

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2377/0N1
2.	Proposed Development:	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR THE MAINTENANCE OF ACCESS ROUTES WITHIN THE WOODLAND AND OPERATIONS TO OBTAIN THE MATERIALS REQUIRED FOR THE MAINTENANCE
3.	Location:	FOREST ENTERPRISE LAND AT LOWTHER PARK, HAILE
4.	Parish:	Haile
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	Publicity Representations &Policy	None required.
7.	Report: Site and Location:	<p>This application site relates to Forest Enterprise Land at Lowther Park, Haile.</p> <p>Proposal:</p> <p>This application comprises an application to determine if prior approval is required for the siting and means of construction of the private way within the woodland under the provisions of Schedule 2, Part 6, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>The proposed comprises the maintenance of access tracks within the forest and operations to obtain the aggregate materials from within a quarry within Lowther Park required for the maintenance of such ways.</p> <p>Relevant Legislation</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).</p> <p>Assessment:</p>

The application relates to a forestry development; therefore, the provisions of Schedule 2, Part 6, Class E of the GPDO 2015 are applicable.

The provision of Schedule 2, Part 6, Class E of the GPDO 2015 are considered in turn below:

In respect of the provisions of E. –

The works are relate to land used for the purposes of forestry.

The development is reasonably necessary for the purposes consisting of the maintenance of the existing road infrastructure (private ways) within the woodland.

The development also consists of operations on land within Lowther Park to obtain the materials required for the maintenance of such ways.

In respect of the provisions of E.1 -

- (a) The development does not consist of, or include, the provision of a dwelling;
- (b) The development is not within 3 kilometres of an aerodrome;
- (c) The development is not within 25 metres of the metalled part of a trunk road or classified road;
- (d) The development does not relate to a building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system that would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

In respect of the relevant provisions of E.2 -

- (1) An application to determine if prior approval is required (current application) has been submitted and the development has not commenced.
- (2) Not applicable.
- (3) Not applicable.

The track maintenance is an acceptable form of forestry development and the private ways are suitably located within the site.

Concerns were raised regarding the application description which includes the extension of the quarry and provision E.(d) with other operations not including mining operations. However, I was unable to contact the applicant so the description was altered to reflect earlier information where the applicant had confirmed the materials generated from the operations within the existing quarry in the future are for Forestry England's exclusive use to maintain private ways within the forest block. The internally sourced aggregates are not commercially distributed and therefore the proposal falls within E.(c) operations to obtain the materials required for the maintenance of such ways. On this

	<p>basis, the means of construction are acceptable and comply with provisions of Schedule 2, Part 6, Class E for forestry developments.</p> <p>Conclusion</p> <p>The requirements of the provisions of Schedule 2, Part 6, Class E of the GPDO 2015 are achieved.</p> <p>The proposed development is appropriate form of forestry development. The private was are suitably located and the means of construction are acceptable.</p> <p>Prior approval is not required.</p>
8.	<p>Recommendation: Approve Notice of Intention</p>
Case Officer: C. Unsworth	Date : 21/09/2021
Authorising Officer: N.J. Hayhurst	Date : 21/09/2021
<p>Dedicated responses to:- N/A</p>	