Development Management - Delegated Officer Report

Application Number: AWDM/2298/21 Recommendation – GRANT CERTIFICATE

Site: Shoreham Adur Tidal Wall Reach W7, Cecil Pashley Way, Lancing

Proposal: Application for Certificate of Lawfulness for proposed Installation of steel sheet piles along the crest of the embankment for approximately 195m. The proposed steel sheet piles are approximately 0.6m by .045m with a depth of 3.75m. Installation of 3 Type 7 chambers in accordance with the specification for highways works, to the existing gravel filter drain to improve the land drainage construction as part of the original scheme

Date of site visit: N/A

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

The application seeks approval for a lawful development certificate for proposed development for flood defence works at Shoreham Adur Tidal Wall Reach W7 under the provisions of s192 of the Town and Country Planning Act 1990 (as amended).

Relevant Planning History

Planning permission was granted in 2016 for the Adur Tidal Walls scheme (AWDM/1614/15). The overall scheme comprised a substantial range of works over 10 separate reaches although it was recognised that much of the work contained within the scheme did not require planning permission in itself, but was included to allow adequate publicity to the overall scheme.

Consultations

N/A

Representations

N/A

Planning Assessment

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Consideration

Part 13 Water and Sewerage, Class D of the GPDO allows for ‘Development by the Environment Agency’ to be undertaken without the need for formal planning permission.

Class D (b) allows for ‘Development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works’

There is therefore a specific permitted development right for the proposed works.

The GPDO outlines when such permitted development rights are not applicable to the EA:

Development is not permitted by Class D if—

(a) in the case of any Class D(a) development, it would include the construction of a reservoir;

(b) in the case of any Class D(f) development, it would consist of or include the extension or alteration of a building so that—

(i) its design or external appearance would be materially affected,

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(c) in the case of any Class D(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

As the proposed works fall under Class D(b), the above restrictions are not considered to apply.

Recommendation

Issue a Certificate of Lawfulness for the Proposed Development. The submission of a planning application for the works will not be required.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Part 13 Water and Sewerage, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Gary Peck Date: 25 March 2022

Authorised by: Date: 31st March 2022