

From: Steven King
Sent: 28 January 2026 13:07:39 UTC+00:00
To: "Huw James (hjames@eceplanning.com)" <hjames@eceplanning.com>
Subject: Wealden House Lewes Road Ashurst Wood West Sussex RH19 3TB - DM/26/0181

Hi Huw

Discharge of planning condition No: 8 relating to planning application DM/25/2428.

I'm writing with regards to the above.

To begin, I'd be grateful for some clarification about the status of the submitted report from Southern Testing. This is marked as 'draft'. The report states *'This report is issued as an unsigned draft, and remains the property of Southern Testing Laboratories Ltd. The Client has no rights to or reliance on this document or supporting documents. A signed report will be issued following receipt of full payment of all invoices for work undertaken in connection with this report'*. I am not convinced that we can rely on a report that is marked as draft and I would request that this is updated.

I have received the following comments from our EHO on the submissions:

'I have reviewed the Phase 1 Desk Study and Phase 2 Preliminary Site Investigation and Risk Assessment Report prepared by Southern Testing Laboratories Ltd, dated 4 December 2025, reference J16139.

The report satisfies Part a of the contaminated land condition (condition 8), as it provides the required preliminary risk assessment.

However, the report makes clear that several areas of potential concern could not be accessed during the intrusive investigation. These include former fuel storage and generator locations, ductwork, substation areas where PCB contamination may be present, and the ground beneath existing buildings. The report confirms that further investigation of these areas will only be possible once demolition and site clearance have taken place.

As far as I am aware, demolition and site clearance fall outside the scope of "commencement of development" for planning purposes, and the applicant should therefore be able to undertake these enabling works to allow access for the remaining investigations. If demolition is considered to form part of "commencement", then a degree of practical flexibility may be required from the LPA, as the full site investigation cannot be completed without carrying out these preliminary works.

Given the above, the requirements of Part b of the condition have not yet been met. A complete site investigation, covering all areas identified in the preliminary risk assessment, must be submitted and approved before Part b can be discharged. I therefore recommend that only Part a of condition 8 is approved at this stage.'

Condition 8 states:

'Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:*
 - o all previous uses*
 - o potential contaminants associated with those uses*
 - o a conceptual model of the site indicating sources, pathways and receptors*
 - o potentially unacceptable risks arising from contamination at the site*

and unless otherwise agreed in writing by the Local Planning Authority,

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;*

and, unless otherwise agreed in writing by the Local Planning Authority,

- c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 183 of the NPPF.'

Therefore, there is some flexibility in the highlighted text. As you know, demolition is classified as development in the Town and Country Planning Act 1990. The summary in the report from Southern Testing states *'The intrusive investigation was subject to various constraints, and some areas with potential contamination risk could not be accessed and have not been fully investigated. The constraints remain, and access to the areas in question can only be achieved once site clearance and demolition have commenced.'* These areas are referred to in section 7.2 of the report. As a result of the flexibility in the condition and the practical issues outlined by Southern Testing in accessing all the site, I am therefore content, in principle, for demolition to take place to allow the remaining investigations to take place, as outlined in section 12 of the report from Southern Testing.

Considering the above, I cannot fully discharge the condition at this point. I'd be grateful for the status of the report from Southern Testing to be amended.

Finally, I note that the Southern Testing report states *'...the earlier investigation did not include any assessment of the potential presence of asbestos or asbestos containing materials within the structures present on the site, and consideration of the same is excluded from this report. Appropriate pre-demolition surveys must be carried out, to ensure that any associated risks can be properly managed'*. The duty to manage asbestos is a legal requirement under the Control of Asbestos Regulations 2012 (Regulation 4) and this sits outside of the planning regime.

I look forward to hearing from you.

Regards

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