



HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Development Control
FROM:	Environmental Health and Licensing
REFERENCE:	DISC/26/0037
LOCATION:	Land North of Little Potters, Potters Green, Station Road, Cowfold, West Sussex
DESCRIPTION:	Application for Approval of Details Reserved by Condition 3,4,5,6,7,8,9,11,12,13,14,15,16 to approved application DC/24/0982
SUMMARY OF COMMENTS & RECOMMENDATION: Comments relating to below information: Geo-Environmental Desk Study Report dated 04.11.21 Geo-Environmental Ground Appraisal Report dated 30.06.21	

MAIN COMMENTS:

Condition 9

Environmental Health have reviewed the above-mentioned reports and we have the following comments to make.

Geo-Environmental Desk Study Report

1. As detailed in our formal comments on the parent permission DC/24/0982 we are satisfied that the preliminary risk from contamination to future site users have been adequately assessed.
2. We agree with the conclusions in the above-mentioned report in that a ground investigation should be undertaken to confirm ground conditions on the site and fully assess the risks to future site users.
3. We note that a ground investigation has also been provided and we have provided comments on this below.

Geo-Environmental Ground Appraisal Report

1. We note that with the exception of an elevated concentration of arsenic (further comments on which are provided below) that when compared to UK generic assessment criteria no elevated levels of contaminants were detected which is welcomed. With reference to the guidance in section 9.7.2.3.3 of BS10175:2026 (Investigation of potentially contaminated sites – Code of practice) it is however not clear what sampling strategy and density of sampling grid have been adopted for this site – we would be grateful if this can be clarified. **The intrusive locations were spread across the development area with an average spacing of 28m between locations.**
2. From comparing the borehole and trial pit logs with the chemical test certificates it is apparent that a number of the samples were collected at the interface between the topsoil and underlying weald clay formation – it is therefore not clear from which strata these samples were collected from. **Based on the engineers sampling regime, the samples taken from the interface of locations WS02, WS04, WS06, TP01, TP04, TP06 and TP08. This is corroborated with the sample descriptions on PDF page 22 of the laboratory report 21-70290.**
3. We note that an elevated concentration of arsenic was detected in the weald clay formation at TP07. It is however not clear if the overlying topsoil in this part of the site was tested for arsenic. **The sample analysed was compared against the screening end use of residential end use with plant uptake. The final end use for the location of TP07 is public open space, the lab result is lower than the screening value for POS residential, however, it is possible to obtain a further Topsoil sample from this location to confirm that the concentration for Arsenic is suitable for the proposed end use, should the LA require.**
4. We also note that the following is stated in section 7.2 'A statistical assessment has been undertaken on the arsenic results and Table 5.2 summarises the findings of the statistical assessment'. Whilst the fact that a statistical assessment of the arsenic data set has been undertaken is welcomed it is our understanding that an assessment of this nature should be based on the same strata which with limited sampling of the weald clay having been undertaken does not appear to be the case. **We have rerun the statistical analysis for Weald Clay and for Topsoil for a residential with plant uptake end use. The Topsoil indicated an evidence level of 100% with a mean of 17.5 and an upper confidence limit of 18.67. For the Weald clay the evidence level of 68%, a mean of 32 and an upper confidence limit of 55.09. TP07 was identified as an outlier and once removed the evidence level changes to 99%, the mean 22.33 and the upper confidence limit of 29.35. Treating TP07 separately as POS residential, the chemical test result was 61mg/kg whilst the LQM, CIEH S4UL is 79mg/kg and therefore passes for the proposed end use at the location of TP07.**
5. From reviewing Figure 2 – 'Exploratory Hole Location Plan' we note that the exploratory locations were restricted to the northern half of the site and the northern part of the southern half of the site. We appreciate that the northern

half of the site is where the proposed residential dwellings will be located, from reviewing the proposed landscaping plan the southern portion of the site will however be communal landscaping so, in our view, should have been subject to sufficient investigation. We also note the comment in Table 3.7 of the Desk Study report 'The development will include communal soft landscaping and private gardens, end users are likely to come into contact with soils via direct contact. Sampling and chemical testing required to assess the risk'. This further enforces the view that sufficient investigation of the communal landscaping areas is required. **It is understood that further testing may be required within the field to the south and at the same time, a sample of the Topsoil at the location of TP07 will be taken.**

6. Further to the above, from reviewing the 1897 and 1911 historic maps we also note that a collection of agricultural building labelled as 'Potters Farm' and a brick field/clay pit fall within the red boundary line. We appreciate that no residential dwellings are proposed in these parts of the site, both of these land uses are

however potentially contaminating and it would appear that they fall within the communal landscaping areas and, in our view following a site visit, are relatively accessible and are likely to be used by future site users. Future site users could therefore potentially come into contact with contaminated soils in this part of the site – this requires further consideration. **At the time of the investigation the location of the farm and pit were situated within dense woodland, and it is understood that this is still the case. If required, hand pitting could be undertaken to obtain samples from these locations (subject to any ecological constraints) for further analyses and assessment.**

7. In summary – we appreciate that the majority of the site is greenfield and in the investigation undertaken to date no made ground or significant contamination has been detected, however given the above comments we are not entirely convinced that the level of investigation and sampling to date provides the LPA with sufficient confidence that elevated contaminants are not present within the boundaries of the site. **If the LA would like a site or a Teams meeting to fully agree how we move forward, we would be happy to attend.**

Given the above unfortunately we are not currently in a position to recommend the discharge of condition 9 at this time.

NAME:	Kevin Beer
DEPARTMENT:	Environmental Health and Licensing
DATE:	11/03/2026