# Development Management - Delegated Officer Report

**Application Number: AWDM/1581/24 Recommendation – Approve**

**Site: Land And Foreshore And Beach South East Of Substation, Basin Road South, Southwick**

**Proposal: Application for a Lawful Development Certificate for a Proposed New sheet pile flood wall, a new setback flood wall along Basin Road South, a new footpath and cycleway above the sheet pile flood wall and re-surfacing of parking area along Basin Road South.**

**Date of site visit: Not visited**

**Neighbours checked: N/A**

**Additional neighbour notifications: N/A**

**Proposal, Site and Surroundings**

This lawful development application relates to proposed flood defence works at Shoreham Port, along Basin Road South. The works form part of the Brighton Marina to River Adur Flood and Coastal Erosion Risk Management (FCERM) which comprises coastal defences between Shoreham Port and Brighton Marina.

The works subject to this application comprise the installation of a new sheet pile flood wall, a new setback flood wall, a new footpath and cycleway above the sheet pile flood wall and re-surfacing the parking area.

The works are within both Brighton and Hove City Council and Adur so applications have been submitted to each authority.

The new sheet pile wall with capping beam would encase the current existing corroded sheet piles and the new setback wall would replace the existing concrete wall along Basin Road South. The remaining part of this existing wall would be encased by a new timber kingpost wall, approximately 150m in length.

The setback wall along Basin Road South would measure between 1.3m and 1.6m in height. The sheet pile wall would vary between 6.6m and 7.4m AOD. Galvanised steel handrailing would be installed above the sheet pile wall, measuring 1.12m from its base to tip.

The footpath and cycleway would be an integral part of the flood walls, as it would be located in the area between them and would sit on the backfilled material behind the sheet pile wall which forms part of the overall structure. The footpath and cycleway would be formed from self-binding gravel.

The application seeks to confirm that the works are permitted under Class A of Part 18 of Schedule 2 to the GPDO.

**Relevant Planning History**

AWDM/1363/24 - Construction of a new rock revetment along the existing defence along the central Shoreham frontage facing Basin Road South. The proposed alignment follows the seaward perimeter of the existing beach crest. Construction of a new footpath along with a new beach access ramp and steps. Application to vary Condition 1: Proposed change to design of rock revetment, changes to biodiversity enhancement and compensation proposals and additional details of ramp, steps and footpath provided and Condition 5 : for its wording to be varied to a compliance condition in line with the plans submitted with this application in relation to the steps, footpath and ramp of approved AWDM/0321/23 - under consideration

AWDM/0321/23 - Construction of a new rock revetment along the existing defence along the central Shoreham frontage facing Basin Road South. The proposed alignment follows the seaward perimeter of the existing beach crest. Construction of a new footpath along with a new beach access ramp and steps - approved

**Planning Assessment**

**The Evidence**

Class A of Part 18 of Schedule 2 to the GPDO confers Permitted Development rights in relation to miscellaneous development, including development authorised by a local or private Act of Parliament. In this case, the proposed works would be carried out by BHCC on behalf of Shoreham Port who have responsibility for the maintenance of the wall, and which is within their ownership. The Shoreham Harbour Acts constitute private Acts of Parliament.

Section 6 (Subsidiary works) of Part II the 1949 Shoreham Harbour Act sets out that the Trustees may provide and maintain within the limits of deviation shown on the deposited plans …. walls … protection works ….and other works, buildings, machinery and appliances as may be necessary or convenient for, or in connection with or subsidiary to the harbour works or any of them.

Given the above, the 1949 Shoreham Harbour Act, authorises the maintenance and repair of works to defend against erosion and encroachment by the sea. Given that the act constitutes a private Act of Parliament, the applicants contend that the new sheet pile flood wall, new setback flood wall incorporating a new footpath and cycleway above the sheet pile flood wall would be permitted development under Class A of Part 18 of Schedule 2 to the GPDO.

Part 39 of the Shoreham Harbour Act 1926 enables Shoreham Port (The Trustees) to undertake works including roads and all other such works ….and conveniences ancillary to the harbour undertaking as may be necessary or convenient for and in connection with the traffic of the harbour. Part 40 allows the alteration, diversion or shut up of roads or ways and the repair and

improvement, renewal and maintenance of all or any of the works constructed by or belonging to them.

The applicants contend that the maintenance and repair of the parking area is therefore authorised through the Shoreham Harbour Act 1926 and the Shoreham Port Authority Harbour Revision Order 2021 and would be permitted development under Class A of Part 18 of Schedule 2 to the GPDO.

**Council's Assessment**

The Council's lawyer has checked the application and is satisfied that the applicant has demonstrated, on the balance of probabilities, that the proposed operations on the land are lawful as they amount to PD under Class A of Part 18 of Schedule 2 to the GPDO 2015.

The new sheet pile flood wall, new setback flood wall incorporating a new footpath and cycleway above the sheet pile flood wall would be permitted development under Class A**(a)** of Part 18 of Schedule 2 to the GPDO 2015 as the development is permitted under the Shoreham Harbour Acts which are private Acts of Parliament.

The re-surfacing of the parking area along Basin Road South would be permitted development under Class A**(c)** of Part 18 of Schedule 2 to the GPDO 2015 as the development is permitted under The Shoreham Port Authority Harbour Revision Order 2021, which is an order under section 14 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours).

**Recommendation**

**Certificate of Lawfulness be granted for the following reason:**

On the balance of probabilities, the proposed operations on the land are lawful as they amount to PD under Class A of Part 18 of Schedule 2 to the GPDO 2015.

Note: The proposed works cover an area within ADC and an area within BHCC and the Certificate hereby granted applies only to the the area within ADC.

Case Officer: Peter Barnett Date: 10 February 2025

Authorised by: Jo Morin Date: 11.02.2025