26th May 2023

Adur District Council,
The Shoreham Centre,
Pond Road,
Shoreham By Sea
BN43 5WU

Dear Mr Appleton,

Application for a Non-Material Amendment to AWDM/1831/21 at Shoreham (Brighton City) Airport, Cecil Pashley Way, Lancing, West Sussex, BN43 5FF.

Pegasus Group has been instructed on behalf of our client, CP Logistics UK Brighton Propco Ltd (Warwick), to submit a non-material amendment (NMA) application to reserved matters approval AWDM/1831/21. The reserved matters application was approved on 13th July 2022, with the description of development as follows:

'Application for Approval of Reserved Matters following Outline Approval AWDM/1093/17. Details regarding the appearance, landscaping, layout and scale of the new commercial buildings. The Outline application was subject to an Environmental Statement.'

This NMA application seeks a minor amendment to Condition 1 of the above referenced application to facilitate some minor design changes to the approved development at unit 5 to meet the requirements of the future occupier.

The application has been submitted via the Planning Portal on **26th May 2023** with the following reference **PP-12192547**.

Proposed Changes

The NMA seeks to amendment to Condition 1 which is worded as follows:

'The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.'

The Table overleaf sets out those plans within Condition 1 which this non-material amendment relates to and the proposed amended plan references.

Previously Approved Plans	Amended Plans
Unit 5 GA Floor Plans P150 (Rev B)	Unit 5 GA Floor Plans P150 (Rev G)
Unit 5 GA Roof Plan P151 (Rev A)	Unit 5 GA Roof P151 (Rev H)
Unit 5 GA Elevations and Sections P250 (Rev A)	Unit 5 GA Elevations and Sections P250 (Rev K) (2 pages)

A summary of the NMA changes within the above revised floorplans and elevations for unit 5 is provided below:

Primary / North East Elevations:

- Cladding colour alterations
- Inclusion of large section of curtain walling zones at GF and amendments to core area curtain walling
- Additional canopies above new entrance / exit doors within curtain walling zone

Side / North West Elevation:

- Inclusion of curtain walling screen / door
- Cladding colour alterations

Rear / South East Elevation:

- FE door setting out alteration
- Cladding colour alterations

Side / South West Elevation:

- Cladding colour alterations

The Basis of a Non-Material Amendment

In 2014, new Legislation was published with the intent of introducing flexibility to the planning system, via a range of procedures for the formal recording of post permission amendments. Advice on these measures was subsequently included within the Planning Practice Guidance (PPG), under the heading: - 'Flexible Options for Planning Permissions'. (Paragraph: 001 Reference ID: 17a-001-20140306). These 'flexible options' came about to address the common occurrence of post permission 'issues', necessitating either, the submission of further applications or resulting in unofficial agreements, for which there was no 'formal' recording. Their intent was to speed up and simplify the planning process.

The PPG advises that in situations where 'less substantial changes are proposed'.. there is the opportunity to apply for a non-material amendment. The relevant section of the Act in this case is s.96A. The PPG explains that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in

one context may be material in another. Whether or not a change can be considered as a "non-material amendment" may be defined according to established legal concepts of materiality and de minimus.

For a Local Planning Authority to be satisfied that an amendment is not material; they must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. An application for a "non-material amendment" removes the need for an entirely new planning application to be submitted, where only a very small change is sought. Such an application, if approved, comprises an amendment to the original planning permission and is subject to the conditions and time limit of the original permission. It does not form a new planning permission.

Conclusions

The extent of the amendments sought would be non-material and minor when considered in context. On the basis of both the nature and scale of the works, no material impacts would be raised on any technical ground and the amendments would be inconsequential to the principle of the development, which has been established.

The NMA works proposed satisfy the requirements of s.69A of the Town and Country Planning Act and would constitute a non-material amendment.

To alleviate potential delay in the delivery programme and on account of the very minor nature of the issues here, the submission of a non-material minor amendment is considered the most straight forward and suitable way to proceed.

I look forward to receiving confirmation of validation of the planning application in due course, however; should you have any queries in the meantime please do not hesitate to contact me on the details provided below.

Yours sincerely

[redacted]

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