

# Appendix B CLOPUD



**Strategy and Development  
Sedgemoor District Council**  
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My Reference: 38/16/00015/JE  
Your Reference:  
Being dealt with by: Mr J Ebdon

CH2M  
Lyndon House  
62 Hagley Road  
Edgbaston  
Birmingham  
B16 8PE

Date: **16 February 2017**

Dear Mrs Smith

**Town and Country Planning Act 1990: Section 192  
Town and Country Planning (General Development Procedure) (England) Order 2015 -  
article 39**

**Certificate of Proposed Lawful Use or Development  
Application No: 38/16/00015/JE**

Sedgemoor District Council hereby certify that on 23/12/2016 the matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged red on the plan attached to this certificate, **would be lawful** within the meaning of Section 192 of the Town and Country Planning Act, 1990 (as amended) for the following reason(s):-

- 1 The works, which do not include the provision of a building and would be carried out by the Environment Agency, would comprise either development for the purposes of its functions in connection with the improvement, maintenance or repair of a watercourse or other development in, on, over or under their operational land. As such the proposed development is permitted development under Schedule 2, Part 13, Class D Parts D.1. (b) and (f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and do not require planning permission.

Furthermore, although the works are likely to constitute Environmental Impact Assessment development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), they are to be carried out by a 'drainage body' (the Environment Agency) as defined in the Land Drainage Act 1991 (as amended) and the works are considered to meet the definition of 'improvement works' as defined in Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 and are accordingly are not excluded from being permitted development by virtue of Article 3 (10) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (as described in Article 3 (12)).

Dated: 16/02/2017



Address BRIDGWATER HOUSE,  
KING SQUARE, BRIDGWATER

Claire Pearce  
Group Manager

### **FIRST SCHEDULE**

Application for Certificate of Lawfulness for the proposed enhancement works to increase the flow, capacity and resilience of the existing rivers Sowy, Parrett and the King's Sedgemoor Drain.

### **SECOND SCHEDULE**

River Sowy and King's Sedgemoor Drain, Bridgwater

#### **Notes:**

Notes:

1. This Certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act, 1990 (as amended).
2. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, therefore, would not be liable to enforcement action under Part 7 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the plans numbered 450, 451, 452, 453, 454, 455, 456 and 457 - 1 Rev B (section 13 only). This certificate has no bearing on any works taking place outside of Sedgemoor District Council's administrative area. Any matter which is materially different from that described or which relate(s) to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192 (4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted of the operation are begun, in any matters relevant to determining such lawfulness.