date
21 October 2025

ref
3117_PL-02

Adur & Worthing Councils
Development Management, Economy Directorate,
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

Dear Sirs

Re: AWDM/0478/24/INVAL - Application for a Section 96A Non-Material Amendment to previously approved AWDM/1497/17, AWDM/1315/22 & AWDM/0478/24

We write in support of our application for the above to confirm the application approach and detail.

Section 96A of the 1990 Act (as inserted on 1st October 2009 by Section 190 of the Planning Act 2008) allows a local planning authority (LPA) in England to make a change to any planning permission if they are satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted. In subsection (3) of the above act, LPAs are given power to remove or alter existing conditions on planning permission.

Section 96A provides the Local Planning Authority (LPA) with the power to "make a change to any planning permission if they are satisfied that the change is not material."

Subsection 96A(2) confirms that:

"In deciding whether a change is material, a local planning authority 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."

Planning Practice Guidance (Reference ID: 17a-002-20140306) further clarifies 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."

On this basis, the statutory power under Section 96A is relatively broad in scope and should always be considered in the context of the planning permission as a whole.

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Planning Condition 32 rewording proposal:

Original wording:

Riverside Access

Prior to first occupation of Phase 2, details of the facilities to maintain Humphries Gap as a Public Hard shall be submitted to the Council for approval. The facilities shall include a ladder (with suitable access through the riverside railings) providing access from Humphreys Gap to the river and a cleat for mooring purposes. Details of any signage to be provided relating to the use of said facilities shall also be provided. The facilities shall be provided prior to occupation of 75% of dwellings in Phase 3. The facilities will be maintained and made available for public use at all times thereafter.

Revised wording in red:

Prior to the commencement of Phase 3, details of the facilities to maintain Humphries Gap as a Public Hard shall be submitted to the Council for approval. The facilities shall include a ladder (with suitable access through the riverside railings) providing access from Humphreys Gap to the river and a cleat for mooring purposes. Details of any signage to be provided relating to the use of said facilities shall also be provided. The facilities shall be provided prior to occupation of 75% of dwellings in Phase 3. The facilities will be maintained and made available for public use at all times thereafter.

It is also important to emphasise that the proposed amendments do not alter the description of development, nor do they affect the quantum, density, or nature of the approved scheme. Accordingly, the proposals cannot reasonably be said to go to the "heart" of the permission, with the development remaining consistent with the consented position.

In conclusion the proposed revisions to the condition wording would continue to uphold the purpose and intent of the imposed conditions, whilst introducing sufficient flexibility to support the deliverability of the consented scheme and as such understand a Section 96A application is an appropriate route tofollow.

Should you have any queries please do not hesitate to contact us.

Yours sincerely,



Gurj Bahra RIBA
CEO
For and on the behalf of ACA Studios Ltd
The architects within this practice are registered as such under the Architects Act 1997