

LRM Planning
22 Cathedral Road
Cardiff
CF119LJ

Date: 20th January 2026

Please ask for: Kathryn Welch
Tel: 01903 737789

Your Ref:

Our Ref: A/188/25/NMA

Dear Mr Mantell,

**Section 96A of the Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
(as amended) - Article 10**

Non material amendment following the grant of A/142/16/OUT relating for substitution of plan 5804/101 REVA with 14183/101 REVP1 and deletion of condition 10.

Former Merry England Nurseries Swallows Gate Dappers Lane Angmering BN16 4EN

I refer to your recent application for a Non Material Minor Amendment.

Non-material amendments are considered to be those changes which are insignificant and do not change the intensity, form or description of the original planning permission. They cannot change the intensity of the original planning permission, result in a change to the description of the application, conflict with any obligation of the original permission, or significant additional material impact on amenity or infrastructure requirements.

During the life of application A/142/16/OUT, it was amended to reflect the comments received from the Local Highway Authority (LHA) to include a section of footpath to the east of Dapper Lane. The LHA had previously objected, in part, due to the "lack of suitable infrastructure to provide safe and suitable access by sustainable modes of transport".

The amendments to the application included the submission of a substitute Location Plan and Transport Assessment, which provided details in relation to the provision of a footpath. Subject to a condition (Condition 10), the amended documentation provided the necessary comfort to the LHA, resulting in their objection being lifted.

The Officer's Report for application A/142/16/OUT discussed that the provision of a footpath was a consideration in determining whether the development constituted a sustainable form of development that accorded with the NPPF. Paragraph 29 of the NPPF was cited as

establishing a presumption in favour of the provision of sustainable means of transport. Furthermore, the provision of the footpath was considered to form, in part, an environmental role, as it reduces the need for occupants to access village facilities by motorised means. This is one of the tests of sustainability and a fundamental objective of the NPPF. As such, it is considered that the provision of the footpath was material to the application.

The reasons that these proposals have not been accepted as Non-Material Amendments is because the provision of a footpath is material to the permission and it cannot therefore be considered under section 96A of the Town and Country Planning Act 1990.

Should the applicant wish to pursue the deletion/alteration of Condition 10 an application under Section 73 would be necessary to make this material alteration. This advice is provided without prejudice to the determination of any such application.

I trust this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning