



**PRELIMINARY GROUND
CONTAMINATION RISK
ASSESSMENT REPORT**

**TOAT CAFÉ, STANES
COTTAGE, STANES FARM
AND WHITELANDS FARM
STANE STREET
PULBOROUGH
WEST SUSSEX**

PROJECT REFERENCE: P17537

REPORT REFERENCE: R17021

Report Beneficiary: Antonio Avenue Ltd.

Document Control			
Issue No.	Status	Issue Date	Notes
1	Final	19 th December 2025	
2	Final	27 th January 2026	Updated to incorporate client comments
3	Final	14 th May 2026	Updated development layout plan included
Report Section		Prepared By	Approved By
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This report is not intended to be either an ecological, archaeological or flood risk assessment. An appropriate specialist should be consulted about any concerns that may arise in this regard.

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EXECUTIVE SUMMARY

The following presents a summary of the main findings of the report. It is emphasised that no reliance should be placed on any individual point until the whole of the report has been read as other sections of the report may put into context the information contained herein.

It is proposed to develop the area of land to the north-west of Stane Street, Pulborough for housing. The south-eastern part of the assessment area will comprise housing, while the north-western part will remain as green space.

The south and east of the site contains a hand car wash and café, a house and a series of small workshop units. Various piles of waste materials and bonfire remains were noted around the units, and above ground tanks were observed near the car wash and house. The north-west of the site largely comprises rough grassland, with a barn in the western corner.

The site comprised open land at the time of the earliest maps reference in 1863. The house and the buildings currently used by the cafe appear to have been constructed circa 1938, with the barn first shown on the 1957 map.

The north-west of the site has been subject to planning enforcement action in relation to unauthorised importation, storing, processing, sorting and transferring of waste materials. It is understood that these materials have subsequently been removed.

Reference to geological datasets indicates that the site is expected to be underlain by the Weald Clay Formation.

The Weald Clay Formation is classed as an Unproductive Stratum. The site does not lie within a SPZ.

The preliminary contamination risk assessment has identified a number of potential pollutant linkages relating to proposed end users of the site.

An intrusive ground investigation is recommended in order to allow a quantitative risk assessment of the potential contamination sources that have been identified to be made. The requirement for these works could be covered by appropriately worded planning conditions, should the proposed development works be approved.

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1. INTRODUCTION

It is proposed to develop the area of land to the north-west of Stane Street, Pulborough, West Sussex for housing. A site location plan is included as Appendix A. The area of assessment comprises the areas highlighted in red and blue on the site location plan, though the area highlighted in blue is proposed to remain undeveloped green space. A copy of the outline development layout is included as Appendix B.

Ashdown Site Investigation Ltd was commissioned to undertake a preliminary contamination risk assessment to assist with a planning application for the above development.

The scope of the works covered by this report, and the terms and conditions under which they were undertaken, were set out within the offer letter Q15458, dated 8th July 2025. The instruction to proceed was received on behalf of the client.

The specific objectives of the works were to:

- a) Establish the expected geology, hydrogeology and hydrology at the site;
- b) Ascertain the development history and current site use; and
- c) Develop a preliminary conceptual model of the site identifying potential pollutant linkages relating to end users of the proposed development works, to controlled waters beneath and in the vicinity of the site, or to other off-site sensitive receptors, if identified.

Copies of the historical maps and geo-environmental data referred to in this report are presented within Appendix F.

2. SITE CONTEXT

2.1 Walkover Survey

The site is located to the north-west of Stane Street, Pulborough, West Sussex and is centred on the approximate Ordnance Survey national grid reference 505954, 120962. A site plan is included as Figure 1.

The site is divided into two parts. The area of proposed housing in the south-east, and a smaller field in the north-west which is proposed to be retained as green space.

In the south-eastern part, the eastern corner was largely surfaced with asphalt and crushed stone and contained a number of buildings and plastic covered tunnels/shelters. This part of the site is in use as a hand car wash and café.

The area of the car wash was concrete surfaced. Miscellaneous chemicals were stored in the wasteland area behind (to the north-west of the car wash), some within a small steel hut located in the area. Stockpiles of building debris and waste were also located in this area, along with suspected bonfire remnants and a modular building.



Site Photographs - Toat Café and car wash

Rear (north-west) of car wash



Car wash chemical storage area



Car wash chemical storage within steel hut



Stockpiles of building debris and waste



Stockpiles of building debris and waste



Bonfire remnants



An above ground tank, thought to be heating oil, is located to the north-west (rear) of the main café building. A large drainage tank (possibly a septic tank or package treatment plant) was located in this area of the site, as well as a stockpile of vegetation. The area to the west of the café and car wash was a rough grassland area.

Site Photographs – Toat Café

Rear (north-west) of main café building



Above ground fuel tank to rear of café building



Drainage infrastructure



Stockpile of vegetation



Rough grassland area to the west of café/carwash



South-west of the café / car wash is a single storey house and garden. No access was available to this area at the time of the walkover. There appeared to be an above ground tank within the grounds of the house.

In the southern corner of the site was a row of agricultural units, with mobile homes at either end, with an access track to the north-east.

On the north-eastern side of the access track were piles of waste building rubble and partly burnt scrap wood and opposite the north-eastern end of the units was the remains of a single skin blockwork wall. The wall was heavily burnt in places and had bonfire detritus, scrap timber and waste building materials stacked up against it.

Site Photographs – Stanes Farm

Agricultural units



Waste building materials to north-east of access track





The north-western area of the site mainly comprised a rough grass covered field. In the western corner was a blockwork and corrugated cement barn.

The barn roof comprised of corrugated cement panels, potentially containing asbestos, which was partially damaged with plastic covering part of the roof.

Near the barn were two smaller tanker vehicles and various piles of waste material. The stockpile nearest the building contained damaged sheets of corrugated cement panels assumed to be from the roof and therefore also potentially containing asbestos.

Site Photographs – Whitelands Farm

Barn with partial suspected asbestos cement roof (damaged)



Tankers and waste materials



Waste material stockpile – damaged potential asbestos cement roofing sheets



Waste material stockpile – damaged potential asbestos cement roofing sheets



Rough grassland



Rough grassland



2.2 Geological Data Review

2.2.1 Expected Geology and Aquifer Designation

The stratigraphic unit that may be expected to underlie the site has been established by reference to British Geological Survey (BGS) mapping and the BGS Lexicon of Named Rock Units. The expected stratigraphy is presented in the following table.

Table 1. Expected Strata and Aquifer Designation

Type	Stratum	Aquifer Designation
Bedrock	Weald Clay Formation	Unproductive Stratum

The Weald Clay Formation comprises dark grey thinly-bedded mudstones (shales) and mudstones with subordinate siltstones, fine to medium grained sandstones, including calcareous sandstone (e.g. Horsham Stone Member), shelly limestones (the so called "Paludina Limestones") and clay ironstones.

2.2.2 BGS Borehole

No British Geological Survey (BGS) boreholes are identified within 250m of the site.

2.2.3 Natural Ground Subsidence

Table 2. Natural Ground Subsidence from Groundsure Data

Section	Groundsure Hazard Rating
Soil Volume Change Potential (Shrink-Swell)	Low
Running Sands	Negligible
Compressible Deposits	Negligible
Collapsible Deposits	Very Low
Landslides	Very Low
Ground Dissolution of Soluble Rocks	Negligible

2.2.4 Ground Cavities and Sinkholes

Table 3. Ground Cavities and Sinkholes from Groundsure Data

Section	Groundsure Comment
Natural Cavities	No records are identified within 500m of the site.
Mining Cavities	Two mining cavities are identified: 259m and 421m south-west of the site at Codmore Hill. These likely refer to the BritPit referred to below.
Reported Recent Incidents	No records are identified within 500m of the site.
Historical Incidents	An unspecified hole is identified 361m east of the site.

2.2.5 Mining and Ground Workings

Table 4. Mining and Ground Workings from Groundsure Data

Section	Groundsure Comment
BritPits	Codmore Hill Brickworks is identified 258m south of the site.
Surface Ground Workings	The data identifies a pond 173m to the south and an area of cuttings some 176m to the south-east of the site. The cuttings are an extant feature associated with the railway line and are therefore not a potential source of contamination. Given the distance and small size of the pond, this is also not considered to represent a potential source of contamination to the site.
Underground Workings	No underground workings are identified within 1km of the site.
Underground Mining Extents	The boundary of an area identified as Codmore Hill Brickworks (the BritPit above) lies 217m to the south of the site
Historical Mineral Planning Areas	No records are identified within 500m of the site.
Non-Coal Mining	The site is identified to be located in an area where underground mining for iron ore may have occurred on the past or current mines may be operating to modern engineering standards.
JPB Mining Areas	No records are identified on the site.
The Coal Authority – Non-Coal Mining	No records are identified within 500m of the site.
Researched Mining	No records are identified within 500m of the site.
Mining Record Office Plans	No records are identified within 500m of the site.
BGS Mine Plans	No records are identified within 500m of the site.
Coal Mining	No records are identified on the site.
Brine Areas	No records are identified on the site.
Gypsum Areas	No records are identified on the site.
Tin Mining	No records are identified on the site.
Clay Mining	No records are identified on the site.

The geological units of the Wealden Group, including the Weald Clay Formation, were locally mined for iron during the early Roman period, the Medieval period and significantly between the 15th and 18th centuries. The mining activities were associated with hammer and furnace ponds, and forges. The locations of many of the workings are unknown, the works mostly having been dismantled and sites overgrown with woodland. Many of the old ponds in the Weald may be representative of old hammer or furnace ponds.

The historical extraction was mostly from open pits excavated from surface, but during the Medieval period, extraction in the eastern Weald was increasingly from mine pits. These mine pits were typically five metres in diameter and up to twelve metres deep. The pits were worked in sequence with spoil from one pit used to in-fill the one before. In the western part of the Weald, the principal method of extracting iron ore was also the mine pit but smaller in scale; the pits consisted of a vertical shaft up to 2.5 metres in diameter and the base of the shaft would have been widened out.

As well as the BritPit identified in the table above, the British Geological Survey GeolIndex Onshore viewer records the presence of North Heath Tileworks ~525m to the north-east of the site.

A search of the Wealden Iron Research Group database (www.wirgdata.org) revealed no records of iron workings within 1km of the site.

Further assessment of the natural ground and mining hazards can be undertaken, if required, to provide more detailed comment specific to the site.

2.2.6 Radon

Table 5. Radon

Section	Groundsure Comment
Radon Affected Areas	The site is reported to be within an area where less than 1% of properties are at or above the action level requiring radon gas protection measures to be installed in new buildings.
Radon Protection Measures	No radon protection measures are reported by the British Geological Survey to be necessary in the construction of new dwellings or extensions.

2.2.7 Soil Chemistry

Table 6. BGS Estimated Background Soil Chemistry

Contaminant	Estimated Value (mg/kg)
Arsenic	15-25
Bioaccessible Arsenic	-
Lead	100
Bioaccessible Lead	60
Cadmium	1.8
Chromium	60-90
Nickel	15-30

2.3 Hydrogeological and Hydrological Data

2.3.1 Groundwater Abstractions

There are no active groundwater abstraction licences within 2km of the site. The closest historical abstraction was located 951m to the south of the site and was for general farming and domestic use.

2.3.2 Surface Water Abstractions

No active surface water abstraction licences are indicated within 2km of the site. The closest historical abstraction was 1694m to the south-west of the site and was for spray irrigation.

2.3.3 Potable Abstractions

No potable abstraction licences are indicated within 2km of the site.

2.3.4 Groundwater Vulnerability

The level of groundwater vulnerability, as reported within the Groundsure data, is “unproductive”.

2.3.5 Groundwater Source Protection Zones (SPZ)

The Environment Agency defines SPZs as those areas where groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants. SPZs are primarily a policy tool used to control activities close to water supplies intended for human consumption.

The site does not lie within a SPZ.

2.3.6 Surface Water Features

The nearest recorded significant surface water feature is a river or stream located 3m to the north-west of the site.

2.3.7 Flood Risk

The table below summarises the flood risk data provided by the Groundsure report. It is noted that this does not constitute a flood risk assessment.

Table 7. Flood Risk

Section	On Site	Within 50m of the Site
Risk of Flooding from Rivers and Seas (RoFRaS)	None Identified	None Identified
Historical Flood Events	None Identified	None Identified
Flood Defences	None Identified	None Identified
Areas Benefitting from Flood Defences	None Identified	None Identified
Flood Storage Areas	None Identified	None Identified
Environment Agency Flood Zone 2	None Identified	None Identified
Environment Agency Flood Zone 3	None Identified	None Identified
Surface Water Flooding	Highest Risk: Negligible	Highest Risk: Negligible
Groundwater Flooding	Highest Risk: Negligible	Highest Risk: Negligible

3. GEO-ENVIRONMENTAL DATA

3.1 Historical Industrial Sites

The following table summarises past land uses of the site and the surrounding area extracted by Groundsure from historical maps.

Table 8. *Historical Industrial Sites*

Section	Remarks
Historical Industrial Land Uses	The nearest historical land use identified is the area of cuttings some 176m to the south-east of the site, as discussed in Table 4.
Historical Tank Database	No historical tanks are identified within 100m of the site.
Historical Energy Features	No energy features are identified within 100m of the site.
Historical Petrol Stations	No historical petrol stations are identified within 100m of the site.
Historical Garages	No historical garages are identified within 100m of the site.
Historical Military Sites	No historical military sites are identified within 100m of the site.

3.2 Landfill and Other Waste Sites

The following table summarises the location of waste sites either on the site or within the surrounding area (within 250m of the site).

Table 9. *Landfill and Other Waste Sites*

Section	Groundsure Comments
Active or Recent Landfills	No active or recent landfills are identified within 250m of the site.
Historical Landfill (BGS Records/LA/Mapping Records EA Records)	An area of land in the eastern part of the site is identified as a historical landfill within EA records. The site address is Toat Café, the address of the car wash/café on site, and the licence was for the deposition of inert waste.
Historical Waste Sites	No historical waste sites are identified within 250m of the site.
Licensed Waste Sites	No licensed waste sites are identified within 250m of the site.
Waste Exemptions	The closest exemptions are located 59m to the south-west of the site and are for the use of waste in construction and storage of waste in a secure place. Given the nature of the exemptions, they are not considered to pose a significant contamination risk to the site.

3.3 Current Industrial Land Use

The relevant current industrial land uses are discussed in the table below.

Table 10. *Current Industrial Land Uses*

Section	Groundsure Comments
Recent Industrial Land Use	No recent industrial land uses are identified within 100m of the site.
National Geographic Database (NGD) – Current or Recent Tanks	No recent or current tanks are identified within 100m of the site, though a number of tanks were identified during the walkover survey.
Current or Recent Petrol stations	No current or recent petrol stations are identified within 100m of the site.
Electricity Cables / Gas Pipelines	No underground high voltage cables or high-pressure pipes are identified within 100m of the site.
Sites determined as Contaminated Land	No sites determined as contaminated land are identified within 100m of the site.

Section	Groundsure Comments
Control of Major Accident Hazards (COMAH) Sites	No COMAH sites are identified within 100m of the site.
Regulated Explosive Sites	No regulated explosive sites are identified within 100m of the site.
Hazardous Substance Storage/Usage	No consents have been granted for hazardous substance storage/usage within 100m of the site.
Historical Licensed Industrial Activities (IPC)	No records are identified within 100m of the site.
Licensed Industrial Activities (Part A(1))	No records are identified within 100m of the site.
Licensed Pollutant Release (Part A(2)/B)	No records are identified within 100m of the site.
Radioactive Substance Authorisations	No records are identified within 100m of the site.
Licensed Discharges to Controlled Waters	No records are identified within 100m of the site.
Pollutant Release to Surface Water / Public Sewer	No records are identified within 100m of the site.
List 1 / List 2 Dangerous Substances	No records are identified within 100m of the site.
Pollution Incidents (EA/NRW)	No pollution incidents are identified within 100m of the site.
Pollution Inventory Substances / Waste Transfers / Radioactive Waste	No records are identified within 100m of the site.

3.4 Sensitive Land Use

The site is located within a nitrate vulnerable zone (NVZ). The development proposals do not pose a risk to the NVZ.

3.5 Railway Infrastructure and Projects

A railway line is located 186m to the south-east of the site.

4. HISTORICAL MAP AND IMAGERY REVIEW

Historical Ordnance Survey maps and imagery covering the area of the site have been reviewed and are summarised in the following table.

It is noted that maps and images present information applicable at the time of production of the maps or image captures, that maps are subject to surveying and cartographic errors and images to atmospheric conditions at the time of their capture. It is possible that significant developments may have taken place on or within the vicinity of the site that are not shown on the inspected maps and images.

'In the Vicinity of the Site' generally refers to features of relevance within approximately 250m of the site boundary but may also include more distant features if considered to be pertinent to the assessment of the development history.

Table 11. Summary of Significant Features Identified on Historical Maps and Images

Map/Image Details	On-Site	In the Vicinity of the Site
1876 1:2,500 & 1:10,560	The south-eastern section comprises open fields. The north-western section is shown as an orchard.	The site is surrounded by agricultural land. A railway line is present ~180m to the south-east of the site.
1895-1896 1:10,560	The north-western section of the site is now shown as a field.	
1938 (partial map) 1:10,560	A structure is indicated on the footprint of the existing house, and a further structure is shown in the eastern corner of the site.	Houses are shown to the south-west of the site.
1957 1:10,560	The complete map shows a structure in the location of the barn in the western corner of the site.	
1976-1981 1:10,560 1977-1978 1:2,500	The building in the western corner is labelled as <i>Whitelands</i> , and a further small structure is noted adjacent to the building. The house is labelled as <i>Starnes Cottage</i> . The larger scale maps show a number of structures to be present in the eastern corner of the site.	Further housing is shown to the south-west of the site.
1999 Aerial Photograph	The hard surfaced area in the east of the site is visible on this photo. To the north-west of this is a further area which has either been stripped back or hard surfaced. The workshop units are shown in the south-west of the site.	
2021 Aerial Photograph	Exposed soils are shown in the western corner of the site adjacent to <i>Whitelands</i> .	

5. ENFORCEMENT NOTICE

The clients' agent noted that the north-western part of the site had been subject to a planning enforcement notice. A copy of this was obtained from the council website and is included as Appendix C.

The notice, which is dated 18th August 2021, refers to the unauthorised deposition of waste material during the last ten years. Planning permission had been granted for the formation of an earth bund using "clean imported topsoil to prevent unauthorised access to the site", and the construction of a temporary haul road.

The enforcement specifically refers to the unauthorised importation, storing, processing, sorting and transferring of waste materials, and later makes reference to large scale plant being used for this purpose. The land was also used for the storage of plant hire machinery and parts for this, along with the use of the site for repair and vehicle maintenance.

Albury S.I. Ltd. produced a “Report on a Site Investigation”¹ following testing of worked ground and undisturbed soils. The samples were tested for concentrations of heavy metals, polycyclic aromatic hydrocarbon (PAH) compounds and petroleum hydrocarbons, and were also screened for asbestos.

The results of the testing were compared to generic soil screening values for the generic “Public Open Space” land use and the report states “No significant levels of contamination have been recorded.”

However, one of the samples to the north-east of the barn recorded the presence of chrysotile asbestos fibres, which were quantified as 0.004% of the mass of the sample. As per the guidance within in WM3², this did not meet the threshold for classifying the material as hazardous waste.

It is understood that works have been undertaken to remove the waste materials, and the clients' agent provided a copy of the enforcement officers comments, which are also included in Appendix C.

6. PRELIMINARY CONTAMINATION RISK ASSESSMENT

6.1 Introduction

The risk assessment considers the potential sources of contamination identified, the receptors that may be present in view of the development proposals and the contaminant pathways by which these may be linked. A complete pollutant linkage is only deemed to exist where all three are present and a site is considered suitable for use where no complete pollutant linkages are identified.

Where a complete pollutant linkage is deemed to be present, an assessment of the level of risk associated with the pollutant linkage has been carried out in line with current guidance³.

The level of risk is determined using the risk matrix presented in the following table. Classifications of probability, consequence and risk are presented in Appendix D.

Table 12. Risk Assessment Matrix

		Probability			
		Very Low	Low	Moderate	High
Consequence	Very Minor	Negligible	Very Low	Low	Low/Moderate
	Minor	Very Low	Low	Low/Moderate	Moderate
	Moderate	Low	Low/Moderate	Moderate	High
	Severe	Low/Moderate	Moderate	High	Very High

6.2 Contaminant Pathways Identified

The development is to comprise new residential buildings together with areas of private garden.

¹ Report Ref: 23/12653/JAM, dated September 2023

² Technical Guidance WM3: Waste Classification – Guidance on the assessment of waste, 1st Edition v1.2.GB, Oct 2021

³ Contaminated Land Risk Assessment: A guide to good practice, CIRIA C552, 2001.

Pathways associated with gas and vapour intrusion into new buildings are considered to be valid, along with direct contact and dust related pathways, and pathways associated with the consumption of home grown produce.

The site is expected to be underlain by the Weald Clay Formation which is classed as an Unproductive Stratum. The Weald Clay Formation is likely to yield a very low to negligible infiltration with any leachable contaminants unlikely to come into contact with sensitive groundwater receptors. No potable drinking water abstraction points are noted within 2km of the site and the site is not located within a SPZ. As such, there are not considered to be viable pathways linking potential contamination on the site with sensitive groundwater.

Should the proposed development plans be altered, a revised risk assessment may be required.

6.3 Potential Contamination Sources Identified

The following potential sources of contamination have been identified by the preliminary contamination risk assessment:

- Use of the eastern part of the site as a car wash, with placement of crushed stone surfacing. This part of the site has also been identified as a historical landfill.
- Above ground tanks.
- Agricultural units in the south of the site along with the storage of waste materials and bonfires in this area.
- Historical placement and processing of waste in the north-western part of the site, alongside the storage and maintenance of vehicles and plant.

The potential contaminants associated with these sources are set out in the conceptual model.

It is noted that the "landfill" area in the east of the site may refer to the placement of the surfacing material. If this is confirmed to be the case by an intrusive investigation, then there would be no risk from ground gas generation. However, at this preliminary stage, it has been assumed that such a potential risk may exist.

A historical brick works is identified in excess of 200m south-west of the site. Given the distance from the site, the brick works is not considered to be a viable source of ground gases that could impact the site.

It is further noted that an asbestos survey of existing structures and infrastructure⁴ was beyond the brief of this report. The risk assessment assumes that, should asbestos be identified within buildings or infrastructure, any such materials will be managed in accordance with current legislation and guidance, to ensure this does not represent an ongoing risk to end users and, specifically, to ensure that asbestos materials are not introduced into the underlying soils.

6.4 Preliminary Conceptual Model

The preliminary conceptual model for the proposed development is presented in Appendix E.

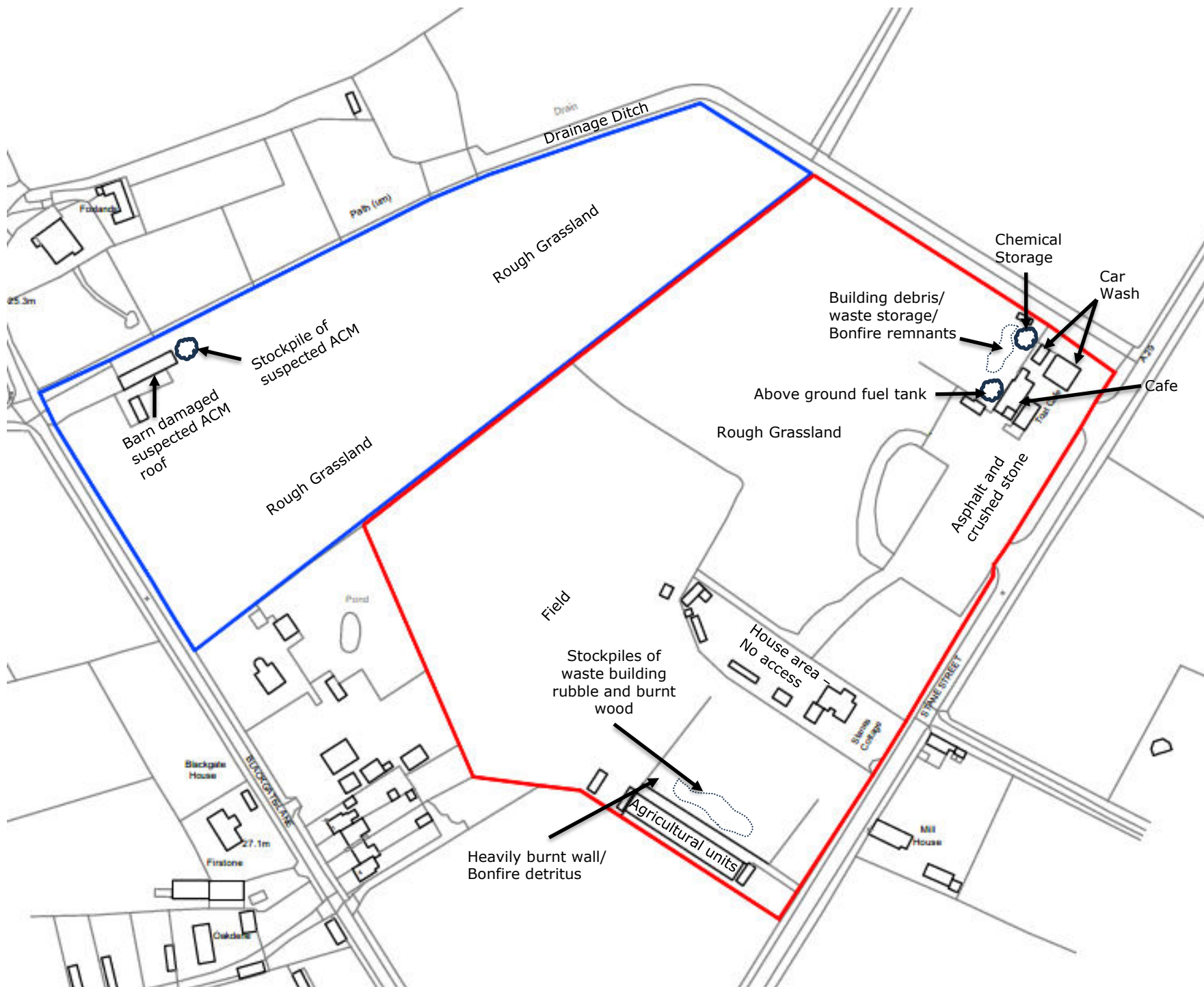
⁴ As defined under Section 5(a) of the Control of Asbestos Regulations, 2012.

6.5 Recommendations

Potential pollutant linkages have been identified, and intrusive investigation works will be required across the site to further assess the potential sources. The requirement for these works could be covered by appropriately worded planning conditions, should the proposed development works be approved.

FIGURES

Figure 1 Site Location Plan



Head Office

Unit 3
The Old Grain Store
Ditchling Common Business Park
Ditchling
East Sussex
BN6 8SG
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Site

Toat Café, Stanes Cottage, Stanes Farm
and Whitelands Farm
Stane Street
Pulborough
West Sussex

Project Ref

P17537

Figure No

1

Drawing Title

Site Plan

Scale

Not To Scale

APPENDIX A

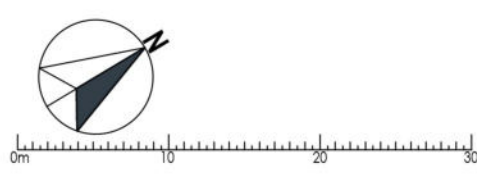
Site Location Plan

APPENDIX B

Outline Development Layout



Proposed Site Plan
Scale 1:500



MCA | MICHAEL CONOLEY ARCHITECTS | ASSOCIATES

PROJECT: Toit Cafe, Stanes Cottage and Stanes Farm
Stane Street, Pulborough, West Sussex RH20 1DN

DATE: 02.26
JOB NUMBER: 1726

SCALE: 1:500
PAPER SIZE: A0

DRAWING TITLE: Proposed Site Plan

DRAWING NUMBER: 1726/P-01

Website: www.michaelconoley.co.uk

APPENDIX C

Enforcement Notice

Enforcement Officer Comments

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)

Enforcement Notice

Material Change of Use

Issued by: HORSHAM DISTRICT COUNCIL (the Council)

Reference Number: EN/21/0357

1. This is a formal notice issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of section 171A (1) of the TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Whitelands, Blackgate Lane, Pulborough, West Sussex RH20 1DD shown edged red on the attached plan (the Land).

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land from an agricultural use to a mixed sui generis use comprising of:

- (a) The use of the Land for the unauthorised importation, storing, processing, sorting, transferring and depositing of waste materials;
- (b) The use of the Land for the storage of plant, machinery and vehicles associated with use 'A' above (mechanical excavators and tipper trucks);
- (c) The use of the Land for the storage of plant hire machinery and storage of parts for the purpose of hire;

- (d) The use of the Land for mechanical repairs, vehicle maintenance, plant maintenance and the storage of mechanical tools;
- (e) The unauthorised laying down of a hardstanding and access road, gate posts and gates above 2 m high part and parcel with use 'B' and 'C' above;
- (f) The creation of a haul road in the approximate position shown hatched green on the attached Plan that is part and parcel of the mixed use; and
- (g) The siting and stationing of a caravan on the land in the position marked A on the attached Plan for the purpose of an office and mess room that is part and parcel of the mixed use.

4. REASONS FOR ISSUING THIS NOTICE

The breach of planning control constituting the unauthorised change of use of the Land has occurred within the last 10 years.

On 17 May 2021 under reference DC/20/1978 planning approval was granted retrospectively for the 'formation of an earth bund using clean imported topsoil to prevent unauthorised access to the site. Temporary haul road of hardcore/crushed concrete to be removed'.

Following the partial implementation of this planning permission, it appears an increase in activity on the site commenced with the unauthorised material change of use of the Land, and associated operational development, to facilitate the mixed use specified above.

It is considered the unauthorised use of the Land for the deposit of inert waste material and subsequent raising the level of the land has failed to enhance the environment of its location and does not respect the environmental quality of the surrounding area contrary to policy W8 of the West Sussex Waste Local Plan and policy 24 of the Horsham District Planning Framework 2015.

The site lies in a countryside location outside the built up area boundary of Pulborough. The stockpiling of earth and importation of inert waste material has created an artificial man-made feature and landform which fails to protect, conserve and enhance the landscape character of the surrounding area. In addition, the extensive nature of the operational works, by reason of the scale and impact of the earth works on the undeveloped nature of the countryside, fails to protect the rural character and appearance of the surrounding area from inappropriate development. This includes the importation of hardcore and inert waste material to form a hardstanding in the gateway and haul road across the paddock and the deposit of material in the field which results in the net loss of local biodiversity. The substantial changes to the appearance of the landscape are not considered essential to its countryside location. The development is therefore considered to be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework 2015 and the relevant policies contained in the National Planning Policy Framework.

Furthermore, the storage and hire of large industrial plant machinery upon the land results in an unsightly industrialised setting to the countryside and exposes the local amenity of neighbouring properties to uncontrolled disturbance that includes shaking, noises and pollution when being delivered and in use. The same applies in regard to the noise and dust created by the delivery

and movement of the lorry loads of inert waste on the site.

Accordingly, it is considered that the development if having an unacceptable impact on the amenities and future occupiers of the neighbouring properties or the 'wider area' by reason of noise, vibrations, dust, or other pollution contrary to policy W8 of the West Sussex Waste Local Plan and policy 33 of the Horsham District Planning Framework 2015. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (1) Cease the unauthorised mixed use of the Land;
- (2) Cease all excavations on the Land;
- (3) Within the area shown hatched brown on the attached Plan, re-grade and restore the Land to its previous levels and condition before the breach took place by undertaking the following works: remove from the Land all the deposited soil so that the previous undisturbed contour of the Land around the perimeter of the field is made flat and level. This can be achieved by removing the soil and rubble from the raised area shown hatched brown on the attached plan and restoring the contour of the Land to its original condition to match that on either side as existing.
- (4) Break up and remove from the Land all the hardcore and waste material forming the hardstanding and access track in the approximate position shown coloured grey on the attached Plan.
- (5) Remove the gate pillars and gates from the Land at the entrance to the site.
- (6) Remove all the resulting soil, hardcore and rubble waste materials arising from the restoration works from the Land.
- (7) Deconstruct the haul road and remove all associated materials from the Land that are shown in the approximate position hatched green on the attached plan.
- (8) Remove any ancillary debris, machinery, machinery parts, tools, plant, plant machinery and vehicles associated with the mixed use from the Land.
- (9) Cease the use of the caravan as an office that is part and parcel of the unauthorised mixed use and remove the caravan and all its ancillary utilities and debris from the land (location shown approximately marked A on the Plan).
- (10) Following (3) and (4) above, grade the surface to a fine tilth so that the whole area can be finished to an even layer ready for sowing with seed. During the next planting season reseed all the cultivate area with a grass mixture composed of 20% native wildflower and 80% slow grass seed mix so that a grassland finish to the land is re-established.

6. TIME FOR COMPLIANCE

Step 1 & 2 – On the day this notice takes effect.

Steps 3, 4, 5, 6 & 7 – Within 3 (three) months of this notice taking effect

Steps 8 & 9 - within 6 (six) months of this notice taking effect

Step 10 within 12 (twelve) months of this notice taking effect;

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **20 September 2021** unless an appeal is made against it beforehand.

Dated: 18 August 2021

Signed:



Sharon Evans

Head of Legal and Democratic Service

On behalf of **HORSHAM DISTRICT COUNCIL, PARKSIDE, CHART WAY,
HORSHAM, WEST SUSSEX RH12 1RL**

Nominated officer: Reg Hawkes

Telephone Number: 01403 215076



Horsham District Council

Parkside, Chart Way, Horsham
West Sussex RH12 1RL.

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EN/21/00357 - Whitelands, Blackgate Lane, Pulborough,
West Sussex, RH20 1DD

Reference No : EN/21/00357

Date: 12/08/2021

Scale : 1:2,000 (at A4)

Drawing No :

Revisions :

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) before the date specified in paragraph 7 of the notice.

If you intend to appeal against this notice you should follow the instructions given **on the enclosed information sheet** published by the Planning Inspectorate which gives details of how to make an appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol B51 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal
(<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at
<https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

April 2019

EXPLANATORY NOTE

Horsham District Council has issued an enforcement notice relating to Land at, Whitelands, Blackgate Lane, Pulborough, West Sussex RH20 1DD and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this explanatory note.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) before the date specified in paragraph 6 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground a of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have

to pay a fee of **£3,276** You should pay the fee to HORSHAM DISTRICT COUNCIL. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

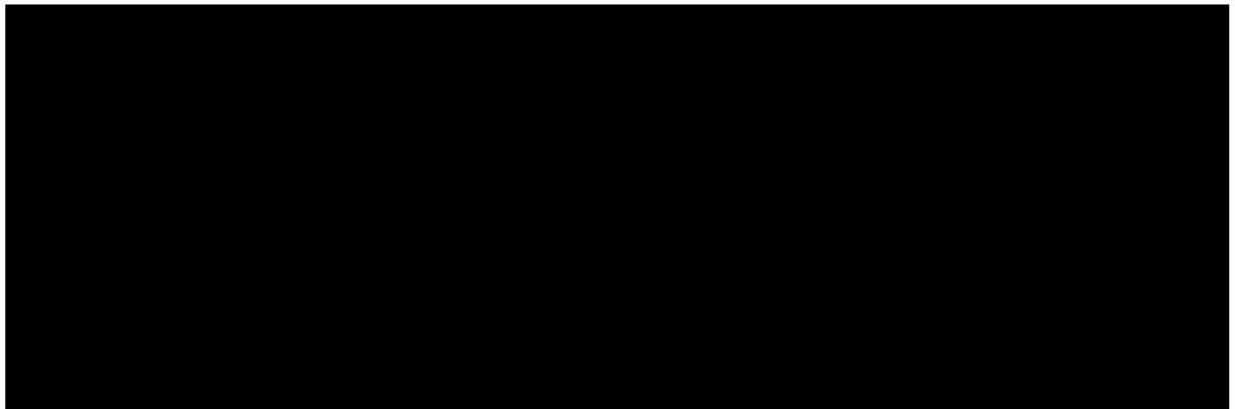
STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information

WHAT HAPPENS IF YOU DO NOT APPEAL?

If you do not appeal against this enforcement notice , it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE ARE AS FOLLOWS:



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APPENDIX D

Classification of Probability, Consequence and Risk

Probability Of Risk Being Realised	
Classification	Definition
High	There is a pollution linkage and an event that either appears very likely in the short term and almost inevitable over the long term or there is evidence at the receptor of harm or pollution.
Moderate	There is a pollution linkage and all the elements are present and in the right place, which means that it is probable that an event will occur. Circumstances are such that an event is not inevitable, but possible in the short term and likely over the long term.
Low	There is a pollution linkage and circumstances are possible under which an event could occur. However, it is by no means certain that even over a longer period such event would take place and is less likely in the shorter term.
Very Low	There is a pollution linkage but circumstances are such that it is improbable that an event would occur even in the very long term.

Consequence Of Risk Being Realised		
Classification	Category	Definition
Severe	Human Health	Short term (acute) risk to human health likely to result in "significant harm" as defined by the Environment Protection Act 1990, Part IIA.
	Controlled Waters	Short term risk of pollution (note: Water Resources Act contains no scope for considering significance of pollution) of sensitive water resource.
	Property	Catastrophic damage to buildings/property.
	Ecological Systems	A short term risk to a particular ecosystem or organisation forming part of such ecosystem.
Moderate	Human Health	Chronic damage to Human Health.
	Controlled Waters	Pollution of sensitive water resources (note: Water Resources Act contains no scope for considering significance of pollution).
	Ecological System	A significant change in a particular ecosystem or organism forming part of such ecosystem.
Minor	Controlled Waters	Pollution of non-sensitive water resources.
	Property	Significant damage to crops, buildings, structures and services.
	Ecological Systems	Damage to sensitive buildings/structures/services or the environment.
Very Minor	Human Health	Non-permanent health effects to human health (easily prevented by means such as personal protective clothing, etc).
	Property	Easily repairable effects of damage to buildings, structures and services.
	Project	Harm, although not necessarily significant harm, which may result in a financial loss or expenditure to resolve.

Risk Classification Definitions	
Very High	There is a high probability that severe harm could arise to a designated receptor from an identified hazard, OR, there is evidence that severe harm to a designated receptor is currently happening. This risk, if realised, is likely to result in a substantial liability. Urgent investigation (if not undertaken already) and remediation are likely to be required.
High	Harm is likely to arise to a designated receptor from an identified hazard. Realisation of the risk is likely to present a substantial liability. Urgent investigation (if not undertaken already) is required and remedial works may be necessary in the short term and are likely over the long term.
Moderate	It is possible that harm could arise to a designated receptor from an identified hazard. However, it is relatively unlikely that any such harm would be severe, or if any harm were to occur it is more likely that the harm would be relatively mild. Investigation (if not already undertaken) is normally required to clarify the risk and to determine the potential liability. Some remedial works may be required in the longer term.
Low	It is possible that harm could arise to a designated receptor from an identified hazard, but there is a low likelihood of this hazard occurring and if realised, harm would at worst normally be mild.
Very Low	There is a low possibility that harm could arise to a receptor. In the event of such harm being realised, it is not likely to be severe.

APPENDIX E

Preliminary Conceptual Model

Site: Toat Café, Stanes Cottage, Stanes Farm and Whitelands Farm, Stane Street, Pulborough, West Sussex

Project Ref: P17537

Potential Source	Potential Receptor	Potential Contaminants	Potential Pathway	Complete Linkage Present?	Probability	Consequence	Risk
Use of the eastern part of the site as a car wash, with placement of crushed stone surfacing. This part of the site has also been identified as a historical landfill	End Users	Asbestos, Ground Gases, Heavy Metals, PAH Compounds and Petroleum Hydrocarbons	Dermal contact with soil and dust (indoor & outdoor)	Yes	P3: Moderate	C3: Moderate	Moderate
			Ingestion of soil and indoor dust	Yes	P3: Moderate	C3: Moderate	Moderate
			Consumption of home-grown produce and attached soil	Yes	P3: Moderate	C3: Moderate	Moderate
			Inhalation of soil dust (indoor and outdoor)	Yes	P3: Moderate	C3: Moderate	Moderate
			Inhalation of soil vapours	Yes	P2: Low	C3: Moderate	Low/Moderate
			Inhalation of soil gases/ Risk of explosion	Yes	P2: Low	C3: Moderate	Low/Moderate
	End Users (via Water Supply Pipework)	Petroleum Hydrocarbons	Contamination of incoming services	Yes	P2: Low	C3: Moderate	Low/Moderate
	Groundwater	Heavy Metals, PAH Compounds and Petroleum Hydrocarbons	Migration to groundwater	No significant pathway to groundwater exists			N/A
Above ground tanks	End Users	Petroleum Hydrocarbons	Dermal contact with soil and dust (indoor & outdoor)	Yes	P2: Low	C3: Moderate	Low/Moderate
			Ingestion of soil and indoor dust	Yes	P2: Low	C3: Moderate	Low/Moderate
			Consumption of home-grown produce and attached soil	Yes	P2: Low	C3: Moderate	Low/Moderate
			Inhalation of soil dust (indoor and outdoor)	Yes	P2: Low	C3: Moderate	Low/Moderate
			Inhalation of soil vapours	Yes	P1: Very Low	C3: Moderate	Low
			Inhalation of soil gases/ Risk of explosion	Identified contaminant does not pose a risk via this pathway			N/A
	End Users (via Water Supply Pipework)	Petroleum Hydrocarbons	Contamination of incoming services	Yes	P1: Very Low	C3: Moderate	Low
	Groundwater		Migration to groundwater	No significant pathway to groundwater exists			N/A

Site: Toat Café, Stanes Cottage, Stanes Farm and Whitelands Farm, Stane Street, Pulborough, West Sussex

Project Ref: P17537

Potential Source	Potential Receptor	Potential Contaminants	Potential Pathway	Complete Linkage Present?	Probability	Consequence	Risk
Agricultural units in the south of the site along with the storage of waste materials and bonfires in this area	End Users	Asbestos, Heavy Metals, PAH Compounds and Petroleum Hydrocarbons	Dermal contact with soil and dust (indoor & outdoor)	Yes	P3: Moderate	C3: Moderate	Moderate
			Ingestion of soil and indoor dust	Yes	P3: Moderate	C3: Moderate	Moderate
			Consumption of home-grown produce and attached soil	Yes	P3: Moderate	C3: Moderate	Moderate
			Inhalation of soil dust (indoor and outdoor)	Yes	P3: Moderate	C3: Moderate	Moderate
			Inhalation of soil vapours	Yes	P1: Very Low	C3: Moderate	Low
			Inhalation of soil gases/ Risk of explosion	Identified contaminants do not pose a risk via this pathway			N/A
	End Users (via Water Supply Pipework)	Petroleum Hydrocarbons	Contamination of incoming services	Yes	P2: Low	C3: Moderate	Low/Moderate
	Groundwater	Heavy Metals, PAH Compounds and Petroleum Hydrocarbons	Migration to groundwater	No significant pathway to groundwater exists			N/A
Historical placement and processing of waste in the north-western part of the site, alongside the storage and maintenance of vehicles and plant	End Users	Asbestos, Heavy Metals, PAH Compounds and Petroleum Hydrocarbons	Dermal contact with soil and dust (indoor & outdoor)	Yes	P3: Moderate	C3: Moderate	Moderate
			Ingestion of soil and indoor dust	Yes	P3: Moderate	C3: Moderate	Moderate
			Consumption of home-grown produce and attached soil	No development proposed in this area			N/A
			Inhalation of soil dust (indoor and outdoor)	Yes	P3: Moderate	C3: Moderate	Moderate
			Inhalation of soil vapours	No development proposed in this area			N/A
			Inhalation of soil gases/ Risk of explosion	Identified contaminants do not pose a risk via this pathway			N/A
	End Users (via Water Supply Pipework)	Petroleum Hydrocarbons	Contamination of incoming services	No services proposed in this area of the site			N/A
	Groundwater	Heavy Metals, PAH Compounds and Petroleum Hydrocarbons	Migration to groundwater	No significant pathway to groundwater exists			N/A

APPENDIX F

Groundsure Enviro+Geo Insight Report
Historical Maps