

APPENDIX A

SERVICE CONSTRAINTS

1. This report and the site investigation carried out in connection with the report (together the "Services") were compiled and carried out by RSK Environment Limited (RSK) for Cala Homes (the "client") in accordance with the terms of a contract between RSK and the "client". The Services were performed by RSK with the skill and care ordinarily exercised by a reasonable environmental consultant at the time the Services were performed. Further, and in particular, the Services were performed by RSK taking into account the limits of the scope of works required by the client, the time scale involved and the resources, including financial and manpower resources, agreed between RSK and the client.
2. Other than that expressly contained in paragraph 1 above, RSK provides no other representation or warranty whether express or implied, in relation to the Services.
3. Unless otherwise agreed in writing the Services were performed by RSK exclusively for the purposes of the client. RSK is not aware of any interest of or reliance by any party other than the client in or on the Services. Unless expressly provided in writing, RSK does not authorise, consent or condone any party other than the client relying upon the Services. Should this report or any part of this report, or otherwise details of the Services or any part of the Services be made known to any such party, and such party relies thereon that party does so wholly at its own and sole risk and RSK disclaims any liability to such parties. Any such party would be well advised to seek independent advice from a competent environmental consultant and/or lawyer.
4. It is RSK's understanding that this report is to be used for the purpose described in the introduction to the report. That purpose was a significant factor in determining the scope and level of the Services. Should the purpose for which the report is used, or the proposed use of the site change, this report may no longer be valid and any further use of or reliance upon the report in those circumstances by the client without RSK's review and advice shall be at the client's sole and own risk. Should RSK be requested to review the report after the date of this report, RSK shall be entitled to additional payment at the then existing rates or such other terms as agreed between RSK and the client.
5. The passage of time may result in changes in site conditions, regulatory or other legal provisions, technology or economic conditions which could render the report inaccurate or unreliable. The information and conclusions contained in this report should not be relied upon in the future without the written advice of RSK. In the absence of such written advice of RSK, reliance on the report in the future shall be at the client's own and sole risk. Should RSK be requested to review the report in the future, RSK shall be entitled to additional payment at the then existing rate or such other terms as may be agreed between RSK and the client.
6. The observations and conclusions described in this report are based solely upon the Services which were provided pursuant to the agreement between the client and RSK. RSK has not performed any observations, investigations, studies or testing not specifically set out or required by the contract between the client and RSK. RSK is not liable for the existence of any condition, the discovery of which would require performance of services not otherwise contained in the Services. For the avoidance of doubt, unless otherwise expressly referred to in the introduction to this report, RSK did not seek to evaluate the presence on or off the site of asbestos, electromagnetic fields, lead paint, heavy metals, radon gas or other radioactive or hazardous materials.
7. The Services are based upon RSK's observations of existing physical conditions at the Site gained from a walk-over survey of the site together with RSK's interpretation of information including documentation, obtained from third parties and from the client on the history and usage of the site. The Services are also based on information and/or analysis provided by independent testing and information services or laboratories upon which RSK was reasonably entitled to rely. The Services clearly are limited by the accuracy of the information, including documentation, reviewed by RSK and the observations possible at the time of the walk-over survey. Further RSK was not authorised and did not attempt to independently verify the accuracy or completeness of information, documentation or materials received from the client or third parties, including laboratories and information services, during the performance of the Services. RSK is not liable for any inaccurate information or conclusions, the discovery of which inaccuracies required the doing of any act including the gathering of any information which was not reasonably available to RSK and including the doing of any independent investigation of the information provided to RSK save as otherwise provided in the terms of the contract between the client and RSK.
8. The intrusive environmental site investigation aspects of the Services is a limited sampling of the site at pre-determined borehole and soil vapour locations based on the operational configuration of the site. The conclusions given in this report are based on information gathered at the specific test locations and can only be extrapolated to an undefined limited area around those locations. The extent of the limited area depends on the soil and groundwater conditions, together with the position of any current structures and underground facilities and natural and other activities on site. In addition chemical analysis was carried out for a limited number of parameters [as stipulated in the contract between the client and RSK] [based on an understanding of the available operational and historical information], and it should not be inferred that other chemical species are not present.
9. Any site drawing(s) provided in this report is (are) not meant to be an accurate base plan, but is (are) used to present the general relative locations of features on, and surrounding, the site. Features (boreholes, trial pits etc) annotated on site plans are not drawn to scale but are centred over the approximate location. Such features should not be used for setting out and should be considered indicative only.

APPENDIX B

SUMMARY OF LEGISLATION AND POLICY RELATING TO CONTAMINATED LAND

Part IIA of the Environmental Protection Act 1990 (EPA) and its associated Contaminated Land Regulations 2000 (SI 2000/227), which came into force in England on 1 April 2000, formed the basis for the current regulatory framework and the statutory regime for the identification and remediation of contaminated land. Part IIA of the EPA 1990 defines contaminated land as '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 significant harm is being caused, or that there is significant possibility of significant harm being caused, or that pollution of controlled waters is being or is likely to be caused'. Controlled waters are considered to include all groundwater, inland waters and estuaries.

In August 2006, the Contaminated Land (England) Regulations 2006 (SI 2006/1380) were implemented, which extended the statutory regime to include Part IIA of the EPA as originally introduced on 1 April 2000, together with changes intended chiefly to address land that is contaminated by virtue of radioactivity. These have been replaced subsequently by the Contaminated Land (England) (Amendment) Regulations 2012, which now exclude land that is contaminated by virtue of radioactivity.

The intention of Part IIA of the EPA is to deal with contaminated land issues that are considered to cause significant harm on land that is not undergoing development (see Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance, April 2012). This document replaces Annex III of Defra Circular 01/2006, published in September 2006 (the remainder of this document is now obsolete).

Water Framework Directive (WFD)

The Water Framework Directive 2000/60/EC is designed to:

- enhance the status and prevent further deterioration of aquatic ecosystems and associated wetlands that depend on the aquatic ecosystems
- promote the sustainable use of water
- reduce pollution of water, especially by 'priority' and 'priority hazardous' substances
- ensure progressive reduction of groundwater pollution.

The WFD requires a management plan for each river basin be developed every six years.

Groundwater Directive (GWD)

The 1980 Groundwater Directive 80/68/EEC and the 2006 Groundwater Daughter Directive 2006/118/EC of the WFD are the main European legislation in place to protect groundwater. The 1980 Directive is due to be repealed in December 2013. The European legislation has been transposed into national legislation by regulations and directions to the Environment Agency.

Environmental Permitting Regulations (EPR)

The Environmental Permitting (England and Wales) Regulations 2010 provide a single regulatory framework that streamlines and integrates waste management licensing, pollution prevention and control, water discharge consenting, groundwater authorisations, and radioactive substances regulation. Schedule 22, paragraph 6 of EPR 2010 states: 'the regulator must, in exercising its relevant functions, take all necessary measures - (a) to prevent the input of any hazardous substance to groundwater; and (b) to limit the input of non-hazardous pollutants to groundwater so as to ensure that such inputs do not cause pollution of groundwater.'

Water Resources Act (WRA)

The Water Resources Act 1991 (Amendment) (England and Wales) Regulations 2009 updated the Water Resources Act 1991, which introduced the offence of causing or knowingly permitting pollution of controlled waters. The Act provides the Environment Agency with powers to implement remediation necessary to protect controlled waters and recover all reasonable costs of doing so.

Priority Substances Directive (PSD)

The Priority Substances Directive 2008/105/EC is a 'Daughter' Directive of the WFD, which sets out a priority list of substances posing a threat to or via the aquatic environment. The PSD establishes environmental quality standards for priority substances, which have been set at concentrations that are safe for the aquatic environment and for human health. In addition, there is a further aim of reducing (or eliminating) pollution of surface water (rivers, lakes, estuaries and coastal waters) by pollutants on the list. The WFD requires that countries establish a list of dangerous substances that are being discharged and EQS for them. In England and Wales, this list is provided in the River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2010. In order to achieve the objectives of the WFD, classification schemes are used to describe where the water environment is of good quality and where it may require improvement.

Planning Policy

Contaminated land is often dealt with through planning because of land redevelopment. This approach was documented in Planning Policy Statement: Planning and Pollution Control PPS23, which states that it remains the responsibility of the landowner and developer to identify land affected by contamination and carry out sufficient remediation to render the land suitable for use.



PPS23 was withdrawn early in 2012 and has been replaced by much reduced guidance within the National Planning Policy Framework (NPPF).

The new framework has only limited guidance on contaminated land, as follows:

- *"planning policies and decisions should also ensure that:*
 - *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
 - *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - *adequate site investigation information, prepared by a competent person, is presented".*



APPENDIX C SITE PHOTOGRAPHS

PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo
No.
1

Date:
13.01.15

View at
the site
entrance,
showing
the bund
along the
west site
boundary.



Photo
No.
2

Date:
13.01.15

View of
the sites
septic
tank



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo
No.
5

Date:
13.1.15

View of
the
bunded
nitric acid
store



Photo
No.
6

Date:
13.1.15

View of
the gas
substation
present in
the
southwest
of the site



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

**Photo
No.
7**

**Date:
13.1.15**

Water
storage
tanks to
the south
of the
CHP
building



**Photo
No.
8**

**Date:
13.1.15**

Electric
substation
present to
the north
of the
CHP
building



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo No.
9

Date:
13.1.15

Electric
transformers
present in
the south of
the site



Photo No.
10

Date:
13.1.15

Pesticides
store
present in
the south of
the site



PHOTOGRAPHIC LOG	
Site Location: West End Nursery, Angmering	
Photo No. 11 Date: 13.1.15 Bunded hopper located in the centre of the site	
Photo No. 12 Date: 13.1.15 View of the northern bund and greenhouse	

PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo
No.
13

Date:
13.1.15

View of
the
drainage
ditch to the
east of the
site



Photo
No.
14

Date:
13.1.15

View of
the
drainage
ditch to the
east of the
site



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo
No.
17

Date:
13.1.15

View of
the site
office to
the north
of the
CHP
building



Photo
No.
18

Date:
13.1.15

External
storage
areas to
the to
the north
of the
CHP
building



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo No.
19

Date:
13.1.15

View
towards the
large
greenhouse
in from the
south-
western
corner of
the site



Photo No.
20

Date:
13.1.15

View within
the large
greenhouse



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo No.
21

Date:
13.1.15

View
within the
large
greenhouse



Photo No.
22

Date:
13.1.15

Pipework
thought to
be
associated
with the
heating
system in
the large
greenhouse



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo No.
23

Date:
13.1.15

View of the
irrigation
pipe work
in the large
greenhouse



Photo No.
24

Date:
13.1.15

View of the
production
area



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering



PHOTOGRAPHIC LOG

Site Location: West End Nursery, Angmering

Photo No.
27

Date:
13.1.15

View of the bund surrounding the pond in the southeast of the site



Photo No.
28

Date:
13.1.15

View of the small greenhouse

