J BUTTERWORTH PLANNING LIMITED

71-75 Shelton Street
London, WC2H 9JQ

t: [redacted]
e: [redacted]

Lidl, Unit 1-2, The Malthouse Estate, 4 Brighton Road, Shoreham-by-Sea, BN43 6RJ

Planning Statement
(including BNG Statement and Flood Risk Assessment)

Introduction and Purpose

1. This statement represents a Planning Statement submitted in support of the planning application submitted to Adur and Worthing Council (The 'Council') for the installation of a feeder pillar cabinet to support the installation of 2x EV chargers (under permitted development) along with any associated car parking layout amendments (the 'proposed development') at Lidl, Unit 1-2, The Malthouse Estate, 4 Brighton Road, Shoreham-by-Sea, BN43 6RJ (the 'site').

2. Planning law[1] requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The purpose of this statement is therefore:

   - to identify development plan policies that may be relevant in the assessment of the development proposal; and
   - to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the development plan.

3. The Courts[2] have determined that it is enough that a proposal accords with the Development Plan when considered as a whole. It is not necessary to accord with each and every policy contained within the Development Plan. Indeed, it is not at all unusual for development plan policies to pull in different directions.

4. The position was confirmed by Patterson J in his judgement in *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC [2015] EWHC 2489 Admin*) at paragraph 31:

   > *I do not accept, lest it be thought to establish the proposition, that the case of Hampton Bishop (supra) establishes that a breach of one key policy was sufficient to find conflict with the development plan as a whole.*

[1] Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004
[2] Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001]; R. v Rochdale MBC ex parte Milne [2000] & City of Edinburgh Council v. Secretary of State for Scotland [1997]

5. In addition, *R (Kverndal) v Hounslow LBC [2015] EWHC 3084 (Admin)* confirms that the Development Plan must be read as a whole so that conflict with one or more policies does not mean that planning permission should be refused.

6. Furthermore, the NPPF (2026) also recognises this where it is made clear that the national decision-making policies of the Framework should be read as a whole. Some of these policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused.

7. The Planning & Compulsory Purchase Act 2004 defines the Development Plan for the purposes of this assessment process as the strategy for the region in which the site is located and Development Plan documents, taken as a whole, which have been approved or adopted for the area.

8. It is an established principle that planning policies should be interpreted objectively, in accordance with the language used, read in its proper context. They should not be interpreted as statutes or contracts[3].

9. The purpose of this statement is therefore to identify Development Plan policies that are relevant in the assessment of the development proposals. Then to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict.

Background and Proposed Development

10. The application has been prepared by J Butterworth Planning and Parco Civil Engineering & Groundworks Ltd on behalf of Lidl GB and as part of our engagement with Lidl GB to date, we understand that as a supermarket committed to sustainability and customer service, Lidl are proud to host one of the highest proportions of rapid EV chargers in the retail sector, and are eager to grow this further.

11. In 2024, Lidl became the first supermarket in Britain to launch integrated EV charging payments through the Lidl Plus rewards app. This innovation allows customers to power up their vehicles while they shop, with seamless payment and loyalty benefits, a model that has been well received and continues to grow in popularity.

12. Lidl are keen to expand their EV charging network and see the following benefits:

    - Support for National Targets: The UK government has set a goal of installing 300,000 public EV charge points by 2030. Their expansion directly contributes to this target and demonstrates leadership in sustainable transport.

[3] See paragraph 19 in the Court of Appeal Judgement 'Kinnersley and Maidstone Borough Council', [2023] EWCA Civ 172

- High-Density Areas: The proposed stores to retrofit are in densely populated areas in London, making them ideal hubs for convenient charging, especially for residents without private driveways or garages.

- Customer Convenience: Providing rapid charging options while customers shop enhances the overall retail experience and encourages EV adoption. Rapid charging provides a meaningful charge based on an average Lidl customer shop time.

- Environmental Impact: Supporting EV use reduces carbon emissions and improves air quality.

- Futureproofing: Expanding infrastructure now ensures readiness for the future growth of the EVs projected in GB.

13. In this regard, the application proposes the installation of 2 x EV Charger upstands to accompany the existing and an associated feeder pillar cabinet and car parking layout amendments to provide charging for 4 electric vehicles.

14. The proposed development will be set within the area currently occupied by four parking spaces. However, there is no loss of any spaces.

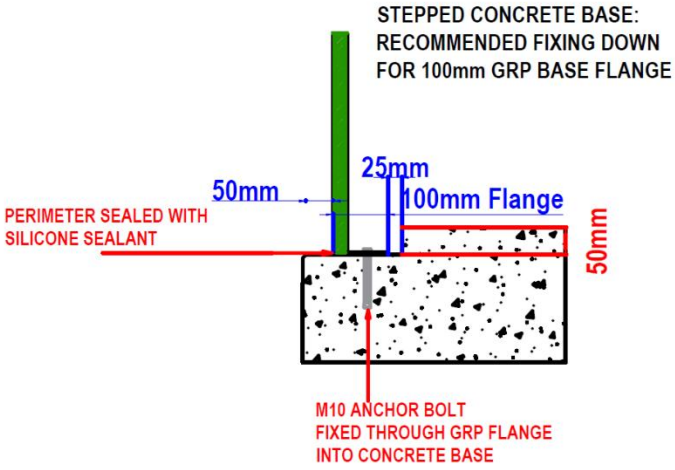
15. Each Terra 60 EV Charger will be capable of charging 2 vehicles and will be a maximum of 1,210mm in width, 2,215mm in height and 565mm in depth, sitting on a concrete plinth.



16. The charger will be set in between and behind the 2 car parking spaces and protected by bollards.

17. The proposed W2 GRP Walk-In Cabinet will be 1.95m in width, 2m in height and 1m in depth, sitting on a concrete plinth, as shown below:





Site Location and Description

18. The application site comprises part of the car parking area and ancillary green space of a retail supermarket occupied by Lidl. The supermarket sits within a single storey building which adjoins an external car parking area and sits on the northern side of Brighton Road.

19. The site lies within a commercial estate alongside other retail and industrial uses.

20. To the north of the site is a railway line. The opposite side of Brighton Road contains an industrial yard.

21. The site does not contain a listed building and is not located within a Conservation Area. There are no locally listed buildings in the immediate area.

22. The site is not within an area at risk of flooding.



Car park site in street scene

Planning History

23. The planning history of the site suggests that planning permission was granted in January 2015 for the demolition of existing units (units 1 and 2) and construction of new discount food store (Lidl) together with 97 space car park and modified vehicular access and landscaping (Ref: AWDM/0431/14).

24. Subsequent amendments to the permission include the addition of illuminated signage (Ref: AWDM/1452/14) and amendments to the store opening hours (AWDM/0085/16).

Development Plan Context and Policies

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

26. The Development Plan context in Shoreham-by-Sea is provided by the **Adur Local Plan** (2017).

27. The Local Plan Policies Map identifies the site as being within the Shoreham Harbour Regeneration Area and within Character Area 7 (CA7).

28. The site is within Flood Zone 1.

29. As a result of the above, the following Local Plan policies have been identified as most relevant to the proposed development:

- Local Plan
    - Policy 8: Shoreham Harbour Regeneration Area

- Policy 15: Quality of the Built Environment and Public Realm
- Policy 19: Decentralised Energy and Standalone Energy Schemes
- Policy 27: Retail, Town Centres and Local Parades
- Policy 28: Transport and Connectivity
- Policy 31: Biodiversity
- Policy 34: Pollution and Contamination
- Policy 36: Flood Risk and Sustainable Drainage

30. These policies are discussed in more detail below, where relevant.

Material Considerations

31. The Government's **National Planning Policy Framework** (2026) (the 'NPPF') is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-term public interest.

32. The NPPF confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

    a. *An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.*

    b. *A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible community facilities, public service infrastructure and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

    c. *An environmental objective – to support efforts to mitigate and adapt to climate change, including moving to a low carbon economy; and to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, and minimising waste and pollution.*

33. The NPPF emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.

34. NPPF Policy CC1 states that development plans should take a proactive approach to mitigating climate change and supporting the transition to net zero, in accordance with the objectives and provisions of the Climate Change Act 2008. They should also take a proactive approach to adapting to climate change, taking into account the implications of extreme weather and long-

term climate trends including overheating, wildfires, drought, flood risk, coastal change, water supply, biodiversity and landscapes.

35. NPPF Policy CC2 states that in order to contribute to climate change mitigation and the transition to net zero, development proposals should, where relevant to the proposal accord with policies TR3 and TR4 so that sustainable patterns of movement are prioritised, opportunities are taken to improve walking, wheeling, cycling and public transport, and infrastructure is provided to support the transition to zero-emission vehicles.

36. NPPF Policy TR3 states that development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical.

37. NPPF Policy TR3 states also states that the environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution.

38. NPPF Policy TR4 states that development should provide a suitable number of parking spaces where appropriate, reflecting the location and nature of the development, any locally set standards in the development plan, and including adequate provision of spaces that allow for the charging of plug-in vehicles in safe, accessible and convenient locations.

39. The Glossary to the NPPF defines 'sustainable transport modes' as:

> *Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking, wheeling, cycling and public transport.*

40. In this regard, the use of EV chargers is encouraged by the NPPF as an important aid in both reducing emissions, encouraging low carbon technologies and promoting sustainable transport modes.

41. An assessment of the Framework confirms that the proposed development can be considered consistent with national planning policies, and this provides support for the proposed development. This is discussed in more detail below, where relevant.

42. The **Overarching National Policy Statement for Energy (EN-1)** (Department for Energy Security and Net Zero) (March 2023) sets out national policy for the energy infrastructure and has effect for the decisions by the Secretary of State on applications for energy developments that are nationally significant under the Planning Act 2008.

43. Therefore, although not directly relevant to the proposed development assists in the aspirations for Net Zero recognizing that the demand for oil and gas will be much reduced in the future and encourages low carbon technologies.

Planning Assessment

44. The following assessment considers the relevant Development Plan policies identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be as well as any material considerations.

Principle of Development

45. Schedule 2, Part 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) confirms that in some circumstances the installation of an 'electrical upstand etc for recharging vehicles' is permitted development and does not require planning permission.

46. This includes:

> *The installation, alteration or replacement, at ground level within a non-domestic area lawfully used for off-street parking, of—*
>
> *(a) equipment necessary for the operation of an upstand the installation of which would be permitted by this Class;*
>
> *(b) a unit of equipment housing for the storage of equipment necessary for the operation of an upstand the installation of which would be permitted by this Class*

47. In this regard, there are two elements to the proposed development:

48. Class E confirms that the development is not permitted if the upstand and outlet would:

(a) in relation to an upstand and outlet—	
(i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or	It is not within a residential curtilage
(ii) in any other case, exceed 2.7 metres in height from the level of the surface used for the parking of vehicles;	The proposed upstand is 2.215m in height
Paragraph (b) was deleted by 2025 No. 560	
(c) be within a site designated as a scheduled monument	The site is not a scheduled monument

(d) be within the curtilage of a listed building; or	The site is not within the curtilage of a listed building
(e) result in more than 1 upstand being provided for each parking space.	The proposed development includes 1 upstand for 2 parking spaces and therefore complies.

49. In this regard, it is noted that the proposed upstand falls within the parameters of permitted development, and this element of the proposed development does not require planning permission.

50. In this regard, this element must be acceptable in principle.

51. In relation to the equipment housing, Class E states that development is not permitted if—

(a) it would result in there being more than 1 unit of equipment housing within a nondomestic area lawfully used for off-street parking;

(b) the unit of equipment housing would—

(i) have a volume exceeding 29 cubic metres;

(ii) exceed 3 metres in height from the level of the surface used for the parking of vehicles;

(iii) be within 5 metres of a highway;

(iv) be within 10 metres of the curtilage of a dwellinghouse or block of flats;

(v) be within a site designated as a scheduled monument;

(vi) be within the curtilage of a listed building.

52. In this regard, the proposed equipment housing development only needs planning permission due to its location within 5 metres of a highway (adjacent to footpath adjoining Brighton Road).

53. Local Plan Policy 8 encourages sustainability and low carbon developments within the Shoreham Harbour Regeneration Area.

54. In addition, Local Plan Policy 19 encourages low carbon uses and renewable energy.

55. Local Plan Policy 28 also seeks to implement an area-wide behaviour change programme to encourage sustainable modes of transport and reduce demand for the private car. This should include a package of travel behaviour initiatives.

56. Whilst the EV parking requirement is not provided for existing commercial developments, its integration within the existing commercial site should be welcomed.

57. In addition, Local Plan Policy 34 states that development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment.

58. The policy states that mitigation measures will need to be implemented for developments that could increase levels of pollution.

59. In this regard, the provision of infrastructure supporting the provision of electric vehicles, which are more sustainable and less polluting than traditional vehicles, is therefore considered to be in accordance with the policy aims of the Development Plan and so should be acceptable in principle. As discussed above such technology is also encouraged in the National Planning Policy Framework.

60. The proposed development does not result in the loss of any retail floorspace and supports the existing retail use resulting in no conflict with the aims of Local Plan Policies 8 and 27.

Design and Appearance

61. In respect of design considerations Policy DP3 of the NPPF confirms that development should respond to the history, character and features of the site and its setting, so that it integrates into and enhances its surroundings (such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets).

62. Development should create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting.

63. Development proposals that are not well designed should be refused, when assessed against this policy and local design policies, guides, codes and masterplans set out in the development plan. Substantial weight should be given to compliance with these policies when assessing the design quality of proposals.

64. In this respect the NPPF offers support to the proposed development which is of a high-quality functional design and will have not have any detrimental impact on the commercial character of the area.

65. Local Plan Policy 15 states that development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.

66. The proposal would see the installation of the EV charging stations, feeder pillar and ancillary equipment. Bollards will be erected for the protection of the feeder pillars and chargers.

67. The application site has a low level of built form and primarily comprises of paved vehicle parking and circulation areas along with structures within the car park including a large, illuminated sign, lighting and other signage.

68. It is considered that within this context, the proposed development would appear in keeping with the commercial appearance of the site and the character of the surrounding area. The structures are considered to be of an acceptable scale and design and would not appear visually dominating within the character of the application site or wider surrounding area.

69. Considering all the above, it is concluded that the proposed development is compliant with the relevant design policies.

Impact on Neighbouring Amenity

70. Local Plan Policy 15 states that development should make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

71. The proposed structures would be of minimal scale at a substantial distance from neighbouring residential properties (over 175m) and as such would not result in any adverse amenity impacts in terms of loss of outlook, daylight, sunlight or privacy.

72. In addition, the unit is not noisy and have a maximum noise level of <65 dB(A) @ 1m (on front door of feeder cabinet) - the approximate volume of a normal conversation.

73. In this context, there is unlikely to be any noise or disturbance to any neighbouring properties.

Highways and Parking Impacts

74. Local Plan Policy 28 states that development should incorporate appropriate levels of car and cycle parking having regard to West Sussex County Council guidance, taking into consideration the impact of development upon on-street parking.

75. As discussed above planning permission was granted in January 2015 for the demolition of existing units (units 1 and 2) and construction of new discount food store (Lidl) together with 97 space car park and modified vehicular access and landscaping (Ref: AWDM/0431/14).

76. The application proposes no net loss of car parking spaces and therefore there will be no material impact on the car park.

77. There will be no impact on servicing and deliveries to the store.

78. In addition, the replacement parking spaces would only be used by EVs requiring charging and therefore the proposed development is promoting travel through the use of sustainable energy sources, which would reduce exhaust fumes and pollution from transport.

79. As the charging spaces would be located in the existing parking space, it would not encroach into the existing passageway and affect pedestrian traffic flow unacceptably.

80. The location of the chargers and housing equipment will not result in any loss of visibility for vehicles entering or exiting the car park.

81. Therefore, it is considered that the development would not result in any unacceptable parking impacts or impacts on the operation of the road network.

Biodiversity Net Gain

82. Local Plan Policy 31 states that all development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites, Biodiversity Opportunity Areas (BOAs), marine habitats and other Biodiversity Action Plan (BAP) habitat areas, wildlife corridors, and protected and priority species. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused.

83. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) confirms that developers must deliver a mandatory Biodiversity Net Gain (BNG) of 10%.

84. However, there are specific exemptions from biodiversity net gain for certain types of development. The exemptions are set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations [2024] as amended by the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026.

85. These exemptions include where the development does not impact an onsite priority habitat and where the development is carried out on a site which has an area no larger than 0.2 hectares.

86. In this regard, the proposed development involves the installation of EV chargers and associated equipment within an area that does not impact a priority habitat, and is on a site less than 0.2ha in size.

87. Therefore, the proposed development, on a small area of grass, is exempt from biodiversity net gain requirements.

Flood Risk Assessment

88. NPPF Policy F4 states that in Flood Zone 1, a site-specific flood risk assessment should inform and accompany all development proposals involving:

    a. Sites of one hectare or more;

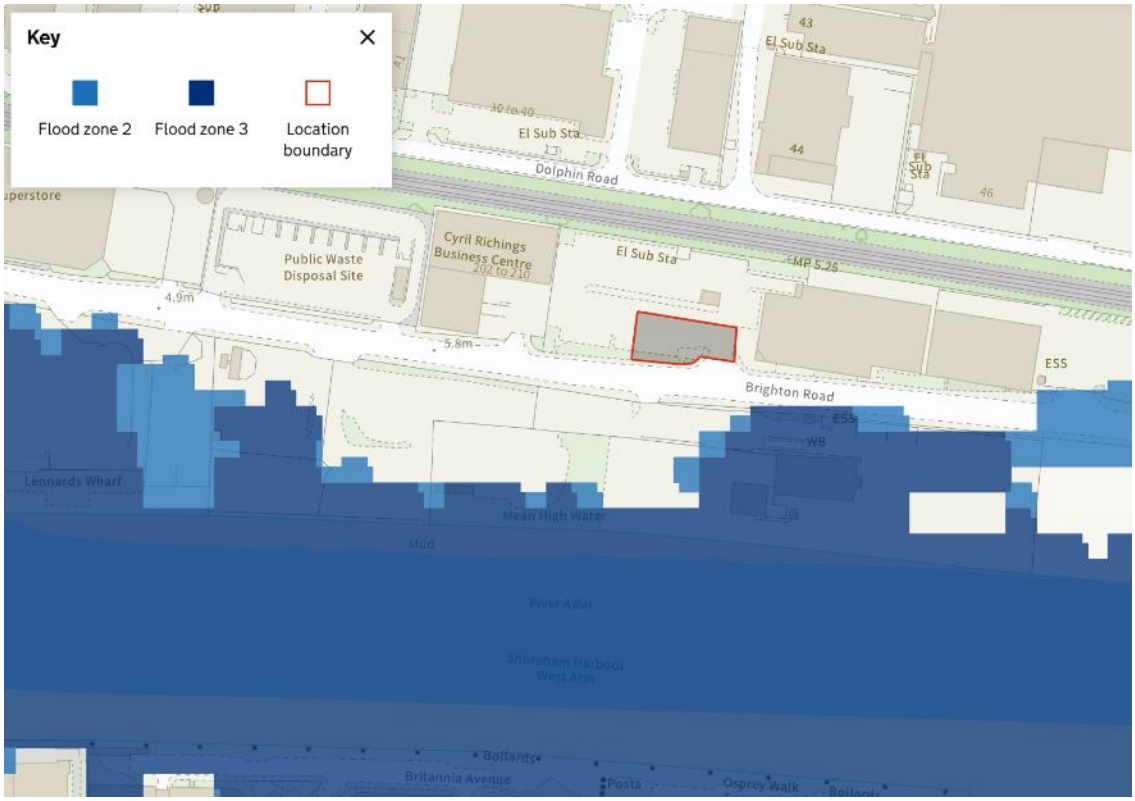
b. Land which has been identified by the Environment Agency as having critical drainage problems; and

c. Land identified in a strategic flood risk assessment or the Flood Map for Planning as being at risk of flooding from any source, whether now or in the future.

89. Local Plan Policy 36 outlines the same criteria and states that the flood risk assessment will need to demonstrate that development:

- is appropriately flood resilient and resistant, includes safe access and escape routes where required, and that any residual risk can be safely managed;
- will be safe for its lifetime taking account of the vulnerability of its users;
- will not increase flood risk (including sewer flooding, surface water and groundwater flood risk) elsewhere;
- will, where possible, reduce flood risk overall; and
- will give priority to the use of sustainable drainage systems.

90. As shown on the below extract from the Environment Agency Flood Map the site lies within Flood Zone 1 which has a low probability of flooding from rivers and the sea.



91. In addition, although close to areas at risk of surface water flooding, the site of the cabinet lies within an area of low risk of flooding by surface water, meaning the application site has a chance of flooding from surface water of less than 0.1% each year.



92. In this regard, the proposed development will not have any impact in relation to the flooding risks or drainage on the application site and the surrounding area and there is no requirement for a flood risk assessment.

93. The existing parking spaces are already tarmac, and this will not be changed. Although the location of the feeder cabinet in with a grass area there will only be a small amount of concrete installed for the foundations of the units. However, this will be less than 3sqm in total and therefore will not have any material impact on the surface runoff associated with the site.

94. The drainage which already occurs on the site will continue to operate as normal and will not be affected by the proposed development.

95. Given the scale of the development is small and the change to surface materials is very minor, there will be no impact on the existing drainage and therefore no increase in flood risk to the surrounding area.

96. In addition, DNO installation guidelines require all equipment in the feeder pillar to be at least 500mm above ground level which would be above the level of any flooding.

97. Further to this, there are many safety features built into the chargers which mean they would shut down in the event of a flood to protect the equipment.

98. The chargers are also able to be shut down remotely, if required.

99. In this regard, the proposed development should not lead to any flood risk or drainage impacts.

Summary and Conclusion

100. In summary, the purpose of this statement is to identify Development Plan policies that are relevant in the assessment of the development proposal; and to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the Development Plan.

101. There are no issues identified in respect of the principle of development, design and impact on the character of the area, residential amenity or highways.

102. In addition, there are no issues identified in relation to flood risk.

103. There are no other technical matters which would prevent a legitimate conclusion that the application is both technically sound and policy compliant.

104. The proposed development is exempt from Biodiversity Net Gain as it falls below the threshold.

105. In conclusion, this assessment confirms that the development proposal accords with the provisions of the Development Plan and consequently a presumption in favour of a grant of planning permission is derived. It is also noted that the upstands are considered to fall under the provision of permitted development.

106. Material considerations in the form of the NPPF provide further support to justify a grant of planning permission.

Jeremy Butterworth BSc (Hons) MA MRTPI
September 2026