

Certificate of Lawful Development Covering Note / Statement

Town and Country Planning Act 1990 – Section 191/192

Planning Permission Ref: 211081 (Barkham Solar Farm), as amended by 241264

1. Introduction

This application seeks confirmation that planning permission ref. 211081 (as amended by 241264), granted on 21 January 2022, has been lawfully 'begun' within the three-year period mandated by condition 1 of the planning permission.

The permission required commencement by 21 January 2025.

This statement demonstrates that a material operation was carried out on site prior to that date, such that the permission remains extant.

2. Legal Test

Under Section 56 of the Town and Country Planning Act 1990, development is taken to be begun on the earliest date on which a material operation is carried out.

The relevant material operation in this case was the construction of an approved site access (bellmouth) from Barkham Ride, which forms part of the authorised development.

3. Discharge of Pre-Commencement Conditions

All pre-commencement conditions attached to the planning permission were formally discharged prior to works commencing on site.

Separate discharge notices previously issued by the Local Planning Authority are enclosed as supporting evidence.

Accordingly, the development was lawfully capable of being commenced.

4. Lawful Ability to Undertake the Works

Prior to commencement:

- A Minor Works Agreement between the Council (as developer) and the Highway Authority was executed on 10 January 2025
- A Section 171 licence was obtained for works within the highway – as referenced in the Minor Works Agreement
- A contractor was formally instructed to undertake the works – see contract variation notice

These arrangements ensured that the access works could lawfully proceed as part of the authorised development.

5. Commencement of Development

Notice of Commencement was issued to the LPA on 20th December 2024 under the terms of the S106 – notifying of intended commencement on 13th January 2025 – see email notification sent on 20th December.

The works undertaken comprised the formation of the site access bellmouth from Barkham Ride.

6. Evidence of Material Operations

A contractor progress report dated 16 January 2025 confirms that the following works had been undertaken on site by that time:

- Installation of traffic management
- Removal of existing gates and vegetation
- Setting out of the bellmouth access
- Excavation of the bellmouth and kerb line to construction depth (c.680mm)
- Movement of excavated material and site preparation

This excavation and formation of the access constitutes a material operation within the meaning of Section 56.

Photographic evidence of the works is also enclosed.

7. Corroborating Evidence

The commencement and nature of the works are further supported by:

- Formal notification to the Council of commencement (December 2024)
- Public communications issued by the Council confirming works were scheduled to start on 13 January 2025
- Contractor mobilisation and neighbour notification (January 2025)
- Formal variation/order instructing commencement works

Together, these demonstrate a consistent and credible account of commencement.

8. Conclusion

The evidence demonstrates that:

- A material operation (construction of the site access) was carried out
- This occurred before 21 January 2025
- The works were undertaken lawfully, following discharge of all pre-commencement conditions and securing of necessary consents

Accordingly, the development was lawfully commenced within the time period specified by Condition 1, and planning permission 211081 remains extant.