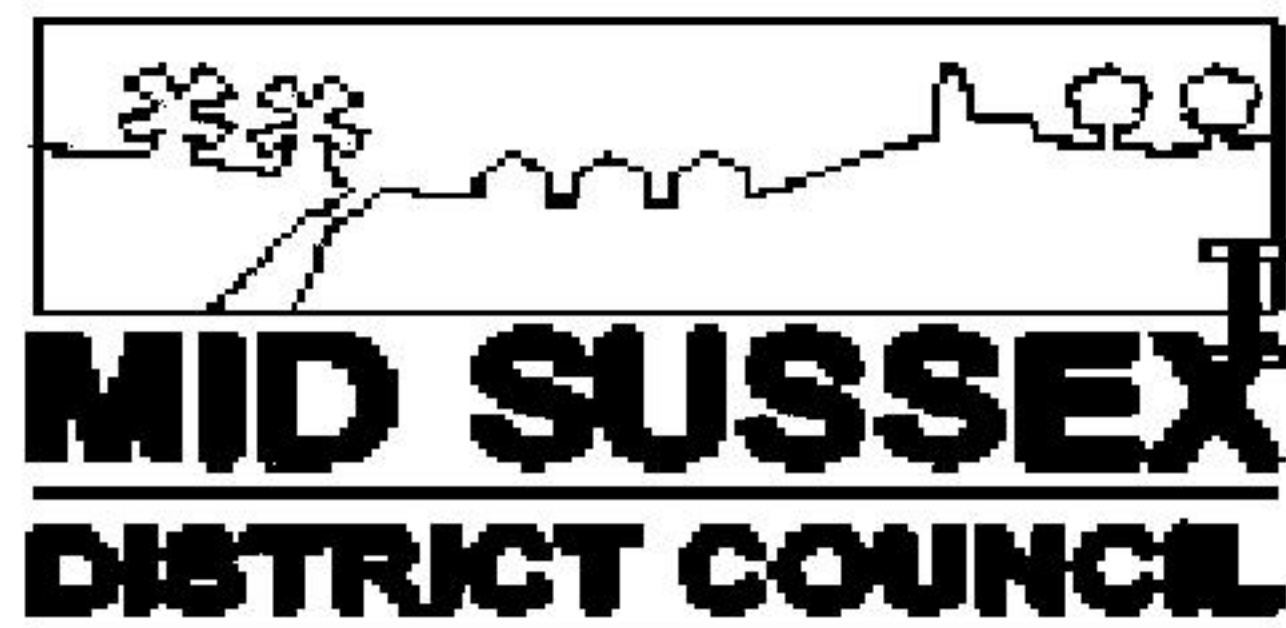




Oaklands Road
Haywards Heath
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RH16 1SS

Switchboard: 01444 458166
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Email: servicesupport@midsussex.gov.uk
www.midsussex.gov.uk

For Official use

App No:

Date Rec:

Fee:

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

The southern bank of Ardingly Reservoir, West Sussex, RH17 6SQ (NGR: TQ 33302 28856).

Applicant Details

Name/Company

Title

First name

Environment and Planning

Surname

South East Water Ltd

Company Name

Dalcour Maclaren

Address

Address line 1

South East Water

Address line 2

Rocfort Road

Address line 3

Snodland

Town/City

County

Kent

Country

United Kingdom

Postcode

ME6 5AH

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

First name

Environment and Planning

Surname

Service

Company Name

Dalcour Maclaren

Address

Address line 1

4 Bredon Court

Address line 2

Brockridge Road

Address line 3

Twyning

Town/City

Tewkesbury

County

Country

Postcode

GL20 6FF

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☒ Yes
- ☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

Repairs to the reservoir wall through the installation of 1 x piled wall along reservoir bank and 1 x mid-slope concrete pile wall within reservoir and re-profiling of the existing land levels and provision of pedestrian slipway.

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
- ☒ No

Has the proposal been started?

- ☐ Yes
- ☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The proposed works are in the interest of public safety, and are considered permitted development under Class A Part 13 (a), (b) and (f) of The Town and Country Planning (General Permitted Development) Order 2015

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Please refer to supporting covering letter.

Select the use class that relates to the existing or last use.

Other

Other (please specify)

Reservoir

Information about the proposed use(s)

Select the use class that relates to the proposed use.

Other

Other (please specify)

Reservoir

Is the proposed operation or use

- ☒ Permanent
- ☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Part 13 Class A(a) of the General Permitted Development Order (GPDO) states that the following is classed as permitted development: “development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge” The proposed development will not protrude above existing ground levels, both within the water and that of the original wall, along with the associated hard standing located behind the original wall. Once installed the new solution has been designed to sit flush with adjacent land levels.

Part 13 Class A(b): “development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse”

Whilst it is recognised that the reservoir may not be a watercourse itself, the Reservoirs Act 1975 recognises that a reservoir may form part of a watercourse. Therefore, this order still applies.

Finally, consideration of operational land status is also relevant to the scheme. The definition of operational land is written under Section 263 of the Town and Country Planning Act 1990 (hereafter referred to as the ‘TCPA’) as “Land which is used for the purpose of carrying out on their undertaking; and land in which an interest is held for that purpose” Section 264 of the TCPA states that land is not treated as operational if: “The interest was acquired by them on or after 6th December 1968; or It was held by them immediately before that date, but the circumstances were then such the land did not fall to be treated as operational land for the purposes of the 1962 Act”. In some instances, certain sites could be considered operational as per the provision under subclause 3(a) of Section 264 of the TCPA which states if “There is, or at some time has been, in force with respect to as specific planning permission for its development”. Permission AR/25/75 consented the construction of the reservoir infrastructure which included the features that are the subject of this CLOPUD application. As such, whilst the reservoir didn’t come into operation until after the 1968 date listed at section 264 of the TCPA, the presence of the 1975 permission means that the site can be considered to be located on operational land under subsection 3(a) of Section 264 of the TCPA. With this in mind, Class A(g) of Part 13 to schedule 2 of the GPDO consents: ‘any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.’ For the reasons set out above, it is contended that the proposed works can be delivered under several subclasses of Class A Part 13 to schedule 2 of the GPDO and as such the proposed works are considered permitted development and can be undertaken without obtaining further planning consent.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
- ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
- ☐ The applicant
- ☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
- ☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Environment and Planning Service

Date

11/08/2025