

# Local Development Order and Statement of Reasons (Revised Draft 12/6/13)

**Burnley Aerospace Supplier Park**

**Burnley Borough Council**



# CONTENTS

1. STATEMENT OF REASONS..... 1  
2. LOCAL DEVELOPMENT ORDER ..... 10

## APPENDICES

- Appendix 1 – Site Boundary
- Appendix 2 – Self Certification Forms
- Appendix 3 – Commencement Notice
- Appendix 4 – Design Code
- Appendix 5 – Parking Standards
- Appendix 6 – Ecology Study

# 1. STATEMENT OF REASONS

## Introduction

- 1.1 Local Development Orders (LDOs) were introduced with the Planning and Compulsory Purchase Act 2004 and allow local planning authorities to extend permitted development rights for certain forms of development. The Planning Act 2008 removes the requirement that LDOs should implement policies set out in adopted local development documents.
- 1.2 Article 34 of the Town and Country Planning (Development Management Procedure) (Order) 2010 (DMPO) paragraph (1) outlines that where a Local Planning Authority propose to make a local development order (LDO) they shall first prepare:
- (a) A draft of the order; and*
  - (b) A statement of their reasons for making the order'.*
- 1.3 Article 34 paragraph (2) of the DMPO states that *'the statement of reasons shall contain:*
- (a) A description of the development which the order would permit; and*
  - (b) A plan or statement identifying the land to which the order would relate.*
- 1.4 The text in this document acts as the statement of reasons for making the LDO. A plan identifying the land to which the LDO relates is attached at Appendix 1 of this document.

## Background

- 1.5 Building on the resurgence of advanced manufacturing and Government's re-commitment to positioning the UK as a leading force in the global advanced engineering and manufacturing arena, a supplier park situated on the former Michelin site will complement the Lancashire Enterprise Zone at Samesbury and Warton, which will become a national focal point for the sector, and a driving force for the Lancashire economy. Lancashire is one of the most important centres for high technology manufacturing in the UK, second only to the South East. Accounting for a quarter of local GVA, the sector directly and indirectly affects all aspects of Lancashire's £23.3bn economy.

- 1.6 The Burnley Aerospace Supplier Park site will support growth and capacity in the supply chain, enabling SMEs to gain efficiencies from modern premises, accommodate growth and benefit from collaborative services.
- 1.7 The site is already part occupied by Aircelle, part of the French owned Saffron Group, which employs over 900 people, and specialises in manufacturing parts for Airbus. Hychrome, part of US owned Score GP and local business BCW, are also located on the site and are growing in the supply chain.
- 1.8 Research shows that businesses in the target sectors need designated sites with modern premises. There is a latent demand in the area for quality industrial space from local firms seeking to grow. Research highlights that a lack of appropriate sites and ageing stock of premises acts as a barrier to winning investment and supporting growth in the aerospace and advanced manufacturing supply chain.
- 1.9 The site will aim to provide the opportunity to create 1,000 high value jobs, capitalising on new and emerging market opportunities in the aerospace and advanced engineering and manufacturing sector.

### **Area Covered by the Local Development Order**

- 1.10 The site is approximately 34 hectares (84 acres) and is dominated by the former Michelin factory and associated buildings which extend to some 37,742 sq m (406,270 sq ft) and includes the former tyre warehouse and substation.
- 1.11 Part of the site has been redeveloped and now houses the Lancashire Digital Technology Centre, a 2,300 sq m (25,000 sq ft) business centre which opened in 2003. The Centre is located at the entrance to the site and offers fully serviced, managed office and business space to a number of occupants ranging from hi-tech industrial businesses to small office occupiers.
- 1.12 Aircelle currently occupies a large part of the site to the west, and in 2008, expanded its operation in Burnley by taking a 25-year lease on the former Michelin tyre warehouse building (13,190 sq m / 142,000 sq ft). As part of the agreement the building was refurbished to ensure it was fit for Aircelle's purposes.
- 1.13 The area covered by this Local Development Order is highlighted on the map attached at Appendix 1 of this document.

## Why a Local Development Order

- 1.14 The purpose of the Local Development Order is to accelerate development at the Burnley Aerospace Supplier Park site through simplifying the planning permission requirements on the site. This will give businesses and developers more certainty in an uncertain economic climate by detailing the specific types of development and uses which are permitted.
- 1.15 The Council's approach has been to work with local businesses regarding the production of a Local Development Order covering advanced engineering and manufacturing development.
- 1.16 The Local Development Order authorises development within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended in so far as it relates to advanced engineering and manufacturing. Advanced engineering and manufacturing typical uses may include:
- [Aerospace \(30.3, 28.4\)](#)
  - [General Aviation Services \(52.23\)](#)
  - [High-end automotive including motorsport, electric/alternative energy vehicles, \(29.1, 29.3\)](#)
  - [Computing, systems engineering and autonomous systems \(62.01, 72.1\)](#)
  - [Advanced flexible materials \(13.96, 20.6\)](#)
  - [Manufacture of fabricated metal products, except machinery and equipment \(25.4, 25.5 and 25.6\)](#)
  - [Manufacture of computer, electronic and optical products \(26.1\)](#)
  - [Renewable energy \(27.1\)](#)
- 1.17 Development for purposes falling within the above Standard Industrial Classification (SIC) Codes is automatically within the scope of the LDO. However, advanced engineering or manufacturing purposes which fall outside of the above SIC Codes, or for complementary or supporting or ancillary uses, would potentially also be acceptable, and where such purposes are proposed the Local Planning Authority, will make an assessment of each such proposed development to ensure that they are within the permitted uses under the LDO.
- 1.18 Development outside the scope of the LDO will require the submission of a planning application. There are a number of key drivers behind the LDO in that it will:

- provide a comprehensive outline of all development that is permitted, without the need for further planning permission;
- enable and facilitate economic development and allow sustainable economic growth to happen rapidly without further planning constraint allowing the developer to react quickly to economic growth opportunities;
- enable the site to rapidly respond according to the requirements of advanced engineering and manufacturing firms;
- establish a framework for the overall development of the site, which can promote and communicate a clear policy to stakeholders and potential investors;
- build up confidence in and inform the community of future development;
- improve investor and occupier clarity, certainty and confidence;
- realise the site's full economic potential as a centre for advanced engineering and manufacturing activity;
- reduce the burden on the Local Planning Authority and consultees; and
- demonstrate a positive approach to planning.

## LDO Process

1.19 The process governing the preparation and implementation of Local Development Orders is set out in guidance contained in DCLG Circular 01/2006 'Guidance on Changes to the Development Control System'. Below is a summary of the process to be followed:

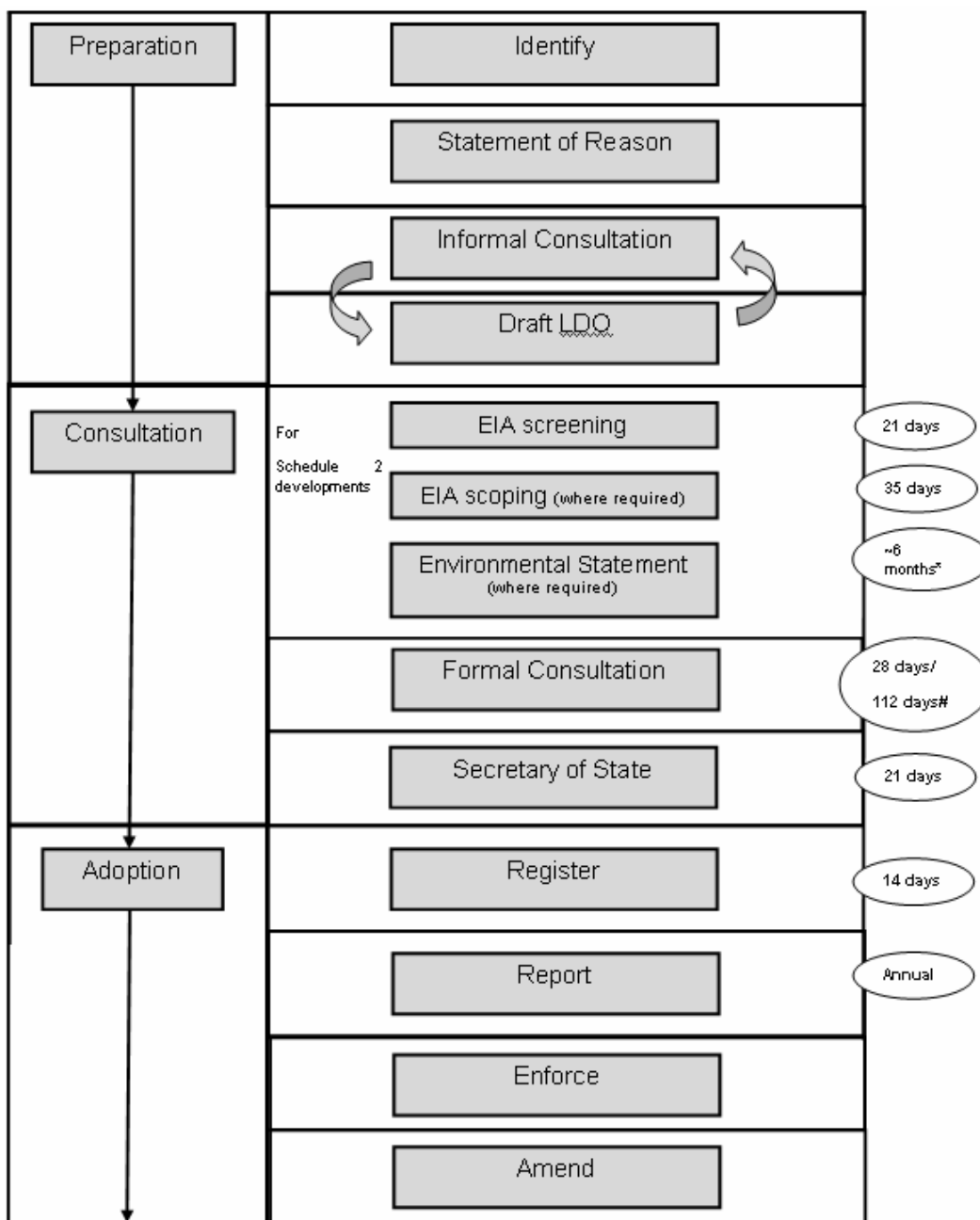


Figure 1 – LDO Process Summary Diagram

## Legislative Framework Governing the LDO Process

### Primary Legislation

- 1.20 LDO provisions are contained in sections 61 A-D of and Schedule 4A to the Town and Country Planning Act 1990, as amended. The primary legislative provisions related to LDO's were introduced by the Planning and Compulsory Purchase Act 2004 and commenced in 2006.

### Secondary Legislation

- 1.21 These primary powers were amended by the commencement of Section 188 of the Planning Act 2008 in June 2009. The effect of this amendment was to remove the requirement that LDO's must implement local plan policies.
- 1.22 More detailed legal provisions on LDO's are contained in Article 34 of and Schedule 7 to the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO). The DMPO came into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.
- 1.23 Article 34 of the Town and Country Planning (Development Management Procedure) (Order) 2010 (DMPO) paragraph (1) outlines that 'where a local planning authority propose to make a local development order (LDO) they shall first prepare:
- A draft of the order; and
  - A statement of their reasons for making the order'.
- 1.24 A draft of the LDO is set out in the second part of this document.

## Planning Policy Context

- 1.25 The National Planning Policy Framework (NPPF) (Paragraph 199) promotes the use of Local Development Orders in order to: *"relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise."*
- 1.26 Current planning policies for the area are set out in the adopted Burnley Local Plan. The land is allocated under Policy EW5 – Development and Improvement of Major Industrial Estates,



which permits the expansion and improvement of existing employment uses on identified industrial estates.

- 1.27 The southern part of the site is designated as a Biological Heritage Site under Policy E2 – Nature Conservation in the Burnley Local Plan. The policy states that development likely to have an adverse effect on the Biological Heritage Sites or Local Nature Reserves shown on the Proposals Map, will not be permitted.
- 1.28 A Local Development Framework is being prepared by Burnley Borough Council. The LDO will also accord with emerging local development plan policies, which are being developed with close regard to the National Planning Policy Framework.

## **Planning History**

- 1.29 Below is a recent planning history of the site:
- Application Reference: APP/2008/0557 – Proposed glazed entrance porch and lift to existing office block; disabled parking area, access ramp and steps to new entrance – Granted.
  - Application Reference: APP/2008/0423 – Proposed link staircase between - former Michelin Building & former Smurfit Building – Approved.
  - Application Reference: APP/2003/0807 – Proposed two-storey building to form Technology Centre with associated car parking areas – Approved.
  - Application Reference: APP/2003/0486 – Refurbishment of existing factory buildings including: division into smaller units; erection of new industrial units; crèche; cafe; technology centre and associated site works – Approved.
  - Application Reference: APP/2002/0152 – Erection of building for use as either light industrial (B1), general industrial (B2) or warehousing (B8). Granted.

## **Environmental Impact Assessment (EIA)**

- 1.30 The agreed uses for the LDO site do not fall within the development projects identified in “Schedule 1”.
- 1.31 Regulation 29 of the Town and Country Planning (Environmental Impact Assessment) Regulations (Statutory Instrument 2011/1824) applies in relation to Schedule 2 development for which a Local Planning Authority propose to grant planning permission by local development order.

- 1.32 The proposals are classed as an “Urban Development Project” within Part 10, “Infrastructure Projects” of Schedule 2. As such the need for an Environmental Impact Assessment has to be considered.
- 1.33 Circular 2/99 provides guidance on the regulations. In general, EIA will be needed for Schedule 2 developments in three main types of case. These are:
- for major developments which are of more than local importance
  - for developments which are proposed for particularly environmentally sensitive or vulnerable locations, and
  - for developments with unusually complex and potentially hazardous environmental
- 1.34 Prior to publishing this Local Development Order, the Burnley Borough Council issued a screening opinion in accordance with the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, as amended
- 1.35 The screening opinion concluded that the development will have some impact on the surrounding area in terms of an increase in traffic, the potential for noise and some visual impact. There will also be some impact on the adjacent Biological Heritage Site, in particular the potential for harm to great crested newts or their habitats. However, the screening opinion confirmed that due to the scale of development proposed, and the mitigation measures suggested in respect of ecological features, the impacts will not be significant.
- 1.36 Therefore the Local Planning Authority considers that the impact of development proposed by the Local Development Order will not be so significant as to require the submission of an Environmental Impact Assessment.

## **Consultation on the LDO**

- 1.37 A fundamental principal of LDOs is that they represent a partnership approach to development management. This requires an approach to consultation that seeks support for the concept of the LDO and its objectives, both among the direct participants; the communities affected and wider stakeholders.
- 1.38 It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010/2184). Consultation must include any person with whom the local planning authority would have

been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

1.39 As part of the preparation of this LDO the following consultation arrangements were undertaken:

- Compliance with the publicity and consultation requirements of Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) which relates specifically to publicity requirements for LDOs;
- Formal approval to consult on the draft LDO required by the Cabinet Member responsible for Planning, under the Leader's Scheme of Delegation;
- Compliance with the consultation requirements of Burnley's Statement of Community Involvement; and
- Direct consultation letters to the stakeholders listed at the end of this document.

1.40 Consultees were directed to the copy of the draft LDO, a plan and the Statement of Reasons published on the Council's Website. The consultation period was 28 days.

1.41 Following the expiry of the consultation period all responses received were recorded, analysed and assessed and reported to the Cabinet Member, under the Leader's Scheme of Delegation seeking a resolution to submit to the Secretary of State in accordance with the requirements of the DMPO.

## **Monitoring and Enforcement**

1.42 This LDO will be subject to on-going monitoring to assess its effectiveness in delivering development that supports the Burnley Aerospace Supplier Park. The outcome of the monitoring process will be reported annually in the Burnley Annual Monitoring Report.

1.43 Failure to comply with the terms of the LDO or any other statutory requirements may result in appropriate enforcement action being taken by the Council.

## 2. LOCAL DEVELOPMENT ORDER

### Introduction

- 2.1 The Burnley Aerospace Supplier Park Development Order covers approximately 34 hectares (84 acres) of the Heasandford Industrial Estate which falls within Burnley Borough Council's Local Planning Authority Area.
- 2.2 This Local Development Order does not overrule the requirements of any other legislation, including but not exclusively, Highways Acts, Environmental Protection Legislation, the Equality Act and the Building Regulations.

### Procedure

- 2.3 To benefit from the provisions of this LDO, compliant schemes will need to submit a self-certification form (see Condition 3 below) and a letter of conformity will be issued by the Council within 28 days of receipt. Failure by the Local Planning Authority to issue a response or a request for further information within the set timescale will be seen as automatic acceptance of the proposal.
- 2.4 If it is deemed that a formal planning application is required (for development that is not in conformity with the LDO but has important economic benefits), and the applicant has entered into pre-application discussions with the Council, then priority will be given to the processing of the formal application and, where deemed beneficial to the project, will employ an enhanced planning regime, which could include the use of a Development Team Approach and/or Planning Performance Agreement.
- 2.5 For the avoidance of doubt, this Local Development Order does not exclude applicants from applying for planning permission for developments that are not permitted by this Order.

### Other Statutory Requirements

- 2.6 Whilst the LDO grants planning permission for certain types of development, it will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

- 2.7 The LDO does not remove the requirement for consent obtainable under other legislation such as Building Regulations, Hazardous Substances Consent or Advertisement Consent, and licences from bodies such as Natural England.

## **LDO Boundary**

- 2.8 The area covered by this Local Development Order is highlighted on the map attached at Appendix 1.

## **Period of Operation**

- 2.9 The LDO expires on 30<sup>th</sup> June 2016, but will be reviewed before this date to determine whether an extension to the timescale should be considered.

## **Type of Development**

- 2.10 This Development Order grants planning permission exclusively for specified uses on the Burnley Aerospace Supplier Park, with the aim of promoting economic regeneration through advanced manufacturing and related technology, together with other related uses which support these industries. Planning permission is granted for new build, extensions and change of use for the uses set out below.

- 2.11 Preferred Uses are:

- B1(b) research & development / studios / laboratories / high-tech;
- B1(c) light industry;
- B2 general industry, specifically modern manufacturing / advanced engineering;

- 2.12 The following uses are permitted as ancillary uses as part of schemes proposing the above uses:

- B1(a) offices;
- B8 storage & distribution (excluding open storage);

- 2.13 Development is permitted by the LDO where it is for the purpose of advanced engineering and manufacturing, as is set out below.

## Conditions

2.14 All development is subject to the following conditions:

### Condition 1 – Suitable Uses

2.15 Development, falling within Use Class B, is permitted by the LDO where it is for the purpose of advanced engineering and manufacturing and falls within the following SIC Codes:

- Aerospace (30.3, 28.4)
- General Aviation Services (52.23)
- High-end automotive including motorsport, electric/alternative energy vehicles, (29.1, 29.3)
- Computing, systems engineering and autonomous systems (62.01, 72.1)
- Advanced flexible materials (13.96, 20.6)
- Manufacture of fabricated metal products, except machinery and equipment (25.4, 25.5 and 25.6)
- Manufacture of computer, electronic and optical products (26.1)
- Renewable energy (27.1)

### Condition 2 – Complementary Uses

2.16 Development for advanced engineering or manufacturing purposes or for ancillary, complementary or supportive uses which fall outside of the SIC Codes referred to in Condition 1 is permitted by the LDO, subject to the condition that prior to the commencement of development, the developer must notify the Local Planning Authority of its proposal and the Local Planning Authority, must be satisfied that the proposed development is for the purpose of advanced engineering or manufacturing or ancillary complementary or supportive uses and notifies the developer accordingly.

### Condition 3 – Submission Requirements

2.17 Before commencement of development and in order to ensure compliance with the LDO, all proposals which seek to benefit from the provisions of the LDO must complete and submit to the Local Planning Authority the self-certification form attached to this Order (Appendix 2) together with the plans and documents as indicated in the checklist.

- 2.18 The Council will issue written confirmation of compliance (or non-compliance) within 28 days of the receipt of the form or may issue a request for further information. Failure by the Local Planning Authority to issue a response or a request for further information within the set timescale will be seen as automatic acceptance of the proposal. Thereafter the Local Planning Authority should be given 28 days' notice of an intention to start on site using the form attached at (Appendix 3) in order that progress and compliance can be monitored and records can be kept of outcomes.

#### Condition 4 – Design

- 2.19 Development is permitted by the LDO provided that the proposed designs are in accordance with the Aerospace Supplier Park Design Code, which is included in Appendix 4 of this document.

#### Condition 5 – Landscaping

- 2.20 Development is permitted by the LDO provided that the proposed landscaping scheme is in accordance with the Aerospace Supplier Park Design Code, which is included in Appendix 4 of this document.

#### Condition 6 – Access

- 2.21 Access arrangements for proposed development under the LDO shall be submitted to the Local Planning Authority for approval (in consultation with the Local Highway Authority) and the development shall proceed in accordance with the approved details. The Local Planning Authority shall respond within 28 days of receiving the details of the access arrangements and if no response is received from the Local Planning Authority within this 28 day period then the arrangements shall be deemed to be approved.

#### Condition 7 – Transport Statements and Assessments

- 2.22 In order to assess the impact of the development on the highway network, a Transport Statement / Transportation Assessment and Travel Plan shall be submitted with the Self Certification Form in accordance with the following parameters:
- 2.23 Transport Statement:
- B1 (b) or (c) development up to 2,500 square metres
  - B2 development up to 5,000 square metres

2.24 Transportation Assessment:

- B1 (b) or (c) development exceeding 2,500 square metres
- B2 development exceeding 5,000 square metres

### Condition 8 – Highways Improvements

2.25 All related highway works on and off site shall be implemented prior to the occupation of each phase of development, and all off site highway works shall be implemented pursuant to appropriate agreements entered into under the Highways Act 1980 and in accordance with details and any mitigation measures submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority.

### Condition 9 – Parking Standards

2.26 Development shall not exceed standard thresholds (See Appendix 5) unless otherwise approved by the Local Planning Authority.

### Condition 10 – Construction Vehicles and Wheel Washing

2.27 No development shall start until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

### Condition 11 – Biological Heritage

2.28 No development is permitted within the boundary of the Biological Heritage Site, as designated in the Burnley Local Plan (see Appendix 1).

### Condition 12 – Ecology Statement

2.29 All proposals shall be in accordance with the recommendations set out in the Ecology Study included in Appendix 6.

2.30 An ecology statement shall be undertaken and submitted with the Self Certification Form to inform the design of development, and the incorporation of measures to avoid, mitigate or compensate for any likely ecological impacts. The ecology statement (as well as avoidance, mitigation and compensation proposals) shall be submitted to the Local Planning Authority for



approval. The Local Planning Authority shall respond within 28 days of receiving the details and if no response is received from the Local Planning Authority within this 28 day period then the assessment shall be deemed to be approved. The development shall be carried out in accordance with the approved details.

### Condition 13 – Ground Contamination

2.31 A Site Completion Report shall be submitted to the Local Planning Authority for approval, prior to commencement of development. The Site Completion Report shall validate that all works undertaken on site were completed in accordance with those agreed by the LPA. Prior to each phase of development approved by the Order commencing, a desk study, investigation and remediation strategy to identify any contaminated land on site shall be submitted to and approved, in writing, by the local planning authority. The investigation and remediation strategy shall include:

- a. A preliminary risk assessment which identifies all previous uses and potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors which could lead to potentially unacceptable risks arising from contamination at the site.
- b. An intrusive ground investigation scheme, to identify any contaminants present and includes a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and detailed risk assessment based on the results from b) above and shall include options, appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A site monitoring and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in c) above have been completed and identifies any requirements for longer-term monitoring of pollutant linkages, sampling, maintenance and arrangements for contingency action.

### Condition 14 – External Plant and Machinery

2.32 All external plant and machinery including air extraction plant shall be enclosed with sound insulating materials and / or attenuated in accordance with a scheme to be agreed with the Local Planning Authority (LPA). Alternatively such plant and machinery shall only be operated

between hours agreed in writing with the LPA and shall be maintained accordingly thereafter to the satisfaction of the LPA.

### **Condition 15 – Coal Mining Risk Assessment**

- 2.33 Where development falls within a Development High Risk Area, before any development starts, a coal mining risk assessment must be submitted to, and approved in writing by, the Local Planning Authority.
- 2.34 Any further investigation or remedial works (which incorporates an assessment of the feasibility of removing the remnant coal during ground works) recommended in the coal mining risk assessment as being necessary to ensure the safety and stability of the proposed development, shall be implemented before work starts on the development hereby approved.

### **Condition 16 – Surface Water Run-off**

- 2.35 Surface water being discharged into the sewers can have a significant impact on the capacity of United Utilities existing infrastructure which may result in a lack of available capacity to accommodate new development. For new development foul and surface water should be disposed of by separate means, with surface water runoff being restricted to a maximum pass forward flow of 5 l/s or Greenfield runoff equivalent to  $Q_{bar}$ , unless prior written approval has been obtained by United Utilities. Any development must address surface water run-off without having any detrimental impact on the existing sewer infrastructure.