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For and on behalf of
BAE Systems

Planning Statement in Support of an Application for a Certificate of Lawful Development

Samlesbury Aerodrome, Balderstone BB2 7LF

Prepared by
DLP Planning Ltd
Liverpool

May 2024

Prepared by:	Graham Trehella
Approved by:	Paul Forshaw
Date:	May 2024

**Studio 204B
The Tea Factory
82 Wood Street
Liverpool
L1 4DQ**

0151 707 0110

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1.0 INTRODUCTION

1.1 This Planning Statement supports an application under Section 191 of the Town and Country Planning Act 1990 (as amended) (the “1990 Act”) for a Certificate of Lawfulness of Existing Use or Development (CLEUD) to confirm that a “material operation” has been undertaken to commence construction of the development approved by outline planning permission ref: 3/2006/0583 and reserved matters approval ref: 3/2022/0434 at Samlesbury Aerodrome (the site) and the planning permission has therefore been lawfully implemented.

2.0 BACKGROUND AND PLANNING HISTORY

2.1 Outline planning permission ref: 3/2006/0583 was granted on 15 May 2007 for the expansion of the existing aerospace manufacturing and engineering facility to include additional industrial and office space, with associated access, car parking, surface water attenuation works and ancillary reception building, creche and restaurant.

2.2 Pursuant to that outline permission, a reserved matters application ref: 3/2022/0434 to construct the new development was submitted on 29 April 2022 and validated on 10 May 2022. This was granted on 26 June 2022.

2.3 The outline permission allowed for a period of up to 15 years to submit reserved matters. This expired on 15 May 2022. Reserved matters consent ref: 3/2022/0434 was therefore submitted and validated before the expiry of the outline planning permission..

Planning History

2.4 The relevant planning history includes the reserved matters application and the associated outline planning application already referred to but also applications to discharge conditions.

2.5 A search of the Ribble Valley Council online records of historic planning applications has identified the following to be of most relevance to this application for a CLEUD:

Table 1: Relevant Planning History

Application Ref.	Description of Development	Decision	Decision Date
3/2006/0583	Expansion of existing aerospace manufacturing and engineering facility to include additional industrial (57,884 sqm) and office space (39,048 sqm) with associated access, car parking, surface water attenuation works and ancillary reception building, creche and restaurant (total ancillary floorspace 2,916 sqm)	Approved	15/05/2007
3/2022/0434	Reserved Matters application following outline application 3/2006/0583 (Appearance, landscaping, layout and scale). Proposed construction of office building 611.	Approved	29/06/2022
3/2009/0092	Application for the discharge of condition no.4 (scheme for phasing of development), condition no.23 (submission of ecological surveys), condition no.24 (mitigation scheme for protection of Great Crested Newts) and condition no.25 (mitigation scheme on the land not defined within plan 03W0579/103F)	Approved	23/04/2009
3/2009/0159	Application for approval of details reserved by condition - regarding conditions 10, 11 and 13 of planning consent 3/2006/0583/P which relate to access and travel plan details	Approved	22/05/2009
3/2019/0790	Discharge of conditions 4 (updated phasing plan), 6 (landscaping details), 18 (archaeology), 19 (drainage details), 21 (ground conditions), 22 (lighting) and 26 (energy strategy) from outline planning permission 3/2006/0583.	Approved	05/11/2019

3.0 THE DEVELOPMENT

3.1 The development approved by reserved matters approval 3/2022/0434 is a building that is similar to the nearby office blocks that have already been built.

3.2 The development is the third phase of a four-phase cluster of linked office buildings each providing grade A office floorspace. The extant neighbouring buildings (Buildings 608 and 609) are the middle two offices shown on the original 2006 masterplan and provide four storeys of accommodation arranged around a central atrium.

3.3 The development (Building 611) is required as part of the BAE Systems expansion of the

Samlesbury aerodrome. The site area is 1.89 ha. The building will be four storeys in height and 10,570 sq.metres Gross Internal Floor Area (plus 130 sq.metres energy centre building). The Gross External Floor Area will be 10,875 sq.metres (plus 145.sq.metre energy centre building).

4.0 RELEVANT LEGISLATION

The Town and Country Planning Act 1990

4.1 In order to lawfully commence development it is necessary to satisfy the legal requirements in section 56(4) of the 1990 Act. This says that “development is taken to be begun on the earliest date on which a material operation is carried out”. A material operation is defined in the Act and can include any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land. In practice, very minor works are sufficient to implement a planning permission. These may include pegging out a road or piling. However, care must be taken to ensure that the works reflect what has actually been approved by the planning permission.

4.2 Pre-commencement planning conditions that are at the heart of the permission should be discharged before works start on site to commence development. If these true conditions precedent are not discharged in advance then any works that are carried out may not be lawful for the purposes of section 56(4) of the 1990 Act.

5.0 LAWFULNESS OF PROPOSED DEVELOPMENT

5.1 Commencing development means undertaking some limited works on site to implement a planning permission and thus keep it alive. The works must be carried out within the time period expressed on the permission. For a detailed permission this is usually a three-year period (unless a longer period is negotiated) or if no condition is attached a deemed period of three years. For an outline permission, reserved matters must be submitted within three years of the grant of the permission and the works must be begun within two years of the final approval of the last reserved matters (or longer if negotiated).

5.2 In this case the last reserved matters approval under outline planning permission reference 3/2006/0583 was in relation to Building 611 (reserved matters reference 3/2022/0434). This reserved matters approval was given on 29 June 2022. The period for implementation expires on 29 June 2024.

Material Start of the Development

- 5.3 The works to commence development in this instance took place in March 2024, well in advance of the expiry date for the reserved matters approval. The works comprise the installation of kerbs and a section of road which will provide access to the car park to serve Building 611. The alignment of the kerbs and the associated section of road are consistent with the details on the proposed site plan (referred to in condition 1 of reserved matters approval reference 3/2022/0434).
- 5.4 These engineering works are sufficient to qualify as material operations under the 1990 Act. They represent a material start to the development that have the effect of keeping the planning permission alive.
- 5.5 The evidence to show the material start of the development is included in Appendix A.

Pre-Commencement Conditions

- 5.6 As referred to above, where a planning permission is granted subject to conditions, any “true” condition precedent (i.e. one that “goes to the heart” of the planning permission) should be discharged prior to development commencing. Failure to do so, could result in those works being unlawful.
- 5.7 There are no true conditions precedent attached to the relevant reserved matters approval. There are, however, a number that are attached to the associated outline planning permission. These have been discharged over a number of years through the discharge of condition applications referred to in the table below.

Application Ref.	Description of Development	Decision	Decision Date
3/2009/0092	Application for the discharge of condition no.4 (scheme for phasing of development), condition no.23 (submission of ecological surveys), condition no.24 (mitigation scheme for protection of Great Crested Newts) and condition no.25 (mitigation scheme on the land not defined within plan 03W0579/103F).	Approve	23/04/2009
3/2009/0159	Application for approval of details reserved by condition - regarding conditions 10, 11 and 13 of planning consent 3/2006/0583/P which relate to access and travel plan details.	Approve	22/05/2009

3/2019/0790	Discharge of conditions 4 (updated phasing plan), 6 (landscaping details), 18 (archaeology), 19 (drainage details), 21 (ground conditions), 22 (lighting) and 26 (energy strategy) from outline planning permission 3/2006/0583.	Approve	05/11/2019
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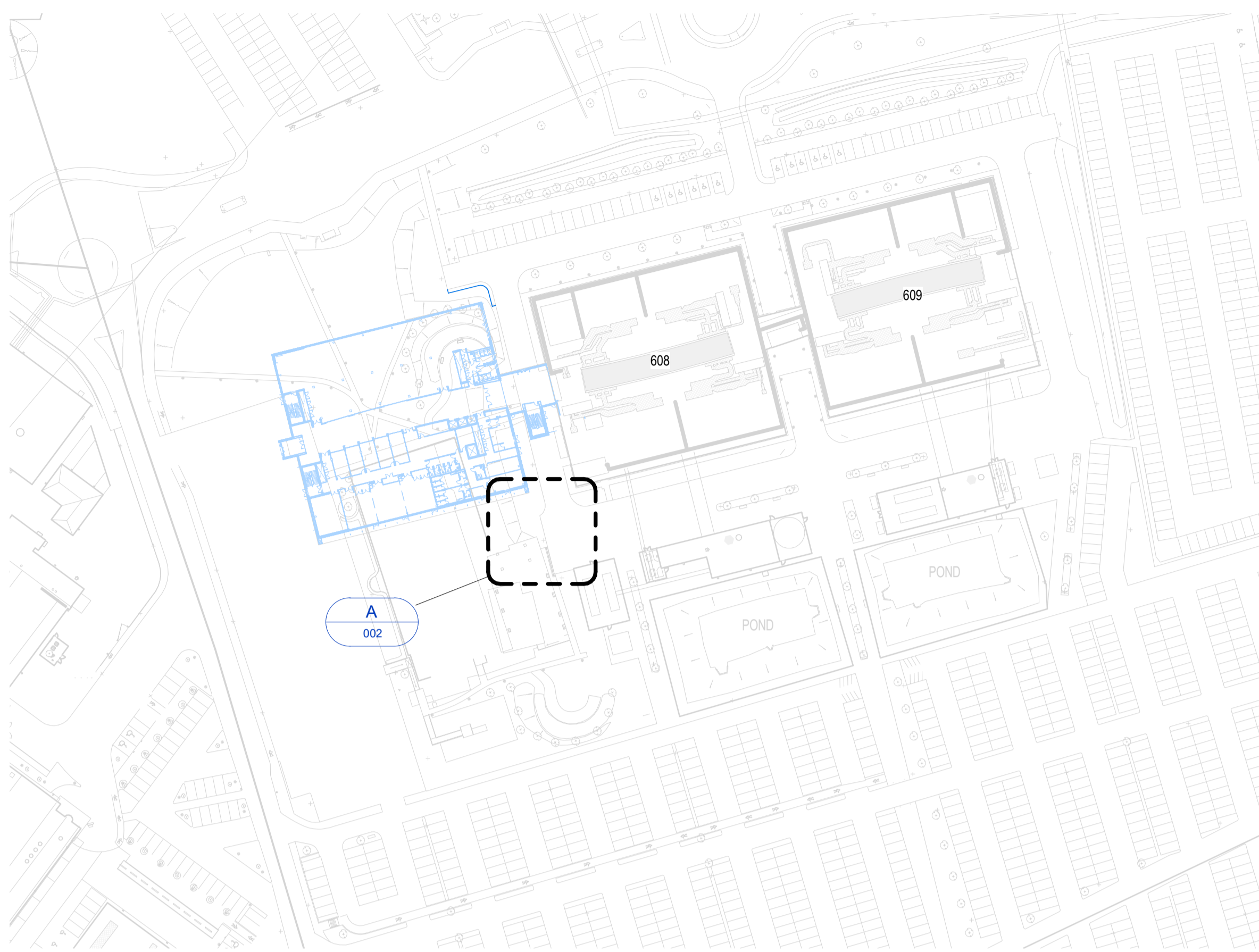
5.8 In summary this shows that the following pre-commencement conditions attached to outline planning permission reference 3/2006/0583 have been discharged through these three discharge of condition applications:

- Condition 4 – Phasing
- Condition 6 – Landscape treatment
- Condition 13 – Off site highway works
- Condition 18 – Archaeological works
- Condition 19 – Surface water regulation system
- Condition 21 – Ground conditions
- Condition 23 – Ecological surveys
- Condition 24 – Ecological mitigation
- Condition 25 – Ecological mitigation
- Condition 26 – Energy requirements

5.9 Taken together, the evidence of a material start of works for Building 611 and the review of the discharge of pre-commencement planning conditions show that there has been a lawful start in accordance with S56(4) of the 1990 Act.

5.10 It is respectfully requested that, pursuant to Section 191 of the 1990 Act, a Certificate of Lawfulness of Existing Use or Development (CLEUD) is issued to confirm that operations to construct the development (Building 611) at Samlesbury Aerodrome are lawful and represent a material start to the development authorised under outline planning permission ref: 3/2006/0583 and reserved matters approval reference 3/2022/0434.

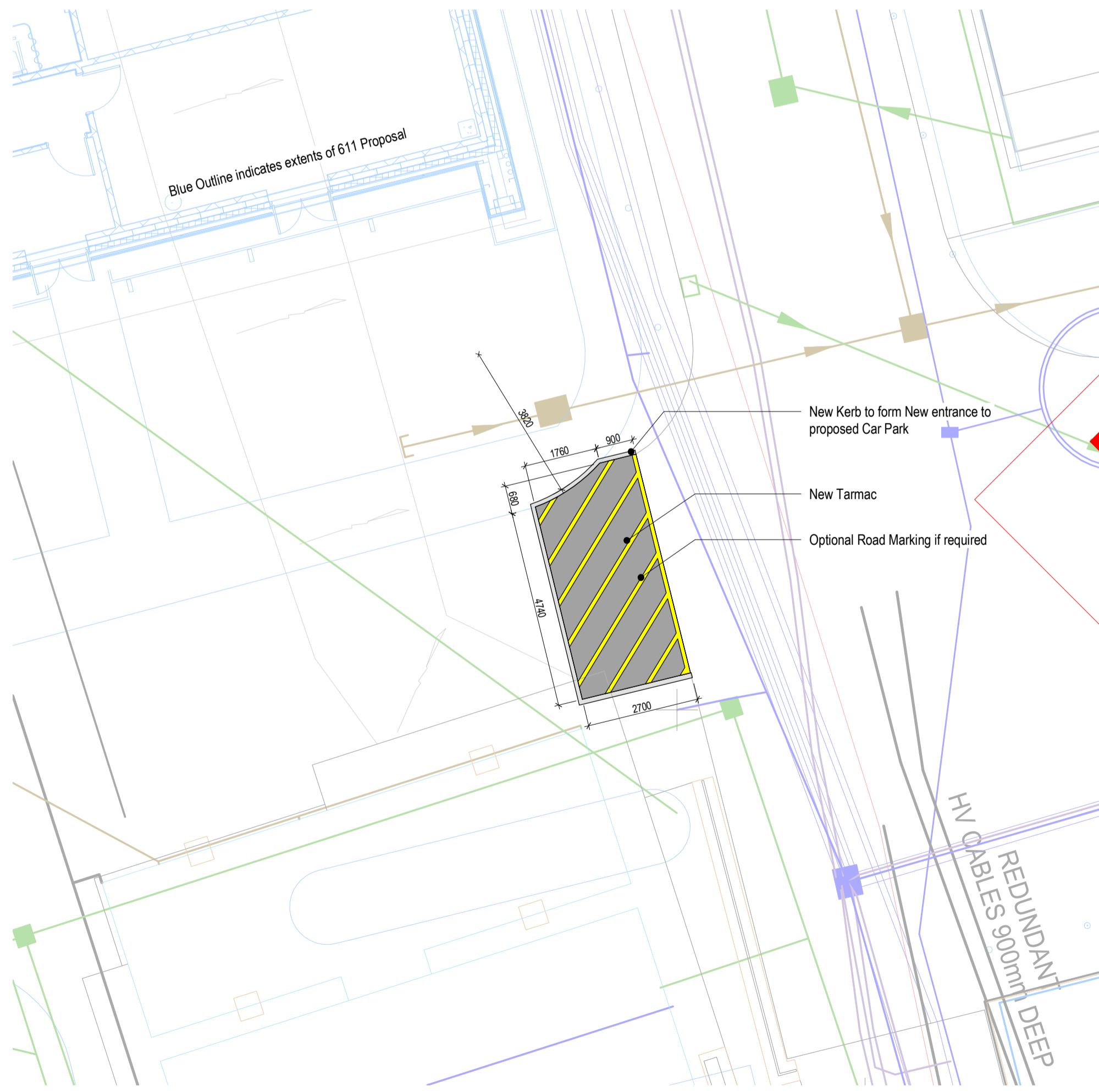
Appendix 1 : Evidence Relating to the Material Start of Development



EXTERNAL SERVICES LEGEND

- Waste**
- Foul Water Drainage
 - Surface Water Drainage
- Ducts**
- LV Electrical Ducts
- Electrics**
- HV Electrical Cable 6.6kV
 - LV Cable
- Speech & Data**
- Networks

EXISTING SITE PLAN 1 : 1000



A Road/Kerb Layout Option 02 1 : 100

DRAFT

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P2	Revised Layout 2 and Site Services added to drawings	23/12/07
P1	Initial Issue	23/10/06
REV.	DESCRIPTION	DATE

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PROJECT	TFST Facilities
TITLE	Road/Kerb Layout Option 2

STATUS	SUITABLE FOR INFORMATION
S2	

DESIGNER	ENGINEER	DATE CREATED
AH	AW	06/10/2023

SCALE (@ A2)	PROJECT / SHEET NUMBER
As indicated	23S0088 / 002

DRAWING REFERENCE	REV
23S0088-BAES- 006- 611- DR- K- 002	P2

Infrastructure and Facilities Services - Air

BAE SYSTEMS PLC
SAMLESBURY AERODROME
BALDERSTONE
BLACKBURN
LANCASHIRE
BB2 7LF
Tel: 03300 476166

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BEDFORD

Planning / SDD / SPRU

bedford@dlpconsultants.co.uk

BRISTOL

Planning / SDD / SPRU

bristol@dlpconsultants.co.uk

EAST MIDLANDS

Planning/ SDD

nottingham@dlpconsultants.co.uk

LEEDS

Planning

leeds@dlpconsultants.co.uk

LIVERPOOL

Planning

liverpool@dlpconsultants.co.uk

LONDON

Planning

london@dlpconsultants.co.uk

MILTON KEYNES

Planning

miltonkeynes@dlpconsultants.co.uk

RUGBY

Planning

rugby.enquiries@dlpconsultants.co.uk

SHEFFIELD

Planning/ SDD / SPRU

sheffield@dlpconsultants.co.uk

