright 1956
 Levelled N/A

Surveyed N/A
 Revised 1955
 Edition N/A
 Copyright N/A
 Levelled N/A

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 Revised 1955
 Edition 1956
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Site Details:

409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: Provisional

Map date: 1966-1969

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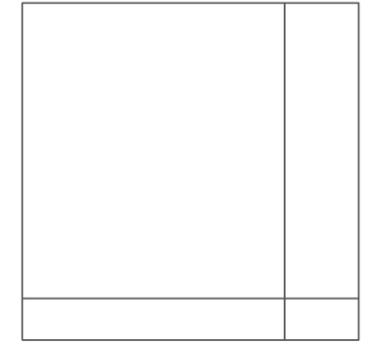
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Surveyed 1967
Revised 1967
Edition N/A
Copyright N/A
Levelled N/A

Surveyed 1966
Revised 1966
Edition N/A
Copyright N/A
Levelled N/A

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



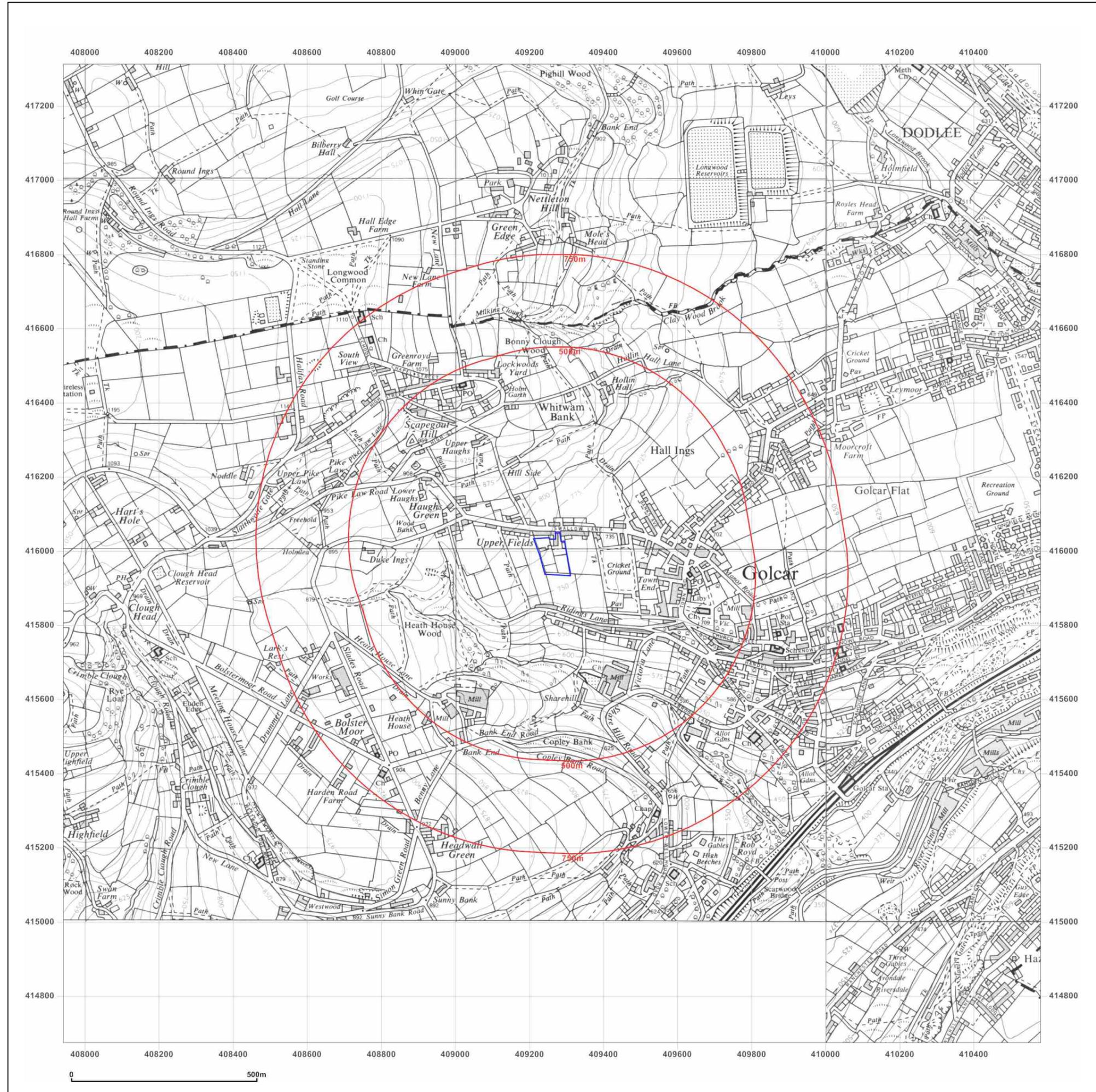
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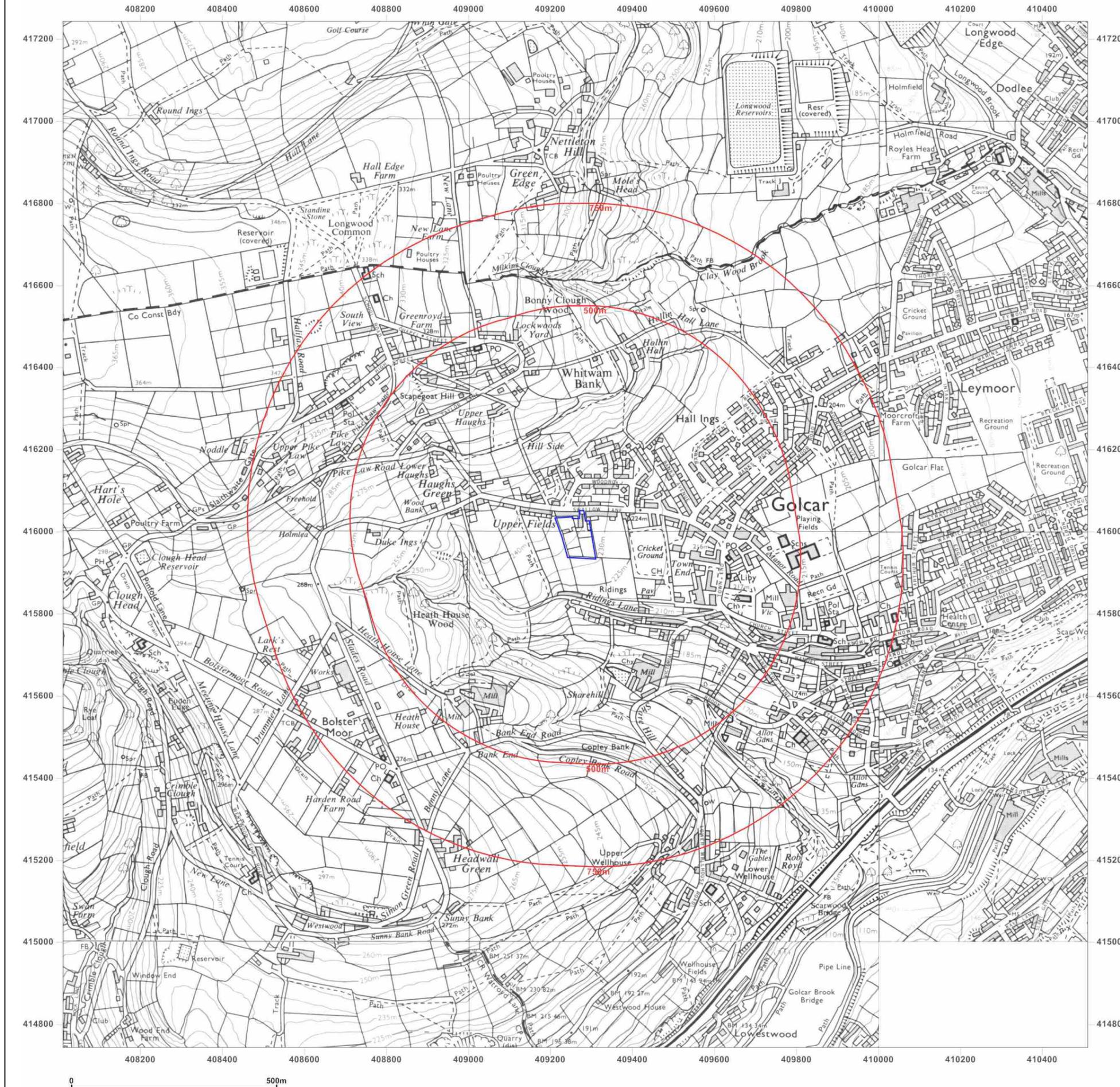
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Site Details:

409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: National Grid

Map date: 1975-1978

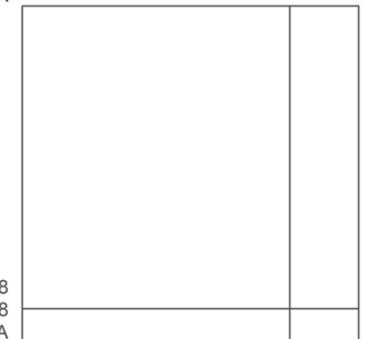
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Printed at: 1:10,000



Surveyed 1977
 Revised 1978
 Edition N/A
 Copyright N/A
 Levelled N/A

Surveyed 1974
 Revised 1975
 Edition N/A
 Copyright N/A
 Levelled N/A



Surveyed 1978
 Revised 1978
 Edition N/A
 Copyright N/A
 Levelled N/A

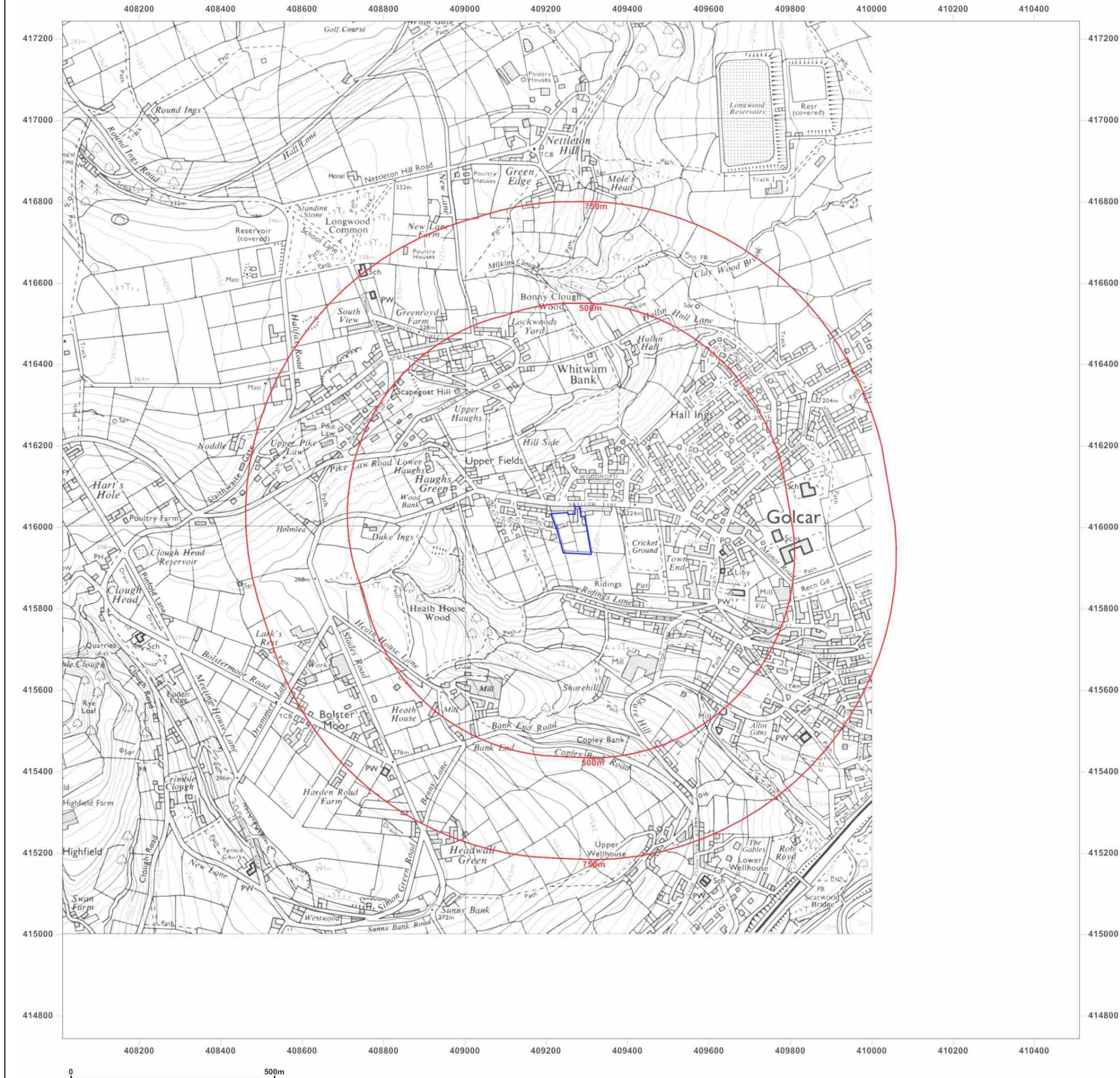


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Site Details:

409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: National Grid

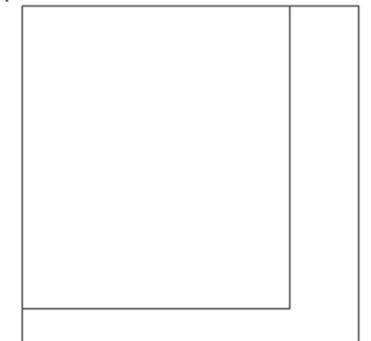
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Scale: 1:10,000

Printed at: 1:10,000



Surveyed 1977
 Revised 1993
 Edition N/A
 Copyright N/A
 Levelled N/A



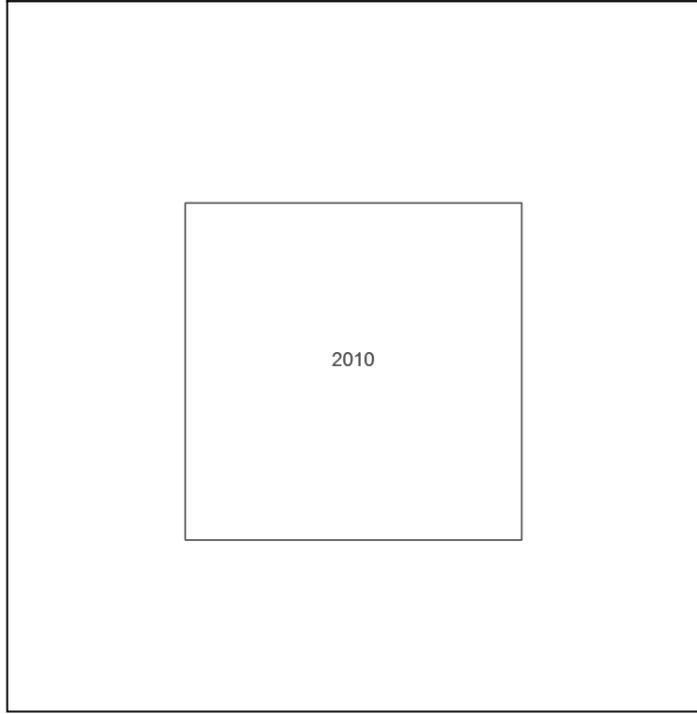
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Site Details:
409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: National Grid
Map date: 2010
Scale: 1:10,000
Printed at: 1:10,000



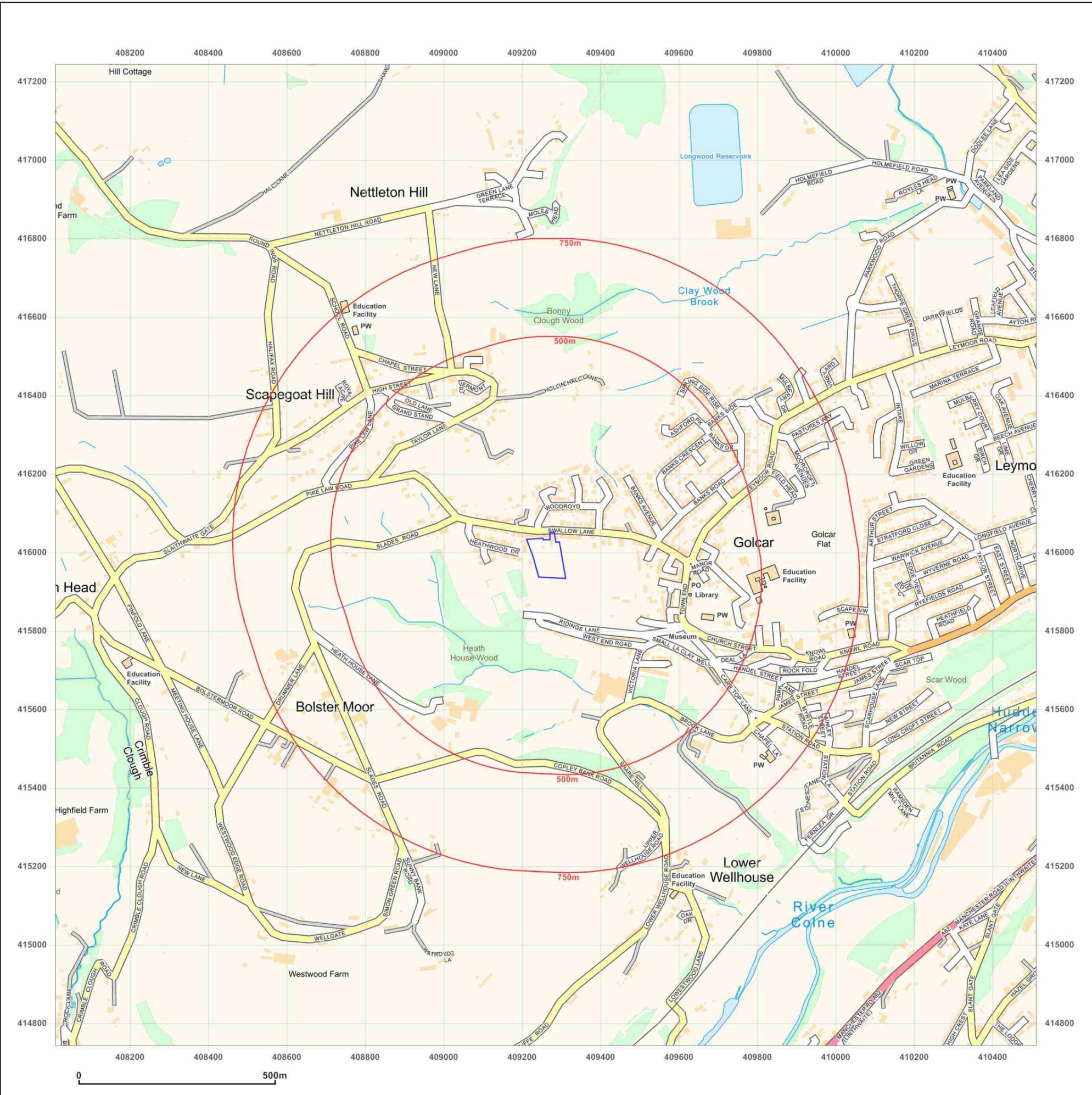
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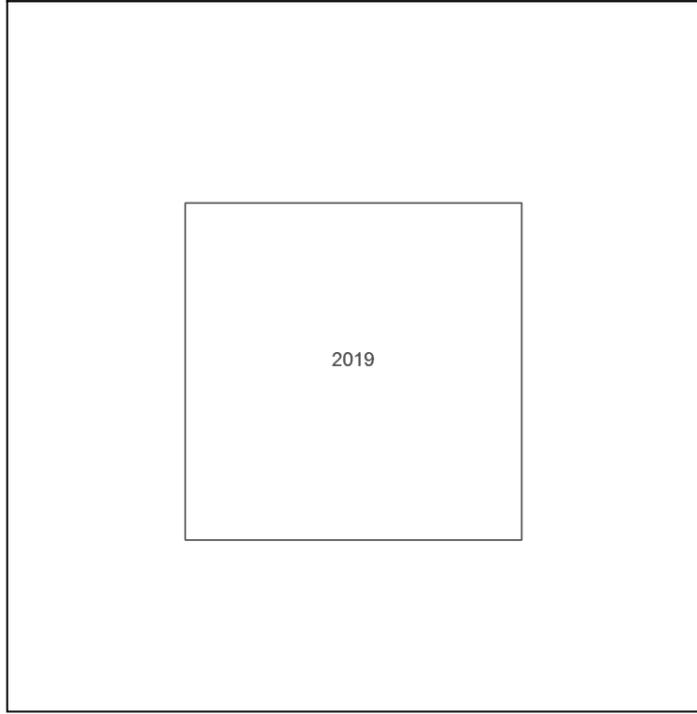
Map legend available at: www.groundsure.com/sites/default/files/groundsure_legend.pdf



Site Details:
 409327, 415985

Client Ref: Swallow_Lane_-_Golcar_-_Phase_2
Report Ref: HMD-354-6394126
Grid Ref: 409260, 415993

Map Name: National Grid
Map date: 2019
Scale: 1:10,000
Printed at: 1:10,000



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APPENDIX 8

Coal Authority Mining Report

409327, 415985,

Professional opinion

Site plan



Search results

- | | |
|---|---|
| <ul style="list-style-type: none">  1. Past underground coal mining
Not identified  2. Present underground coal mining
Not identified  3. Future underground coal mining
Not identified  4. Shafts and adits (mine entries)
Not identified  5. Coal mining geology
Not identified  6. Past opencast coal mining
Not identified  7. Present opencast coal mining
Not identified  8. Future opencast coal mining
Not identified | <ul style="list-style-type: none">  9. Coal mining subsidence claims
Not identified  10. Mine gas emissions
Not identified  11. Emergency Call Out incidents
Not identified  12. Withdrawal of support
Not identified  13. Working facilities orders
Not identified  14. Payments to copyhold owners
Not identified  Cheshire Brine
Not identified |
|---|---|

Findings and recommendations

We consider the property to be acceptably free from coal mining related risk. No further action is required with regards to past coal mining.

This report provides an overall assessment on risk to property from coal mining hazards alongside responses to The Law Society CON29M Coal Mining search enquiries. The CON29M questions and format are used here with permission of The Law Society, and the report is prepared in accordance with The Law Society CON29M (2018) Guidance Notes. The overall assessment and individual question responses have been produced using official Coal Authority data and the expert interpretation of Groundsure and Mining Searches UK.

Search results



— Site Outline

Search buffers in metres (m)

- Adits
- Shafts

Subsidence claims

- Awaiting decision
- Rejected
- Admitted
- Deferred
- Settled
- Withdrawn

- ▨ Probable shallow coal mine workings
- Coal outcrops
- Past shallow coal mine workings

The map above shows any relevant and mappable hazards identified that could constitute a risk to the property. It does not necessarily show all features or potential issues identified in this report. Please read this report carefully, and in particular any sections flagged below with an amber 'i'.

Further details of any features indicating the location of Mine Entries or Subsidence Claims if shown can be found in the relevant sections following this map (4 and 9 respectively) and using the IDs displayed as reference.

The following are responses to The Law Society CON29M Coal Mining search enquiries, which are used here with their permission. All responses have been produced using official Coal Authority data and the expert interpretation of Groundsure and Mining Searches UK. This report is prepared in accordance with The Law Society CON29M (2018) Guidance Notes.

1. Past underground coal mining



Is the property within the zone of likely physical influence on the surface of past underground coal workings?

- **The property does not lie within the potential zone of influence of any recorded underground coal workings.**

2. Present underground coal mining



Is the property within the zone of likely physical influence on the surface of present underground coal workings?

- **The property does not lie within the boundary of an underground site from which coal is being removed by underground methods.**

3. Future underground coal mining



(a) Is the property within any geographical area for which the Coal Authority is determining whether to grant a licence to remove coal by underground methods?

- **The property does not lie within the boundary of an underground site for which the Coal Authority is determining whether to grant a licence to remove coal by underground methods.**

(b) Is the property within any geographical area for which a licence to remove coal by underground methods has been granted?

- **The property does not lie within the boundary of an underground site for which a licence to remove coal by underground methods has been granted.**

(c) Is the property within the zone of likely physical influence on the surface of planned future underground coal workings?

- **The property does not lie within the zone of likely physical influence on the surface of planned future underground workings.**

(d) Has any notice of proposals relating to underground coal mining operations been given under section 46 of the Coal Mining Subsidence Act 1991?

- **No notices have been given under Section 46 of the Coal Mining Subsidence Act 1991 stating that the land is at risk of subsidence.**

4. Shafts and adits (mine entries)



Are there any shafts and adits or other entries to underground coal mine workings within the property or within 20 metres of the boundary of the property?

- **No coal mine entries are recorded to lie within 20 metres of the property.**

5. Coal mining geology



Is there any record of any fault or other line of weakness due to coal mining at the surface within the boundary of the property that has made the property unstable?

- **No damage arising from geological faults or other lines of weakness activated by coal mining are recorded within the property.**

6. Past opencast coal mining



Is the property situated within the geographical boundary of an opencast site from which coal has been removed in the past by opencast methods?

- **The property does not lie within the boundary of an opencast site from which coal was removed by opencast methods.**

7. Present opencast coal mining



Is the property within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods?

- **The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.**

8. Future opencast coal mining



(a) Is the property within 800 metres of the boundary of an opencast site for which the Coal Authority are determining whether to grant a licence to remove coal by opencast methods?

- **The property does not lie within 800 metres of the boundary of an opencast site for which the Coal Authority are determining whether to grant a licence to remove coal by opencast methods.**

(b) Is the property within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted?

- The property does not lie within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

9. Coal mining subsidence claims



(a) Has any damage notice or claim for alleged coal mining subsidence damage to the property been given, made or pursued since 31st October 1994?

- **We have no evidence of a damage notice or subsidence claim for the property or within 50m of the property since 31st October 1994.**

(b) In respect of any such notice or claim has the responsible person given notice agreeing that there is a remedial obligation or otherwise accepted that a claim would lie against them?

- **Not applicable.**

(c) In respect of any such notice or acceptance has the remedial obligation or claim been discharged?

- **Not applicable.**

(d) Does any current "Stop Notice" delaying the start of remedial works or repairs affect the property?

- **There are no current Stop Notices delaying the start of remedial works or repairs to the property.**

(e) Has any request been made under Section 33 of the 1991 Act to execute preventive works before coal is worked, which would prevent the occurrence or reduce the extent of subsidence damage to any buildings, structures or works and, if yes, has any person withheld consent or failed to comply with any such request to execute preventive works?

- **There is no record of a request that has been made to carry out preventive works before coal is worked under Section 33 of the Coal Mining Subsidence Act 1991.**

NB. Records of damage notices or subsidence claims before 31st October 1994 are excluded from The Coal Authority data from which this search is compiled.

10. Mine gas emissions



Does the Coal Authority have record of any mine gas emission within the boundary of the property being reported that subsequently required action by the Authority to mitigate the effects of the mine gas emission?

- **No mine gas emissions are recorded within the boundary of the property.**

11. Emergency Surface Hazard Call Out incidents



Have the Coal Authority carried out any work on or within the boundaries of the property following a report of an alleged hazard related to coal mining under the Authority's Emergency Surface Hazard Call Out procedures?

- No Emergency Surface Hazard Call Out procedures are recorded against the property.

12. Withdrawal of support



(a) Does the land lie within a geographical area in respect of which a notice of entitlement to withdraw support has been published?

- **The property does not lie in an area where the right to withdraw support has been granted.**

(b) Does the land lie within a geographical area in respect of which a revocation notice has been given under section 41 of the Coal Industry Act 1994?

- **The property does not lie within a geographical area in which a revocation notice has been given under section 41 of the Coal Industry Act 1994.**

13. Working facilities orders



Is the property within a geographical area subject to an order in respect of the working of coal under the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof?

- **The property is not in an area where a court order has been issued.**

14. Payments to owners of former copyhold land



(a) Has any relevant notice, which may affect the property, been given?

- **The property does not lie within former copyholder land.**

(b) If yes, has any notice of retained interests in coal and coal mines been given?

- **No notices of retained interests in coal and coal mines been given.**

(c) If yes, has any acceptance notice or rejection notice been served?

- **No acceptance or rejection notices have been served.**

(d) If any such acceptance notice has been served, has any compensation been paid to a claimant?

- **No compensation has been paid to a claimant.**

Notes and guidance

These enquiries are The Law Society CON29M (2018) Coal Mining search enquiries and are used with permission of The Law Society. The Law Society CON29M Coal Mining search enquiries are protected by copyright owned by The Law Society of 113 Chancery Lane, London WC2A 1PL. The Law Society has no responsibility for information provided in response to CON29M (2018) Coal Mining search enquiries within this report or otherwise.

This report is prepared in accordance with [The Law Society Guidance Notes 2018](#); under which all replies to these enquiries are made. Groundsure's Terms and Conditions are applicable at the time the report was produced.

Property owners have the benefit of statutory protection (under the Coal Mining Subsidence Act 1991). This contains provision for the making good, to the reasonable satisfaction of the owner, of physical damage from disused coal mine workings including disused coal mine entries. A leaflet setting out the rights and obligations of either the Coal Authority or other responsible persons under the 1991 Act can be obtained by telephoning 0345 762 6848. Further information can be found on their website: www.groundstability.com.

The Coal Authority, regardless of responsibility and in conjunction with other public bodies, provide an emergency call out facility in coalfield areas to assess the public safety implications of mining features (including disused mine entries).

The Coal Authority emergency telephone number at all times is 01623 646333.

Responses to The Law Society CON29M (2018) Coal Mining Search enquiries and associated findings and recommendations relating to coal mining risk have been provided to Groundsure Ltd by Cornwall Mining Searches Limited T/A Mining Searches UK. Groundsure Ltd have additionally provided information relating to the Cheshire Brine Compensation Area, and have compiled all information into this report.

Any queries relating to coal mining risk should be made of Cornwall Mining Searches Limited T/A Mining Searches UK on 01209218861, or via email: search@miningsearchesuk.com.

All other queries should be made of Groundsure Ltd on 0844 415 9000, or via email: info@groundsure.com.

Report limitations

This CON29M (2018) Coal Mining Report has been carried out with reference to all available official Coal Authority licensed data, an extensive collection of abandoned mine plans, maps and records. From this material, we have endeavoured to provide as accurate a report as possible. Any and all analysis and interpretation of licensed Coal Authority data in this report is made by Cornwall Mining Services Limited T/A Mining Searches UK.

The information provided in this report by Groundsure Ltd / Cornwall Mining Services Limited T/A Mining Searches UK has been compiled in response to The Law Society CON29M (2018) Coal Mining search enquiries. The scope of the assessment is limited to interpretation of past, present and future extraction of coal, and does not consider the impact from non-coal mining hazards and/or natural ground stability hazards. The Law Society's Guidance Notes 2018 recommends separate enquiries to the appropriate sources are made with regard to other minerals.

The Report is created by a remote investigation and reviews only information provided by the client (address and site location boundaries) and from the databases of publicly available and/or licensable information that enable a desk-based assessment of the Site. The Report does not include a Site Investigation, nor does Groundsure Ltd / Cornwall Mining Services Limited T/A Mining Searches UK make additional specific information requests of the regulatory authorities for any relevant information they may hold.

This report is concerned solely with the Site searched and should not be used in connection with nearby properties, as only known coal mining features that could potentially have a direct influence upon the Site searched are considered relevant; other features present in the general area may have been omitted for ease of reference.

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This report may contain plans and records held by the Coal Authority and made publicly available at the time of inspection which may include British Geological Survey and Ordnance Survey data.

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- sets out minimum standards which firms compiling and selling search reports have to meet
- promotes the best practice and quality standards within the industry for the benefit of consumers and property professionals
- enables consumers and property professionals to have confidence in firms which subscribe to the code, their products and services

By giving you this information, the search firm is confirming that they keep to the principles of the Code. This provides important protection for you.

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Firms which subscribe to the Search Code will:

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If you have a query or complaint about your search, you should raise it directly with the search firm, and if appropriate ask for any complaint to be considered under their formal internal complaints procedure. If you remain dissatisfied with the firm's final response, after your complaint has been formally considered, or if the firm has exceeded the response timescales, you may refer your complaint for consideration under The Property Ombudsman scheme (TPOs). The Ombudsman can award up to £5,000 to you if the Ombudsman finds that you have suffered actual financial loss and/or aggravation, distress or inconvenience as a result of your search provider failing to keep to the Code.

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The Property Ombudsman scheme, Milford House, 43-55 Milford Street, Salisbury, Wiltshire SP1 2BP. Tel: 01722 333306 Fax: 01722 332296 Email: admin@tpos.co.uk Web: <https://www.tpos.co.uk/>

You can get more information about the PCCB from <https://pccb.org.uk/>.

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COMPLAINTS PROCEDURE: If you want to make a complaint, we will:

- acknowledge it within 5 working days of receipt
- normally deal with it fully and provide a final response, in writing, within 20 working days of receipt
- keep you informed by letter, telephone or e-mail, as you prefer, if we need more time
- provide a final response, in writing, at the latest within 40 working days of receipt
- liaise, at your request, with anyone acting formally on your behalf

Complaints should be sent to:

Operations Director, Groundsure Ltd, Sovereign House, Church Street, Brighton, BN1 1UJ. Tel: 08444 159 000. 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.

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Coal Mining Report Insurance Policy



Coal Mining Report Insurance Policy

The Schedule

Policy Number: The Reference contained in the **Coal Mining Search Report**

Premium: £1.40 inclusive of Insurance Premium Tax at 12%

Property: The property which is the subject of the **Coal Mining Search Report**

Limit of Indemnity: £100,000 increasing by 10% compound per annum on each anniversary of and for the first 10 years following the **Commencement Date**

Commencement Date: The date of the **Coal Mining Search Report**

You/Your:

1. A purchaser of the **Property**
2. A lender providing a **Mortgage** in connection with a purchase of the **Property**
3. A lender providing a **Mortgage** by way of a re-mortgage of the **Property**

Definitions

Where a word is defined below or in the schedule it shall carry the same meaning wherever it appears in bold text in this policy

Insured Use: The continued use of the **Property** as a single house or flat or a single commercial premises

Market Value: The value as determined by a surveyor appointed by agreement between **You** and **Us** or (in default of agreement) the President for the time being of the Royal Institution of Chartered Surveyors

Mortgage: A mortgage or charge secured on the **Property** by an institutional mortgage lender

Coal Mining Search Report: The coal mining search report attached to this policy

Search: An official search comprising a search in form CON29M (2018) being mining searches relating to coal and brine in the area in which the **Property** is situated

We/Our/Us:

Zurich Insurance plc. A public limited company incorporated in Ireland. Registration No. 13460. Registered Office: Zurich House, Ballsbridge Park, Dublin 4, Ireland. UK Branch registered in England and Wales Registration No. BR7985. UK Branch Head Office: The Zurich Centre, 3000 Parkway, Whiteley, Fareham, Hampshire PO15 7JZ.

Zurich Insurance plc is authorised by the Central Bank of Ireland and authorised and subject to limited regulation by the Financial Conduct Authority. Details about the extent of our authorisation by the Financial Conduct Authority are available from us on request. Our FCA Firm Reference Number is 203093.

Communications may be monitored or recorded to improve our service and for security and regulatory purposes.

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Your Policy

This is a legal document and should be kept in a safe place.

This policy is an agreement between **You** and **Us** and cover is provided subject to the payment of the **Premium**.

You must read this policy and its conditions, exclusions, schedule and any endorsements as one contract. Please read all of them to make sure that they provide the cover **You** require. If they do not, please contact **Us** or **Your** insurance adviser who arranged the policy for **You**.

When **You** take out and make changes to the cover provided by this policy, **You** must take reasonable care to ensure that **You** accurately answer any questions which **We** ask of **You** and that any information **You** give **Us** is accurate. If **You** are taking out this policy for purposes which are mainly related to **Your** trade, business or profession, **You** must also let **Us** know about all facts which are material to **Our** decision to provide **You** with insurance. Failure to meet these obligations could result in this policy being invalidated, a claim not being paid, or an additional premium being charged.

Fair presentation of the risk

a) At inception of this policy and also whenever changes are made to it at **Your** request **You** must:

- i) where **You** have taken out this policy for purposes which are wholly or mainly related to **Your** trade, business or profession, disclose to **Us** all material facts in a clear and accessible manner and not misrepresent any material facts, and
- ii) where **You** have taken out this policy for purposes which are wholly or mainly unrelated to **Your** trade, business or profession, take reasonable care not to misrepresent any material facts.

b) If **You** do not comply with clause a) of this condition **We** may:

- i) avoid this policy which means that **We** will treat it as if it had never existed and refuse all claims where any non-disclosure or misrepresentation by **You** is proven by **Us** to be deliberate or reckless in which case **We** will not return the premium paid by **You**; and
- ii) recover from **You** any amount **We** have already paid for any claims including costs or expenses **We** have incurred.

c) If **You** do not comply with clause a) of this condition and the non-disclosure or misrepresentation is not deliberate or reckless this policy may be affected in one or more of the following ways depending on what **We** would have done if **We** had known about the facts which **You** failed to disclose or misrepresented:

- i) if **We** would not have provided **You** with any cover **We** will have the option to:
 1. avoid the policy which means that **We** will treat it as if it had never existed and repay the premium paid; and
 2. recover from **You** any amount **We** have already paid for any claims including costs or expenses **We** have incurred
- ii) if **We** would have applied different terms to the cover **We** will have the option to treat this policy as if those different terms apply. **We** may recover any payments made by **Us** on claims which have already been paid to the extent that such claims would not have been payable had such additional terms been applied
- iii) if **We** would have charged **You** a higher premium for providing the cover **We** will charge **You** the additional premium which **You** must pay in full.

d) If any insured person, other than **You**, is responsible for a misrepresentation or failure to make a fair presentation of the risk, **We** will invoke the remedies available to **Us** under this condition as against that particular person as if a separate insurance contract had been issued to them leaving the remainder of the policy unaffected.

NB: For the purposes of the duty of disclosure stated in paragraphs a) i) and ii) above the content of the **Coal Mining Search Report** will be deemed to satisfy **Your** disclosure obligations.

Cover

1. **You** are in the process of purchasing the **Property** relying on the **Coal Mining Search Report** and/or
2. **You** (being a lender) have agreed to provide a **Mortgage** in connection with **Your** borrower's purchase or re-mortgage of the **Property** relying on the **Coal Mining Search Report**.

We will pay the following losses sustained by **You** arising out of the **Property** being affected by any matter which would have been revealed by a **Search** had one been carried out on the date of the **Coal Mining Search Report** but which was not revealed by the **Coal Mining Search Report**:

1. any reduction in **Market Value** of the **Property** calculated at the date **You** become aware of the matter(s) and/or loss in connection with a **Mortgage** as a result of such reduction.
2. all other costs and expenses including out of court settlement costs incurred by **Us** or by **You** with **Our** prior written agreement.

Waiver of Breach of Policy Condition

We will not exercise **Our** right to avoid **Our** liability to **You** in respect of loss where **You** have inadvertently breached any term or condition of the policy provided that such breach does not prejudice **Our** rights and remedies under the policy or otherwise directly or indirectly result in or increase the amount of any loss.

Protection for Mortgagees and Successors in Title

We will not avoid **Our** liability to make a payment to **You** solely because another person breaches the terms and conditions of this policy, provided such breach was not committed on **Your** behalf or with **Your** agreement, and **We** will invoke the remedies available to **Us** under the Policy as against that other person as if a separate insurance contract had been issued to them leaving the remainder of the policy unaffected.

Joint Insured

Any party insured under this policy standing in the relation of parent company, subsidiary company, associated company, branch office or joint venture partner to each other will be deemed to be joint insured for the purposes of this policy and jointly liable and responsible for any breach of any terms and conditions of this policy. If there is any inconsistency between this clause and any other term of this policy, this clause shall prevail.

Exclusions

We will not pay for any:

1. amount in excess of the **Limit of Indemnity**.
2. loss which would be recoverable under a household buildings insurance policy.
3. loss arising from any matter that **You** were aware of at the **Commencement Date**.
4. loss if the **Property** is used for any purpose other than the **Insured Use**.

Claims Conditions and How to Claim

1. **You** must:

- i) give **Us** written notice as soon as possible of any potential or actual claim or any circumstances likely to result in a claim. Please provide the policy number, **Your** name, the full address of the **Property** and a brief description of the incident that has occurred. Notifications should be sent to: Speciality Lines Claims Team, Zurich Insurance, 8th Floor, 70 Mark Lane, London, EC3R 7NQ. Email: claims@uk.zurich.com, Enquiry line: telephone 0207 648 3523
- ii) pass all court documents and/or other communications to **Us** as soon as possible after receipt
- iii) not deal with, make any admission of liability or attempt to settle a claim without **Our** prior written agreement.
- iv) agree to and carry out at **Our** expense all things necessary to minimise any loss.
- v) provide all information and assistance that **We** may require to help defend and settle the claim.

2. **We** are entitled to:

- i) decide how to settle or defend a claim and may carry out proceedings in the name of any person insured under this policy, including proceedings for recovering any claim.
- ii) pay to **You** at any time, an amount equal to the **Limit of Indemnity** or any lower amount for which the claim can be settled, after deduction of any sum already paid. **We** may then give up control of and have no further liability in connection with the claim.

3. If **We** admit liability for a claim but there is a dispute as to the amount to be paid the dispute will be referred to an arbitrator. The arbitrator will be appointed jointly by **You** and **Us** in accordance with the law at the time. **You** may not take any legal action against **Us** over the dispute before the arbitrator has reached a decision.

4. If **You** or anyone acting on Your behalf:

- a) makes a fraudulent or exaggerated claim under this policy; or
- b) uses fraudulent means or devices including the submission of false or forged documents in support of a claim whether or not the claim is itself genuine; or
- c) makes a false statement in support of a claim whether or not the claim is itself genuine; or
- d) submits a claim under this policy for loss or damage which **You** or anyone acting on **Your** behalf or in connivance with **You** deliberately caused; or
- e) realises after submitting what **You** reasonably believed was a genuine claim under this policy and then fails to tell **Us** that **You** have not suffered any loss or damage; or
- f) suppresses information which **You** know would otherwise enable **Us** to refuse to pay a claim under this policy

We will be entitled to refuse to pay the whole of the claim and recover any sums that **We** have already paid in respect of the claim.

If any fraud is perpetrated by or on behalf of an insured person and not on behalf of **You** this condition should be read as if it applies only to that insured person's claim and references to this policy should be read as if they were references to the cover effected for that person alone and not to the policy as a whole.

5. If any claim is covered by any other insurance, **We** will not pay for more than **Our** share of that claim.

6. The most **We** will pay for any loss (or all losses in the aggregate), including costs and expenses agreed by **Us** is the **Limit of Indemnity**. Once **We** have paid a loss or losses equal to the amount of the **Limit of Indemnity**, **We** will have no further liability under this policy.

General Conditions

1. Neither **You** (nor anyone acting on **Your** behalf) must disclose the existence of this policy to any other party except **Your** legal and other professional advisers, prospective purchasers, lessees and tenants of the **Property**, their respective mortgagees, legal and other professional advisers.
2. In the UK the law allows both **You** and **Us** to choose the law applicable to the contract. This contract will be subject to the relevant law of England and Wales, Scotland, Northern Ireland, the Isle of Man or the Channel Islands depending upon the Property address stated in the Schedule. If there is any dispute as to which law applies it will be English law. The parties agree to submit to the exclusive jurisdiction of the English courts.
3. Notwithstanding any other terms of this policy **We** will be deemed not to provide cover nor will **We** make any payment or provide any service or benefit to **You** or any other party to the extent that such cover, payment, service, benefit and/or any business or activity of **Yours** would violate any applicable trade or economic sanctions law or regulation.

Cancellation Clause

If **You** have taken out this policy for purposes which are wholly or mainly unrelated to **Your** trade, business or profession, **You** may cancel this policy within 14 days of receiving the policy by writing to **Us** and in such event **We** may, at **Our** discretion, charge **You** for the time that **You** have been on cover. Any refund will be made to the party who paid the premium. If **You** do cancel, **You** may be in breach of the terms of **Your** mortgage or the terms of the contract for the sale of **Your** property. If **You** are in doubt, **You** may wish to seek legal advice prior to cancellation.

Fair Processing and Complaints Procedure Our Complaints Procedure

Our commitment to customer service

We are committed to providing a high level of customer service. If you feel we have not delivered this, we would welcome the opportunity to put things right for you.

Who to contact in the first instance

Many concerns can be resolved straight away. Therefore in the first instance, please get in touch with your usual contact at Zurich or your broker or insurance intermediary, as they will generally be able to provide you with a prompt response to your satisfaction.

Contact details will be provided on correspondence that we or our representatives have sent you.

Many complaints can be resolved within a few days of receipt

If we can resolve your complaint to your satisfaction within the first few days of receipt, we will do so. Otherwise, we will keep you updated with progress and will provide you with our decision as quickly as possible.

Next steps if you are still unhappy

If you are not happy with the outcome of your complaint, you may be able to ask the Financial Ombudsman Service to review your case.

We will let you know if we believe the ombudsman service can consider your complaint when we provide you with our decision. The service they provide is free and impartial, but you would need to contact them within 6 months of the date of our decision.

More information about the ombudsman and the type of complaints they can review is available via their website www.financial-ombudsman.org.uk.

You can also contact them as follows:

Post: Financial Ombudsman Service, Exchange Tower, London, E14 9SR

Telephone: 08000 234567 (free on mobile phones and landlines)

Email: complaint.info@financial-ombudsman.org.uk

If the Financial Ombudsman Service is unable to consider your complaint, you may wish to obtain advice from the Citizens Advice Bureau or seek legal advice.

The Financial Services Compensation Scheme (FSCS)

We are covered by the Financial Services Compensation Scheme (FSCS) which means that you may be entitled to compensation if we are unable to meet our obligations to you. Further information is available on www.fscs.org.uk or by contacting the FSCS directly on 0800 678 1100.

How we use your information

Who controls your personal information

This notice tells you how Zurich Insurance plc ('Zurich'), as data controller, will deal with your personal information. Where Zurich introduces you to a company outside the group, that company will tell you how your personal information will be used.

You can ask for further information about our use of your personal information or complain about its use in the first instance, by contacting our Data Protection Officer at: Zurich Insurance Group, Tri-centre 1, Newbridge Square, Swindon, SN1 1HN or by emailing the Data Protection Officer at GBZ.General.Data.Protection@uk.zurich.com.

If you have any concerns regarding our processing of your personal information, or are not satisfied with our handling of any request by you in relation to your rights, you also have the right to make a complaint to the Information Commissioner's Office. Their address is: First Contact Team, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

What personal information we collect about you

We will collect and process the personal information that you give us by phone, e-mail, filling in forms, including on our website, and when you report a problem with our website. We also collect personal information from your appointed agent such as your trustee, broker, intermediary or financial adviser in order to provide you with the services you have requested and from other sources, such as credit reference agencies and other insurance companies, for verification purposes. We will also collect information you have volunteered to be in the public domain and other industry-wide sources. We will only collect personal information that we require to fulfil our contractual or legal requirements unless you consent to provide additional information. The type of personal information we will collect includes; basic personal information (i.e. name, address and date of birth), occupation and financial details, health and family information, claims and convictions information and where you have requested other individuals be included in the arrangement, personal information about those individuals.

If you give us personal information on other individuals, this will be used to provide you with a quotation and/or contract of insurance and/or provision of financial services. You agree you have their permission to do so. Except where you are managing the contract on another's behalf, please ensure that the individual knows how their personal information will be used by Zurich. More information about this can be found in the 'How we use your personal information' section.

How we use your personal information

We and our selected third parties will only collect and use your personal information (i) where the processing is necessary in connection with providing you with a quotation and/or contract of insurance and/or provision of financial services that you have requested; (ii) to meet our legal or regulatory obligations; or (iii) for our 'legitimate interests'. It is in our legitimate interests to collect your personal information as it provides us with the information that we need to provide our services to you more effectively

including providing you with information about our products and services. We will always ensure that we keep the amount of information collected and the extent of any processing to the absolute minimum to meet this legitimate interest. Examples of the purposes for which we will collect and use your personal information are:

1. to provide you with a quotation and/or contract of insurance;
2. to identify you when you contact us;
3. to deal with administration and assess claims;
4. to make and receive payments;
5. to obtain feedback on the service we provide to you;
6. to administer our site and for internal operations including troubleshooting, data analysis, testing, research, statistical and survey purposes;
7. for fraud prevention and detection purposes.

We will contact you to obtain consent prior to processing your personal information for any other purpose, including for the purposes of targeted marketing unless we already have consent to do so.

Who we share your personal information with

Where necessary, we will share the personal information you gave us for the purposes of providing you with the goods and services you requested with the types of organisations described below:

associated companies including reinsurers, suppliers and service providers;
introducers and professional advisers;
regulatory and legal bodies;
survey and research organisations;
credit reference agencies;
healthcare professionals, social and welfare organisations; and
other insurance companies

Or, in order to meet our legal or regulatory requirements, with the types of organisations described below:

regulatory and legal bodies;
central government or local councils;
law enforcement bodies, including investigators;
credit reference agencies; and
other insurance companies

How we use your personal information for websites and email communications

When you visit one of our websites we may collect information from you such as your email address or IP address. This helps us to track unique visits and monitor patterns of customer website traffic, such as who visits and why they visit.

We use cookies and/or pixel tags on some pages of our website. A cookie is a small text file sent to your computer. A pixel tag is an invisible tag placed on certain pages of our website but not on your computer. Pixel tags usually work together with cookies to assist us to provide you with a more tailored service. This allows us to monitor and improve our email communications and website. Useful information about cookies, including how to remove them, can be found on our websites.

How we transfer your personal information to other countries

Where we transfer your personal information to countries that are outside of the UK and the European Union (EU) we will ensure that it is protected and that the transfer is lawful. We will do this by ensuring that the personal information is given adequate safeguards by using 'standard contractual clauses' which have been adopted or approved by the UK and the EU, or other solutions that are in line with the requirements of European data protection laws.

A copy of our security measures for personal information transfers can be obtained from our Data Protection Officer at: Zurich Insurance Group, Tri-centre 1, Newbridge Square, Swindon, SN1 1HN, or by emailing the Data Protection Officer at GBZ.General.Data.Protection@uk.zurich.com.

How long we keep your personal information for

We will retain and process your personal information for as long as necessary to meet the purposes for which it was originally collected. These periods of time are subject to legal, tax and regulatory requirements or to enable us to manage our business.

Your data protection rights

You have a number of rights under the data protection laws, namely:

- to access your data (by way of a subject access request);
 - to have your data rectified if it is inaccurate or incomplete;
 - in certain circumstances, to have your data deleted or removed;
 - in certain circumstances, to restrict the processing of your data;
 - a right of data portability, namely to obtain and reuse your data for your own purposes across different services;
 - to object to direct marketing;
 - not to be subject to automated decision making (including profiling), where it produces a legal effect or a similarly significant effect on you;
 - to claim compensation for damages caused by a breach of the data protection legislation.
- if we are processing your personal information with your consent, you have the right to withdraw your consent at any time.

We will, for the purposes of providing you with a contract of insurance, processing claims, reinsurance and targeted marketing, process your personal information by means of automated decision making and profiling where we have a legitimate interest or you have consented to this.

What happens if you fail to provide your personal information to us

If you do not provide us with your personal information, we will not be able to provide you with a contract or assess future claims for the service you have requested.

Fraud prevention and detection

In order to prevent and detect fraud we may at any time:

- check your personal data against counter fraud systems
- use your information to search against various publicly available and third party resources
- use industry fraud tools including undertaking credit searches and to review your claims history
- share information about you with other organisations including but not limited to the police, the Insurance Fraud Bureau (IFB), other insurers and other interested parties.

If you provide false or inaccurate information and fraud is identified, the matter will be investigated and appropriate action taken. This may result in your case being referred to the Insurance Fraud Enforcement Department (IFED) or other police forces and fraud prevention agencies. You may face fines or criminal prosecution. In addition, Zurich may register your name on the Insurance Fraud Register, an industry-wide fraud database.

Claims history

We may pass information relating to claims or potential claims to any relevant database. We and other insurers may search these databases when you apply for insurance, when claims or potential claims are notified to us or at time of renewal to validate your claims history or that of any other person or property likely to be involved in the policy or claim.

This helps to check information provided and prevent fraudulent claims.

Standard Appendices

A and B

NOTES ON SITE INVESTIGATION PROCEDURE (October 2019)

1. **GENERAL.** The ground investigation has been carried out in accordance with the principles of British Standards BS EN ISO 14688-1 and 2 "Geotechnical Investigation and testing – Identification and Classification of Soil" Parts 1 and 2 and BS EN ISO 14689: 2018 "Geotechnical Investigation and Testing – Identification and Classification of Rock". BS 5930: 2015 the Code of Practice for Site Investigation is partly superseded. This appendix briefly describes the nature of the work carried out. It also gives a brief description of the more important tests, which are made for engineering purposes on rocks and soils (see also BS 1377: 2016). By its very nature, any ground investigation only samples a small percentage of the ground. Consequently, changes in ground conditions and soil properties can occur between any two exploratory points, for example local features such as soft ground, pockets of contamination and faults. This is also true of the exploration of mineworkings and such features can extend beneath parts of the site not investigated. Unrecorded bell pits and shafts can also exist between exploratory points. The ground investigation is designed to minimise such risks but they cannot be eliminated.

2. **GROUND INVESTIGATION.**
 - 2.1 **BOREHOLE AND TRIAL PIT RECORDS.** These illustrate the ground conditions only at the location of the particular borehole or trial pit. Correlation between boreholes is for guidance only and its accuracy cannot be guaranteed.
 - 2.2 **SHELL AND AUGER BORING.** This technique uses a tripod winch and an essentially percussive action using a variety of tools. Disturbed and undisturbed samples can be taken. This is the most suitable method for soft ground investigation, enabling the maximum amount of information to be obtained. However, minor changes in lithology may be overlooked unless continuous undisturbed sampling is used.
 - 2.3 **GROUNDWATER.** Groundwater levels vary seasonally and the details given on the borehole logs relate only to the dates and the conditions described in the borehole records. The rate of boring may not have allowed an equilibrium water level to be established and the use of casing may seal off certain seepages.
 - 2.4 **SAMPLING.** Disturbed samples of soils are taken for identification and classification purposes. In cohesive soils 'undisturbed' samples 100mm in diameter are taken by open drive sampler for laboratory testing of strength, permeability and consolidation characteristics.
 - 2.5 **STANDARD PENETRATION TESTS.** S.P.T tests are used in granular and cohesive materials and in soft or weathered rocks. Difficulties in obtaining true 'N' values mean they must only be used as a guide and not as an absolute value in foundation design.
 - 2.6 **ROTARY DRILLING.** Two main types of rotary drilling are carried out in rock. Rock coring using diamond or tungsten carbide tipped core bits provides samples and information on rock types, fissuring and weathering. Openhole drilling only produces small particles for identification purposes and the information gained is therefore limited. The latter is, however, useful as a quick method for detecting major strata changes and for the location of coal seams and old workings. Water, air, foam or drilling muds may be used as the flushing medium in either case.
 - 2.7 **PERMEABILITY TESTS.** These can be carried out in boreholes or trial pits and gives a good indication of in-situ permeability.
 - 2.8 **TRIAL PITTING.** This enables soil conditions to be closely examined at any specific point and samples taken. It also gives useful information on the stability of excavations and ingress of water.
 - 2.9 **WINDOW SAMPLING.** Window sampling consists of driving a series of 1m-long tubes into the ground using a dropping weight. On completion of each 1m run, the tube is withdrawn. The next tube is then inserted and the process repeated to provide a continuous profile of the ground. On each run the tube diameter is reduced in order to assist in its recovery.
 - 2.10 **GAS MONITORING.** This is routinely carried out in trial pits or probe holes to check for elevated levels of methane and carbon dioxide or oxygen deficiency, particularly since risks can exist from natural gases, landfill sites and rising groundwater levels in mine workings below ground. Longer term monitoring is carried out with gas monitoring standpipes.

3. **SOIL DESCRIPTION.** Samples from borings or trial pits are described as specified in the standard procedure outlined in the British Standards. The description includes colour, consistency, structure, weathering, lithological type, inclusions and origin. All descriptions are based on visual and manual identification.

Fire Soils (Cohesive Soils)

The following field terms are used:

Soil Type	Description
Very soft	Exudes between fingers
Soft	Moulded by light finger pressure
Firm	Cannot be moulded by the fingers but can be rolled in hand to 3mm threads.
Stiff	Crumbles and breaks when rolled to 3mm threads but can be remoulded to a lump.
Very stiff	No longer moulded but crumbles under pressure. Can be indented with thumbs.

The following terms are used in accordance with the results of laboratory and field tests.

Description	Undrained Shear Strength C_u (kPa)
Extremely Low	<10
Very Low	10 - 20
Low	20 - 40
Medium	40 - 75
High	75 - 150
Very High	150 - 300
Extremely High	>300

Fine soils can also be classified according to their sensitivity, which is the ratio between undisturbed and remoulded undrained shear strength.

Sensitivity	Ratio
Low	8
Medium	8 - 30
High	>30
Quick	>50

Granular Soils (Non-Cohesive)

The following descriptions are used for granular soils.

Description	Normalised Blow Count (N_1) 60
Very Loose	0 - 3
Loose	3 - 8
Medium	8 - 25
Dense	25 - 42
Very Dense	42 - 58

4. **NATURAL OR IN-SITU MOISTURE CONTENT.** The natural or in-situ moisture content of a soil is defined as the weight of water contained in the pore space, expressed as a percentage of the dry weight of solid matter present in the soil. Soil properties are greatly affected by the moisture content and the test can help to give an indication of likely engineering behaviour.

5. **LIQUID AND PLASTIC LIMITS.** Two simple classification tests are known as the liquid and plastic limits. If a cohesive soil is remoulded with increasing amounts of water, a point will be reached at which it ceases to behave as a plastic material and becomes essentially a viscous fluid. The moisture content corresponding to this change is arbitrarily determined by the liquid limit test. 'Fat' clays, which have high contents of colloidal particles, have high liquid limits; 'lean' clays, having low colloidal particle contents have correspondingly low liquid limits. An increase in the organic content of a clay is reflected by an increase in the liquid and plastic limits.

If a cohesive soil is allowed to dry progressively, a point is reached at which it ceases to behave as a plastic material, which can be moulded in the fingers, and it becomes friable. The moisture content of the soil at this point is known as the 'plastic limit' of the soil.

The range of water content over which a cohesive soil behaves plastically, i.e. the range lying between the liquid and plastic limits, is defined as the plasticity index.

A cohesive soil with a natural water content towards its liquid limit will, in general, be an extremely soft material whereas a cohesive soil with a natural water content below its plastic limit will tend to be a stiff material.

6. **PARTICLE-SIZE DISTRIBUTION.** A knowledge of particle-size distribution is used to classify soils and to indicate likely engineering behaviour. British Standards define soils in relation to their particle-size as shown below:-

Boulders	>200mm	Coarse Sand	2.0	to	0.63mm
Cobbles	200 to 63mm	Medium Sand	0.63	to	0.2mm
		Fine Sand	0.2	to	0.063mm
Coarse Gravel	63 to 20mm	Coarse Silt	0.063	to	0.02mm
Medium Gravel	20 to 6.3mm	Medium Silt	0.02	to	0.0063mm
Fine Gravel	6.3 to 2mm	Fine Silt	0.0063	to	0.002mm
		Clay	<0.002mm		

7. **BULK DENSITY.** The bulk density of a material is the weight of that material per unit volume and includes the effects of voids whether filled with air or water. The 'dry density' of a soil is defined as the weight of solids contained in a unit volume of the soil.
8. **PERMEABILITY.** The permeability of a material is defined as the rate at which water flows through it per unit area of soil under unit hydraulic gradient.
9. **CONSOLIDATION CHARACTERISTICS.** When subjected to pressure, a soil tends to consolidate as the air or water in the pore space is forced out and the grains assume a denser state of packing. The decrease in volume per unit of pressure is defined as the 'compressibility' of the soil, and a measure of the rate at which consolidation proceeds is given by the 'coefficient of consolidation' of the soil. These two characteristics M_v and C_v are determined in the consolidation test and the results are used to determine settlement of structures or earthworks.
10. **STRENGTH CHARACTERISTICS.** The strength of geological materials is generally expressed as the maximum resistance that they offer to deformation or fracture by applied shear or compressive stress. The strength characteristics of geological materials depend to an important degree on their previous history and on the conditions under which they will be stressed in practice. Consequently, it is necessary to simulate in the laboratory tests the conditions under which the material will be stressed in the field.

In general, the only test carried out on hard rocks is the determination of their compressive strength but consideration must be given to fissuring, jointing and bedding planes.

The tests at present in use for soils and soft rocks fall into two main categories. Firstly, those in which the material is stressed under conditions of no moisture content change, and secondly those in which full opportunity is permitted for moisture content changes under the applied stresses. Tests in the first category are known as undrained (immediate or quick) tests, while those in the second category are known as drained (slow or equilibrium) tests. The tests are normally carried out in the triaxial compression apparatus but granular materials may be tested in the shear box apparatus.

The undrained triaxial test gives the apparent cohesion C_u and the angle of shearing resistance ϕ_u . In dry sands, $C_u = 0$ and ϕ_u is equal to the angle of internal friction whereas with saturated non-fissured clays ϕ_u tends to 0 and the apparent cohesion C_u is equal to one-half the unconfined compression strength q_u . On site the vane test gives an approximate measure of shear strength.

For some stability problems use is made of a variant of the undrained triaxial test in which the specimen is allowed to consolidate fully under the hydrostatic pressure and is then tested to failure under conditions of no moisture content change. This is known as the consolidated undrained triaxial test. Pore water pressures may be measured during this test or a fully drained test may be carried out. In either case the effective shear strength parameters C' and ϕ' can be obtained which can be used to calculate shear strength at any given pore water pressure.

11. **COMPACTION.** The density at which any soil can be placed in an earth dam, embankment or road depends on its moisture content and on the amount of work which is used in compaction. The influence of these two factors can be studied in compaction tests, which can determine the maximum dry density (MDD) achievable at a certain optimum moisture content (OMC).
12. **CALIFORNIA BEARING RATIO TEST.** In flexible pavement design a knowledge of the bearing capacity of the subgrade is necessary to enable the thickness of pavement for any particular combination of traffic and site conditions to be determined. The quality of the subgrade can be assessed by means of the California Bearing Ratio Test or approximately by the MEXE cone penetrometer.
13. **ROCK DESCRIPTION.** This is based on;
 - i. Colour (minor then principal colour).
 - ii. Grain Size.

Description	Predominate Grain Size (mm)
Very Coarse - grained	>63
Coarse - grained	63 - 2
Medium - grained	2 - 0.063
Fine - grained	0.063 - 0.002
Very Fine - grained	<0.002

- iii. Matrix.
- iv. Weathering.

Term	Description
Fresh	No visible sign of weathering/alteration of the rock material.
Discoloured	The colour of the original fresh rock material is changed and is evidence of weathering/alteration. The degree of change from the original colour should be indicated. If the colour change is confined to particular mineral constituents, this should be mentioned.
Disintegrated	The rock material is broken up by physical weathering, so that bonding between grains is lost and the rock is weathered/alterated towards the condition of a soil in which the original material fabric is still intact. The rock material is friable but the grains are not decomposed.
Decomposed	The rock material is weathered by the chemical alteration of the mineral grains to the condition of a sol in which the original material fabric is still intact; some or all of the grains are decomposed.

- v. Carbonate Content.
- vi. Stability of Rock Material.

Stable indicates no changes when sample left in water for 24 hours. Fairly stable indicates fissuring and crumbling of surfaces. Unstable indicates complete disintegration of the sample.

vii. Unconfined Compressive Strength.

Term	Field Identification	Unconfined Compressive Strength (MPa)
Extremely Weak ^a	Indented by thumbnail.	Less than 1
Very Weak	Crumbles under firm blows with point of geological hammer, can be peeled by a pocket knife.	1 to 5
Weak	Can be peeled by a pocket knife with difficulty, shallow indentations made by firm blow with point of geological hammer.	5 to 25
Medium Strong	Cannot be scraped or peeled with a pocket knife, specimen can be fractured with single firm blow of geological hammer.	25 to 50
Strong	Specimen required more than one blow of geological hammer to fracture it.	50 to 100
Very Strong	Specimen requires many blows of geological hammer to fracture it.	100 to 250
Extremely Strong	Specimen can only be chipped with geological hammer.	Greater than 250

^a Some extremely weak rocks will behave as soils and should be described as soils.

viii. Structure.

Sedimentary	Metamorphic	Igneous
Bedded	Cleaved	Massive
Interbedded	Foliated	Flowbanded
Laminated	Schistose	Folded
Folded	Banded	Lineated
Massive	Lineated	
Graded	Gneissose	
	Folded	

ix. Discontinuities.

x. Discontinuity Spacing, persistence and roughness, infilling and seepage.

xi. Weathering of the Rock Mass.

Term	Description	Grades
Fresh	No visible sign of rock material weathering; perhaps slight discolouration on major discontinuity surfaces.	0
Slightly weathered	Discolouration indicates weathering of rock material and discontinuity surfaces.	1
Moderately weathered	Less than half of the rock material is decomposed or disintegrated. Fresh or discoloured rock is present either as a continuous framework or as core stones.	2
Highly weathered	More than half of the rock material is decomposed or disintegrated. Fresh or discoloured rock is present either as a continuous framework or as core stones.	3
Completely weathered	All rock material is decomposed and/or disintegrated to soil. The original mass structure is still largely intact.	4
Residual soil	All rock material is converted to soil. The mass structure and material fabric are destroyed. There is a large change in volume, but the soils has not been significantly transported.	5

xii. Rock Mass Permeability

14. **CHEMICAL TESTS.** A knowledge of total soluble sulphate content and pH of soils and groundwater is important in determining the protection required for concrete or steel in contact with the ground. Other specialist tests may be carried out on sites suspected of being contaminated by toxic materials (see standard appendix B).

15. **REFERENCES** (where applicable)

ICE: Effective Site Investigation (2013)

The Coal Authority: Guidance on Managing the Risk of Hazardous Gases when Drilling or Piling Near Coal, 2013

Site Investigation Practice by Michael D Joyce; E & F N Spon 1982.

BRITISH STANDARDS

BS3882: 2015 British Standard Specification for Topsoil

BS5930: 2015 British Standard Code of Practice for Site Investigations

BS8485: 2015 British Standard Code of Practice for the design and protective measures from methane and carbon dioxide ground gases for new buildings

BS10175: 2011+A1:2013 British Standard Code of Practice for the Investigation of Potentially Contaminated Sites

1. **GENERAL.** The desk study and/or intrusive ground investigation is typically carried out in accordance with the requirements of BS5930: 2015 and BS10175: 2011+A1: 2013. In relation to contamination the desk study is referred to as the preliminary investigation in BS10175 and the intrusive ground investigation is referred to as the Exploratory Investigation. This appendix briefly describes the nature of the work carried out and explains the standards against which contamination data has been assessed. The nature of any contamination investigation is such that only a small percentage of the ground, and therefore potential contamination, is sampled. Consequently variations in both ground conditions and contaminant levels can occur between any two sampling positions. The contamination investigation is designed to minimise such risks, but they cannot be eliminated.

2. **REVIEW OF CONTAMINATION ISSUES –** The National Planning Policy Framework (NPPF) and Part 2A of the Environmental Protection Act 1990 create a new regime for the identification and remediation of contaminated land. It introduced a definition of contaminated land described in Section 78A(2) of the Act of:

"any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused:

Both Part 2A and the planning regime embrace the "suitable for use" approach. In the context of Part IIA, action is necessary only where there are unacceptable risks to health or to the environment, taking into account the current use of the land and its environmental setting.

For humans, significant harm is defined as "death, disease, serious injury ". Specifically, disease is taken to mean an unhealthy condition of the body or part of it. "Significant possibility of significant harm" is described as health effects arising from the intake of a contaminant or other direct bodily contact with the contaminant where the intake or exposure is unacceptable. The assessment should also take into account the total intake from all sources, the relative contribution of the pollutant linkage in question, and the duration of intake or exposure. The various statutory definitions are given overleaf.

The presence of unnatural substances does not automatically constitute a risk unless there is a link or pathway between the contamination (the hazard) and the receptor (the target) be it humans, the environment or property. Therefore the assessment needs to determine whether a hazard is present and whether the necessary pathway exists the so-called "pollution linkage" or "conceptual site model".

The effect of any hazard on a site depends primarily on the site use and groundwater conditions since these determine who and what may be at risk and the routes by which they may be exposed to the hazard. Site uses can include allotments, domestic gardens on residential developments, amenity and recreational areas, public open space and industrial and commercial buildings. On any site, the potential contaminants have to be identified together with the potential receptors. The pathway for that contaminant to reach its target has then to be considered.

3. **PRELIMINARY INVESTIGATION.** The preliminary Phase I Geoenvironmental Assessment (desk study) report normally considers the following key sections:

Introduction	
The Site	Contaminated Land
Site History	Radon
Geology and Mining	Geoenvironmental Risk Assessment
Hydrogeology	Geotechnical Assessment
Groundsure Geo-Insight and Enviro-Insight	Ground Investigation (Recommendations)

The report will summarise the findings and also relate our opinions to the potential for a site to be geoenvironmentally impaired, at levels likely to warrant mitigation or further consideration appropriate to the current or future use.

Findings are based on information obtained and described during the desk study and site inspection without intrusive ground investigation. It is possible that further information exists. The absence of indicators of impairment does not mean that such impairment does not exist. Additional investigation including intrusive methods can reduce the risks but cannot eliminate them and may not be cost effective. We can advise on the additional research opportunities, their cost and their possible impact on mitigating risk. Recommendations are normally given based on the redevelopment proposals for the site.

Type of Receptor	Description of harm that is to be regarded as significant harm	Conditions For There Being A Significant Possibility Of Significant Harm
1. Human beings	<p>Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions.</p> <p>For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.</p>	<p>If the amount of the pollutant in the pollutant linkage represents an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant.</p> <p>Such an assessment should take into account:</p> <ul style="list-style-type: none"> • the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question; • the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and • the duration of intake or exposure resulting from the pollutant linkage in question. <p>The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure.</p> <p>Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.</p>
2. All other human health effects (particularly by way of explosion or fire)		<p>If the probability, or frequency, of significant harm of that description is unacceptable. The pollutant linkage might cause "significant harm which"</p> <ul style="list-style-type: none"> • would be irreversible or incapable of being treated; • would affect a substantial number of people; • would result from a single incident such as a fire or an explosion; or • would be likely to result from a short-term (less than 24-hour) exposure to the pollutant.
3. Any ecological system, or living organism forming part of such a system, within a location which is protected.	<p>For any protected location:</p> <ul style="list-style-type: none"> • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. 	<p>If either:</p> <ul style="list-style-type: none"> • significant harm of that description is more likely than not to result from the pollutant linkage; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration.
4. Property in the form of: <ul style="list-style-type: none"> • crops, including timber; • produce grown domestically, or on allotments, for consumption; • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights. 	<p>For crops, a substantial diminution in yield or other substantial loss in the value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p>	<p>If significant harm of that description is more likely than not to result from the pollutant linkage in question.</p>
5. Property in the form of buildings.	<p>Structural failure, substantial damage or substantial interference with any right of occupation.</p>	<p>If significant harm of that description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building.</p>
6. Controlled waters.		

4. **INTRUSIVE INVESTIGATION.** BS10175 describes this as an exploratory investigation. Intrusive ground investigation is described in Standard Appendix A. During the investigation representative or indicative samples are obtained for testing by an accredited laboratory. The aim is to determine (with a degree of confidence appropriate to the objectives), the presence, concentration and distribution of contaminants in respect of those points investigated. The extent of any necessary intrusive investigation will depend on the size of the site and any hazards, either known or suspected.

5. **ASSESSMENT OF CONTAMINATION.** The assessment of contaminated land under the terms of Part II A of the Environmental Protection Act 1990 is based upon pollution linkage (source - pathway - receptor model).

The Contaminated Land Report (CLR) series of documents have been produced by the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency, to provide regulators with "relevant, appropriate, authoritative and scientifically based information and advice on the assessment of risk from contamination in soils".

The Environment Agency issued a number of Soil Guideline Values (SGVs), which whilst non-binding, were used as guidance in the assessment of land and in setting remediation targets. They should only be applied to human health assessments. It should however be noted that these have now officially been withdrawn.

The SGVs were derived using the Contaminated Land Exposure Assessment Model (CLEA) and are based on assumptions relating to soil conditions, pollutant type and behaviour, land use patterns and the availability of receptors. SGVs were also subject to statistical assessment. The CLR documentation requires that the results of laboratory testing are subject to statistical analysis to remove uncertainty over a so-called 'averaging area'.

To date only selective SGVs were issued for the following land-uses

- Residential with and without plant uptake
- Allotments
- Commercial/Industrial

Soil Guideline Values (mg/kg)(1)			
Analyte	Residential (with home grown produce)	Allotments	Commercial
Arsenic	32 (37)	49	(640)
Cadmium	10 (22)	3.9	230 (410)
Chromium (total)	130 (21 for Cr vi)	170 (for Cr vi)	5000
Mercury	170	80	3600
Nickel	130	230	1800
Selenium	350	120	13000
Lead (2)	450 (82)	(80)	(2300)
Toluene	610	120	4400
Ethylbenzene	350	90	2800
Phenol	420	280	3200
Benzene	0.33 (0.87)	0.07	95
o-xylene	250	160	2600
m-xylene	240	180	3500
p-xylene	230	160	3200
Copper (2)	2330	524	71,700
Zinc (2)	3750	618	665,000
Benzo(a)pyrene (2)	1.0 (5.0)	2.1	14
Naphthalene (2)	8.7	23	1100
Flourene (2)	780	160	71,000

- (1) Now officially withdrawn
(2) Generic Assessment Criteria (mg/kg) derived by LQM / CIEH
(3) Geometric mean value across site
(4) The figures in brackets are the latest C4SLs (see later in text)

DEFRA previously issued "Outcome of the Way Forward Exercise on Soil Guideline Values". This document was intended to provide guidance to determine if there is a Significant Possibility of Significant Harm (SPOSH) i.e. whether land meets the legal trigger of being contaminated land.

In the context of Part 2A, a risk assessor using an SGV would conclude the following (DEFRA, 2008).

- At a representative average soil concentration at or below an SGV, it is very unlikely that there will be a *significant possibility of significant harm (SPOSH)*.
- At a representative average soil concentration above an SGV, there *might* be a *significant possibility of significant harm* with the significance linked to the margin of exceedance, the duration and frequency of exposure, and other site-specific factors that the enforcing authority may wish to take into account. Further investigation and/or detailed evaluation will usually be required.

It should be stressed that where there is any uncertainty as to whether or not there is a SPOSH, it was the policy of this practice to adopt a conservative approach, particularly in the adoption of clean cover systems.

In April 2012, Defra both published new Statutory Guidance which forms a major part of their contaminated land regimes under Part 2A of the Environment Protection Act 1990. The regime provides a means of dealing with contaminated land which poses a significant risk to human health or the environment where there is no alternative solution. It also works alongside planning rules and building regulations to help ensure that affected land is made suitable for use when it is redeveloped.

Since the regime was introduced in 2000 there has been considerable uncertainty over how to decide when land is, and is not contaminated land on grounds of the legal test of *significant possibility of significant harm to human health or the environment*.

To help address this, one of the main changes set out in the new Statutory Guidance, is the introduction of a new four category test to help decide when land is, and is not, contaminated land on grounds of *significant possibility of significant harm to human health*. Under the new four category test:

- Category 1 describes land that is clearly contaminated land, for example because similar land is known to have caused significant harm in the past.
- Categories 2 and 3 cover less straightforward land where more detailed consideration is needed before the regulator can decide either: (a) that there is a strong case for regulatory action, in which case the land would be in Category 2 and be classified as contaminated land under Part 2A; or (b) that such a case does not exist, in which case the land would be in Category 3 and not be classified as contaminated land under Part 2A.
- Category 4 describes land that is clearly not contaminated land, as discussed below.

One of the main purposes of including the Categories in the Statutory Guidance is to provide a legal framework against which new technical tools can be developed by the land contamination sector to describe the Categories in more detail with regard to specific substances and/or situations.

The new Category 4 test is particularly important in terms of reducing uncertainty over when land is definitely not caught by the regime.

The new Statutory Guidance makes clear what land should be placed into Category 4, for example:

- (a) Land where no relevant contaminant linkage has been established.
- (b) Land where there are only normal levels of contaminants in soil (as explained in Section 3 of the guidance), unless there is a particular reason to consider otherwise. In other words land with normal background concentrations in the soil.
- (c) Land that has been excluded from the need for further inspection and assessment under Part 2A because contaminant levels do not exceed relevant generic assessment criteria in accordance with Section 3 of the guidance, or relevant technical tools or advice that may be developed in accordance with paragraph 3.30 of the guidance, e.g. Category 4 Screening Levels.
- (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed to in the normal course of their lives).

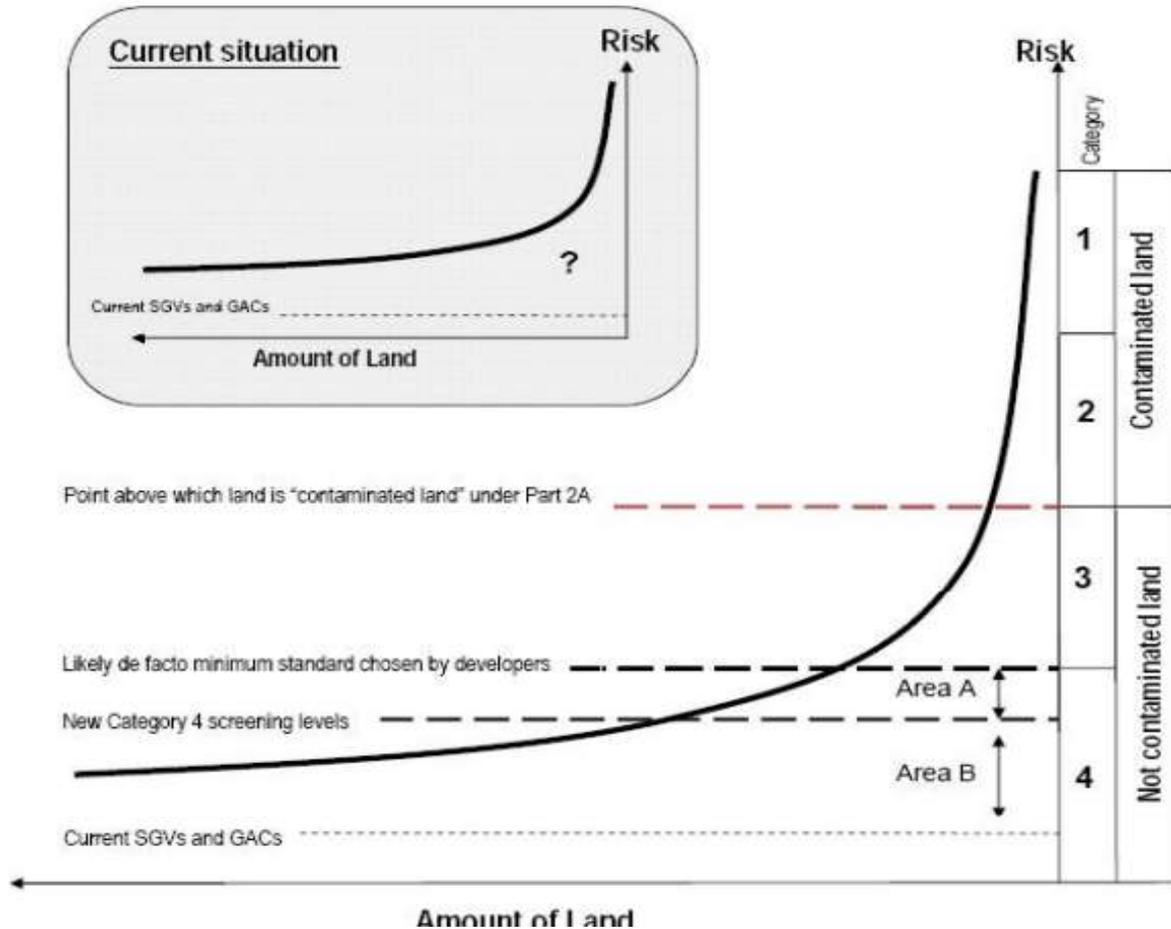
The guidance clarifies how generic assessment criteria (including the currently available SGVs/GACs) should and should not be used. It states that:

- 3.27 *It is common practice in contaminated land risk assessment to use “generic assessment criteria” (GACs) as screening tools in generic quantitative human health risk assessment to help assessors decide when land can be excluded from the need for further inspection and assessment, or when further work may be warranted.*
- 3.28 *Local authorities may use GACs and other technical tools to inform certain decisions under the Part 2A regime, provided: (i) they understand how they were derived and how they can be used appropriately; (ii) they have been produced in an objective, scientifically robust and expert manner by reputable organizations; and (iii) they are only used in a manner that is in accordance with Part 2A and this Guidance.*
- 3.29 *GACs relating to human health risk assessment represent cautious estimates of levels of contaminants in soil at which there is considered to be no risk to health or, at most, a minimal risk to health. With regard to such GACs:*
- (a) They may be used to indicate when land is very unlikely to pose a significant possibility of significant harm to human health. This is on the basis that they are designed to estimate levels of contamination at which risks are likely to be negligible or minimal and far from posing a significant possibility of significant harm to human health.
 - (b) They should not be used as direct indicators of whether a significant possibility of significant harm to human health may exist. Also, the local authority should not view the degree by which GACs are exceeded (in itself) as being particularly relevant to this consideration, given that the degree of risk posed by land would normally depend on many factors other than simply the amount of contaminants in soil.
 - (c) They should not be seen as screening levels which describe the boundary between Categories 3 and 4 in terms of Section 4 (i.e. the two Categories in which land would not be contaminated land on grounds of risks to human health). In the very large majority of cases, these SGVs/GACs describe levels of contamination from which risks should be considered to be comfortably within Category 4.
 - (d) They should not be viewed as indicators of levels of contamination above which detailed risk assessment would automatically be required under Part 2A.
 - (e) They should not be used as generic remediation targets under the Part 2A regime. Nor should they be used in this way under the planning system, for example in relation to ensuring that land affected by contamination does not meet the Part 2A definition of contaminated land after it has been developed.

The way in which the new four category system is intended to operate and the place of the C4SLs within that system, was explained in detail in the Impact Assessment which accompanied the Statutory Guidance. Please note that although the detail of the Impact Assessment is included here to provide clarity on the job expected of C4SLs, the Statutory Guidance, itself, sets out the regime that needs to be delivered under Part 2A.

Paragraph 47 of the Impact Assessment describes the diagram in detail. Of particular relevance to this project is the description of the overall diagram (sub-paragraph a), description of category 4 (sub-paragraphs c (part iv) and h) and the description of how the monetised benefits of the new system will be realised (sub-paragraph h). These sub-paragraphs are reproduced below.

Diagram showing the new Category 1-4 system (compared to current situation)



The diagram above seeks to illustrate, in a simplified manner, broadly what the changes to the statutory guidance on significant possibility of significant harm to human health are intended to achieve. To explain:

- (a) The curved line and axes illustrate the spectrum of risk presented by land contamination. The idea is to show that a very large amount of land is low risk, and only a small amount of land would pose sufficient risk to be contaminated land in the legal sense. The axes and lines in the diagrams are not to scale, and they have been compressed for the purposes of illustration (in reality the risks on Category 1 land would probably be orders of magnitude above Category 4 risks, and vastly more land would be in Category 4 compared to the other Categories).
- (b) The smaller diagram summarizes the current situation. In the area below the SGV/GACs there is near certainty that land is not contaminated land, however, above the line there is increasing uncertainty. As explained above, currently remediation usually occurs to just below the SGV/GAC level because they are perceived as offering the only cast-iron guarantee of when land is definitely not contaminated land. Sometimes consultants are employed to justify remediating to levels above the SGV/GACs, however the further they go away from the SGV/GACs the more legal risk they and their clients are exposed to.
- (c) The new statutory guidance will end the current situation, and it would not be legally possible e.g. for individual regulators to ignore the changes being made. For example, as explained above, the new statutory guidance will specifically say:
 - (i) that Part 2A cannot be used to force remediation to below a point where it ceases to be contaminated land in the legal sense i.e. the Category 2/3 border in terms of the diagram), although responsible parties can choose to go further;
 - (ii) that SGV/GACs cannot be used as one size fits all remediation thresholds under either Part 2A of the planning system;
 - (iii) that normal background levels of contamination are not caught by Part 2A; and
 - (iv) that SGV/GACs are well into Category 4, sometimes by only a few times and sometimes by orders of magnitude. These changes and others also provide the legal backing for the development e.g. of Category 4 screening levels, as discussed below.

- (d) The new Category 1-4 system divides the spectrum of risk posed by contaminated land into four different categories, and the statutory guidance will explain how to decide when land falls into each Category. This is more sophisticated than the current statutory guidance, which in effect has only two categories (contaminated land or not) and does not explain how to decide which category land falls into. The new Category 1-4 system reflects what assessors find when they investigate real sites i.e. some are clearly contaminated land (Category 1); some clearly are not (Category 4) and some are less-straightforward and need some level of detailed assessment before a decision can be taken as to whether or not they are contaminated land (Categories 2 and 3).
- (e) In the case of Category 2 and 3 sites, the regulator will have flexibility to take decisions within the parameters set by the new Guidance. There would be less flexibility for Category 2 and 3 sites that clearly pose either a high or low risk. However, the regulator will have considerable flexibility for sites closer to the Category 2/3 border to judge which side of the border a site would fall (e.g. taking account of their understanding of the risks, uncertainties and the interests of the local community). These are often complex decisions which need to be taken case-by-case given the many factors involved.
- (f) In the case of Categories 1 and 4 the regulator will have far less flexibility. For example, if a regulator claimed that a site matching the Category 1 description was not contaminated land, or that a site matching the Category 4 description was contaminated land, they would be acting directly against the statutory guidance which the Act requires that they follow, and decisions could be challenged (e.g. in a law court) with a high chance that the challenge would be successful. Among other things, the intention of doing this is to create far more legal certainty around when land is definitely not contaminated land in the legal sense. With the specific wording of the new statutory guidance, and the supporting tools such as the new Category 4 screening levels, it would be very difficult for a regulator e.g. to threaten landowners with the Part 2A regime, and if they tried to determine land as contaminated land they would be operating in direct opposition to the statutory guidance.
- (g) In the many consultation meetings held in developing the Category 1-4 system, all the developers, landowners and consultants we spoke to were strongly of the view that they would want to ensure their land is safely within Category 4 (even though in theory they could remediate to a level within Category 3 and still satisfy Part 2A and planning rules). They would do this for various reasons, including the fact that the flexibility granted to regulators in Categories 2 and 3 means that the further into Category 3 a site gets, the greater the risk that the regulator might decide it is in Category 2. Also they would want to be in Category 4 for reasons of marketability, future proofing etc. So developers and others would have a strong incentive to seek the regulatory certainty of being safely within Category 4. Thus, as far as development taking place under the planning system is concerned, Category 3 would, in effect, normally be a buffer which provides added reassurance that development falling within Category 4 will not be caught by the Part 2A regime.
- (h) The new statutory guidance will bring about a situation where the current SGV/GACs are replaced with more pragmatic (but still strongly precautionary) Category 4 screening levels (C4SLs) which will provide a higher simple test for deciding that land is suitable for use and definitely not contaminated land. Above the C4SLs, in Area A on the diagram, there will be much stronger legal backing for experts to use their judgement to make sensible and precautionary decisions on when land should be considered to be towards the top end of Category 4, without fear that land may be caught as contaminated land. This recognizes that the generic C4SLs will not be able to describe the Category 3/4 border itself because they are generic and would therefore have to err on the side of caution whilst a detailed site specific assessment would be able to push further by looking at specific circumstances relating to a specific site.
- (i) The very large majority of the monetized benefits of the changes to the regime discussed in this Impact Assessment manifest themselves in Category 4, and in particular in Areas A and B on the diagram. The main effects of moving to the new system would include Low risk land falling within Area B (pre-development) on the diagram would no longer have to be remediated because it would fall below the new C4SLs. Similarly land which is in Area A pre-development would no longer need to be remediated if justified by a detailed site-specific assessment. For these sites the cost of remediation would be removed altogether. The cost of remediating land which is initially in Categories 3, 2 or 1 would fall because it would be remediated to the new C4SL levels (or somewhere within Area A if there has been a detailed assessment) rather than the SGV/GAC level. This will have the overall effect of reducing the cost of remediation, with the effect varying according to specific site circumstances, the type of remediation etc. Generally the cost of remediation would fall for many affected brownfield land sites. This would have the general effect of making such land more economically viable for development. It would also mean that some land that is not currently economically viable to develop becomes reduce pressure to develop Greenfield land in some cases. The C4SLs will also speed up regulatory decisions on the reuse of brownfield land by providing a simple remediation standard.

The C4SLs are intended as “*relevant technical tools*” (in relation to Paragraph 4.2.1(c)) provides to help local authorities and others when deciding to stop further assessment of a site, on the grounds that it falls within Category 4 (Human Health).

The Impact Assessment (IA), which accompanied the revised SG (Defra, 2012b) provides further information on the nature and potential role of the C4SLs. Paragraph 47(h) of the IA states that:

“The new statutory guidance will bring about a situation where the current SGVs/GACs are replaced with more pragmatic (but still strongly precautionary) Category 4 screening levels (C4SLs) which will provide a higher simple test for deciding that land is suitable for use and definitely not contaminated land”.

A key distinction between the Soil Guideline Values (SGVs) and the C4SLs is the level of risk that they describe. As described by the Environment Agency (2009a):

“SGVs are guidelines on the level of long-term human exposure to individual chemicals in soils that, unless stated otherwise, are tolerable or pose a minimal risk to human health”.

C4SLs, therefore, should not be viewed as “SPOSH levels” and they should not be used as a legal trigger for the determination of land under Part 2A.

CL:AIRE (Contaminated Land: Application in Real Environments) has published “*Development of Category 4 Screening Levels for Assessment of Land Affected by Contamination*”. In it a series of C4SLs were proposed as follows;

Analyte	Residential (with home grown produce) (mg/kg)	Residential (without home grown produce) (mg/kg)	Allotments (mg/kg)	Commercial (mg/kg)	POS (mg/kg)
Arsenic	37	40	49	640	79
Benzene	0.87	3.3	0.18	98	140
Benzo(a)Pyrene	5	5.3	5.7	77	10
Cadmium	22	150	3.9	410	880
Chromium (vi)	21	21	170	49	21
Lead	200	310	80	2300	630

6. GEOENVIRONMENTAL RISK ASSESSMENT

- 6.1 **Potential Hazard Sources.** Ground contamination can occur through several causes, particularly from historical use of the site and is often linked to the processes of waste disposal, underground storage, open storage, process pipework, leaks, spillages, tanks, site filling and various other reasons. The contamination can either arise from site sources or be the result of migration from other sources off site.
- 6.2 **Potential Migratory Pathways.** The primary pathways are considered to be laterally or vertically downward through underlying strata or upward to the ground surface. Such pathways also provide the potential for contaminants to migrate towards local watercourses and groundwater.
- 6.3 **Potential Targets At Risk.** Potential environmental liabilities related to current legislation associated with contaminated land with regard to existing ownership and redevelopment are summarised.

The probability of a hazard, linked with its consequences, can be used to assess risk in accordance with the tables below for use in decision making.

Consequence of Pollution Linkage

Severe	Damage to human health. Substantial pollution of controlled waters. Significant change in ecosystem population. Irreparable damage to property.
Moderate	Non-permanent damage to human health. Minor pollution of controlled waters. Change in ecosystem. Damage to property.
Mild	Short term health effects. Slight pollution of controlled waters. Slight effect on ecosystem. Minor repairable damage to property.
Near Zero	No noticeable effect on human health. No significant pollution to controlled waters. No measurable effect on ecosystem densities. Non-structural cosmetic damage to property.

Decision Making

Probability of a hazard and an associated linkage	Consequences of a pollution linkage (hazard-pathway-target)			
	Severe	Moderate	Mild	Near Zero
High	High	High	Medium/low	Negligible
Medium	High	Medium	Low	Negligible
Low	High/medium	Medium/low	Low	Negligible
Unlikely	High/medium/low	Medium/low	Low	Negligible

Final overall risk is based on an assessment of probability of a hazard and its consequences. Risk categories are shown shaded in the table above and defined below.

Risk	Description
High	Site probably or certainly unsuitable for present use or environmental setting. Contamination probably or certainly present and likely to have an unacceptable impact on key targets. Urgent action needed.
Medium/ Moderate	Site may not be suitable for present use or environmental setting. Contamination may be present, and likely to have unacceptable impact on key targets. Action may be needed on the medium term.
Low	Site considered suitable for present use and environmental setting. Contamination may be present but unlikely to have unacceptable impacts on key targets. Action unlikely to be needed in present use.
Negligible	Site considered suitable for present use and environmental setting. Contamination may be present but unlikely to have unacceptable impacts on key targets. No action needed while site remains in present use.

The review of the information from the exploratory investigation may be such that a decision is made that there is no need for further investigation. Alternatively, it may be necessary to carry out a further main investigation.

The Environment Agency has set out guidance as to the classification of waste arising from construction sites in its document "The Definition of Waste" dated April 2006. This document outlines how waste is to be handled

The following activities are not regarded as a waste management activity requiring licencing.

- 1) Construction activities carried out for the purpose of producing a suitably engineered soil e.g. lime stabilisation, vibro-replacement and piling.
- 2) Untamated materials produced on site (including excavated soils and materials from demolition) which can be reused without further treatment. Examples include site regrading and footing excavations.

These must be done in accordance with the Planning Permission. Demolition material must be used in accordance with the quality protocols for the production of aggregates from inert waste, subject to appropriate testing and the lack of any harmful constituents. Uses include pipe bedding, backfill and sub-base.

- 3) Contaminated soils can be moved on-site providing they do not require treatment or containment. There should be no risk to the environment i.e. non-leachable and in accordance with Planning Permission. Relevant activities can include site regrading and use of materials below clean cover systems, capping, buildings and hardstanding.

Where contaminated materials have to be placed in an engineered cell to prevent pollution, then this would be classed as landfilling and require PPC permits. Any material taken off site is considered to be waste. However, this is under review. If material is waste, then there is a duty of care including ensuring material is transported by a registered carrier. The destination of material leaving the site should be regularly checked and Waste Transfer Notes kept.

Clean Cover Systems

According to the Environment Agency's Remediation Position Statements of May 2006, the placement of a cover system using "clean" material is not treatment of waste. Consequently, no licencing/permitting position statements are applicable to this type of remediation. If the cover system uses 'waste materials' in its construction, waste management licencing exemption paragraph 9A may be applicable to its installation. If the installation of the proposed cover system does not meet the criteria for registration of this exemption, the activity may be regulated through a waste management site licence.

7. WASTE ACCEPTANCE CRITERIA (WAC)

The main objective of the Landfill Directive is to prevent or reduce as far as possible the negative effects of landfilling waste on the environment and on human health. It is intended to reduce the disposal of waste materials to landfills and to encourage more sustainable approaches to dealing with wastes. It bans the landfill of liquids and certain solid wastes, introduces requirements for the treatment of wastes prior to landfill and provides for the classification of landfills as sites for inert, hazardous or non-hazardous waste and prohibits co-disposal.

It sets out procedures for waste acceptance at landfills and the types of waste for each class of landfill as specified by Waste Acceptance Criteria (WAC). The WAC are predominantly lists of "limit values" for certain parameters obtained from standard leaching tests of wastes going to landfills. WAC are set out in the Landfill Directive itself. Full details can be found in the Environment Agency document "Guidance for waste destined for disposal in landfills" Version 3.1:2010.

8. MAIN REFERENCES

British Standards	BS3882: 2015 British Standard Specification for Topsoil BS5930: 2015 British Standard Code of Practice for Site Investigations BS8485: 2015 British Standard Code of Practice for the design and protective measures from methane and carbon dioxide ground gases for new buildings BS10175: 2011+A1:2013 British Standard Code of Practice for the Investigation of Potentially Contaminated Sites
BRE	Radon: Guidance on protective measures for new dwellings, BR211, 2015 Protective measures for housing on gas-contaminated land, BR414, 2015 Cover systems for land regeneration, 2004 Concrete in aggressive ground. Special Digest SD1, 3 rd Edition, 2005 Soakaway Design (DG365)
CIEH	The LQM / CIEH Generic Assessment Criteria for Human Health Risk Assessment (2 nd Edition)
CIRIA	Assessing risks posed by hazardous ground gases to buildings, CIRIA C665 Asbestos in Soil and Made Ground: a guide to understanding and managing risks, CIRIAC733, 2014 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases. C735:2014
CL:AIRE	Development of Category 4 Screening Levels for Assessment of Land Affected by Contamination, SP1010, 2013
DEFRA	Contaminated Land Report CLR 11, 2002 (7-10 withdrawn) R & D Publications TOX 1 – 12, 14, 16 – 25 R & D Publications SGV 1, 3, 4, 5, 7, 8, 9, 10, 15 and 16 (withdrawn) Improvements to Contaminated Land Guidance - "Outcome of the "Way Forward", 2008 Exercise on Soil Guideline Values. July 2008 Guidance on the Legal Definition of Contaminated Land. July 2008 Simplification of the Contaminated Land Regime Impact Assessment No: Defra 1133
DETR	Circular 02/2000. Contaminated Land, 2000 Guidelines for Environmental Risk Assessment and Management, 2000
Environment Agency	Guidance for the Safe Development of Housing on Land Affected by Contamination, 2000 Guidance for waste destined for disposal in landfills, 2010 Protective measures for housing on gas-contaminated land Remediation Position Statements, May 2006 Guidance and monitoring of landfill leachate, groundwater and surface water Human health toxicological assessment of contaminants in soil (Science Report SC050021/SR2) 2008 Updated technical background in the CLEA model (Science Report SC0520021/SR3)
HMSO	Part 2A of the Environmental Protection Act Part 2A Statutory Guidance – April 2012 Contaminated Land (England) Regulations 2006 The Contaminated Land (England) (Amendment) Regulations 2012 The Water Act 2003 (Commencement No. 11) Order 2012
Institution of Civil Engineers	Contaminated Land: Investigation, Assessment and Remediation, 2 nd Edition
NHBC	Guidance on evaluation of development proposals on sites where methane and carbon dioxide are present, 2007

This list is not intended to be exhaustive.



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