ADUR DISTRICT COUNCIL

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# CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (AS AMENDED)**
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2015; article 39**

## Application Number: AWDM/1581/24

The Adur District Council hereby certify that on 09/12/2024 (reference AWDM/1581/24), the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted with this application, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

01. On the balance of probabilities, the proposed operations on the land are lawful as they amount to development permitted 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).

Note: The proposed works cover an area within Adur District Council (ADC) and an area within Brighton and Hove City Council and the Certificate hereby granted applies only to the the area within ADC.

This decision is based on the following submitted plans/documents for avoidance of doubt.

| Reference/Drawing Number | Version | Date Rec |
|---|---|---|
| PLANNING STATEMENT | PL-0001- S3-P01 | 09.12.2024 |
| AREA 2B SITE ACCESS AND CONSTRAINT PLAN | DR-PL-1002 C01 | 09.12.2024 |
| AREA 2B GENERAL ARRANGEMENT SHEET 1 OF 5 | DR-PL-2004 C01 | 09.12.2024 |
| AREA 2B GENERAL ARRANGEMENT SHEET 2 OF 5 | DR-PL-2005 C01 | 09.12.2024 |
| AREA 2B GENERAL ARRANGEMENT SHEET 3 OF 5 | DR-PL-2006 C01 | 09.12.2024 |
| AREA 2B TYPICAL SECTION TYPE A | DR-PL-3003 C01 | 09.12.2024 |
| AREA 2B TYPICAL SECTION TYPE B | DR-PL-3004 C01 | 09.12.2024 |

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| Reference/Drawing Number | Version | Date Rec |
|---|---|---|
| AREA 2B SHEET PILE WALL COPING DETAILS | DR-PL-4002 C01 | 09.12.2024 |

**First Schedule**
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.

**Second Schedule**
Land And Foreshore And Beach South East Of Substation Basin Road South Southwick West Sussex



Gary Peck
Planning Services Manager Date: 11.02.2025

**Notes**

a) This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).

b) It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date, and thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

c) This certificate applies only to the extent of the matter described in the First Schedule and the land specified in the Second Schedule and identified on plan submitted with the application. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

d) The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

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**YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT**

1. If the applicant is aggrieved by the decision of your Local Planning Authority to refuse a Certificate of Lawful Use or Development, whether in whole or in part (including a case in which the Authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the applicant may appeal to the Secretary of State in accordance with Sections 78 of the Town and Country Planning Act 1990 within six months of the date of this notice.

2. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
   28 days of the date of service of the enforcement notice,
   or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier

3. Further correspondence about this application should quote the application number.

4. Where this notice conveys the granting of a certificate, please note that the decision does not purport to convey planning permission nor any consent or approval which may be required under the Public Health Acts, the Building Regulations, or any other legislation.

5. Appeals must be made on a form which is obtainable from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel 0117 372 6372) or can be downloaded from www.planning-inspectorate.gov.uk. The Secretary of State has power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal.