DEVELOPERS NOTICE

Town and Country Planning (Development Management Procedure) (England) Order 2015

DEVELOPERS NOTICE MADE UNDER ARTICLE 11

Proposed development at	Land	at	Cote	Hill	Farm,	Daleside	Road,
	Kirbyn	noors	side, No	rth Yo	rkshire,	YO62 7LB	

Grid Reference

E: 467528 N: 496268

I give notice that Galloway Estates on behalf of Airwave Solutions Ltd will be applying to North York Moors National Park Authority under Part 16 of Schedule 2 (development by electronic communications operators) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for its determination as to whether the prior approval of the authority will be required to the siting and appearance of:

An addition to the existing communications apparatus on site consisting of a 1.2m diameter ground based VSAT dish to be fixed to a new steel pole of 2.5m in height mounted on the existing concrete base forming the foundation for the mast.

The application and accompanying plans shall be available for public inspection at the offices of the above authority, during usual office hours, at:

Chief Planning Officer North York Moors National Park Authority The Old Vicarage Bondgate Helmsley York North Yorkshire YO62 5BP

Any individual and organisation wishing to make representations about the siting and appearance of the proposed development may do so in writing to the Local Planning Authority at the above address (please quote site address given above). Any representations must be received no later than 4th September 2019.

SIGNED:

ON BEHALF OF:Airwave Solutions LtdDATED:21/08/2019

NYMNPA

21/08/2019

DECLARATION OF CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES

(ICNIRP DECLARATION)

Datasat Communications Ltd Brookmans Park Transmission Station Hatfield Hertfordshire AL9 6NE

Declares that the proposed equipment and installation of

A 96cm VSAT antenna at 1.8m A.G.L. for Airwave Solutions Ltd

As detailed in the attached planning application at:

Airwave site reference NYK028 – Cote Hill Farm, Kirbymoorside, North Yorkshire, YO62 7LB

Is designed to be in full compliance, *combined with the operation of other equipment on site*, with the requirements of the Radio Frequency (RF) public exposure guidelines of the International Commission on Non-Ionising radiation Protection (ICNIRP), as expressed in EU Council recommendation of 12 July 1999* "*on the limitation of exposure of the general public to the electromagnetic fields (0Hz to 300GHz)"*

*Reference: 1999/519/EC

Dated 14 Advacest 2019

Bernie Branfield General Manager Datasat Communications Ltd



Our ref: Airwave/NYK028/LPA/GPDO

21st August 2019

Chief Planning Officer North York Moors National Park Authority The Old Vicarage Bondgate Helmsley York North Yorkshire YO62 5BP

NYMNPA

21/08/2019

Application submitted online via Government portal website

Dear Sir or Madam,

AIRWAVE SOLUTIONS LTD

PRIOR APPROVAL NOTIFICATION UNDER PART 16 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2016

<u>Proposed upgrade of existing public safety and emergency services installation:</u> <u>NYK028: Land at Cote Hill Farm, Daleside Road, Kirbymoorside, North Yorkshire,</u> <u>Y062 7LB, NGR: 467528, 496268.</u>

We write on behalf of Airwave Solutions Ltd, with regard to the installation of telecommunications apparatus at the above location. Airwave Solutions Ltd are a licensed operator of an electronic communications network in accordance with the Communications Act 2003. Airwave Solutions Ltd are obliged to provide an emergency mobile telecommunications network in the United Kingdom and to meet all reasonable customer demands.

Airwave Solutions Ltd benefits from permitted development rights for this development as set out under the above Order. Under paragraph A.3.(3) of Part 16 Airwave Solutions Ltd are required to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development set out below:

The proposed installation comprises -

<u>Proposed development</u>: An addition to the existing communications apparatus on site consisting of a 1.2m diameter ground based VSAT dish to be fixed to a new steel pole of 2.5m in height mounted on the existing concrete base forming the foundation for the mast.

The additional VSAT dish required as an additional means of linking the base station to the Airwave Emergency Services Network and will act as a reserve as well as a passive

Galloway Estates Ltd., Chartered Surveyors, PO Box 17086, Solihull, West Midlands, B91 9UG

Company No. 4309857: Regulated by RICS



link to ensure there is resilience in the event of systems failure. The proposal is further to application 2018/0284 on land nearby for an 11m mast upon which a single dish would have been installed to provide the increased resilience required. This was refused consent on 3^{rd} July 2018 but Airwave still has a requirement to provide the essential network resilience required. The proposed VSAT dish would be deployed in place of this initially proposed dish link (2018/0284).

We refer to our previous correspondence with the Council, to the previously refused application 2018/0284 along with the consultation letters, emails and plans in connection with the subject proposal.

We now enclose an application for prior approval for this development for your determination. This GPDO prior approval includes the following supporting information and technical justification for the siting and appearance of the proposal:

- Planning Justification incorporating Design & Access Statement
- Site Specific Supplementary Information form
- Planning Drawings, reference AKRPNYK028-GA-01-A; 02-A; 03-A
- Copy of the Developers Notice served on the owner of the site.
- Payment of the statutory planning application fee of $\pounds 462.00$ has been made online.
- An ICNIRP Compliance Certificate

The following details have not been attached for the reasons given:

• Copies of coverage plots and technical justification are not included as this is an existing site and the proposals relates to the installation of a VSAT link dish only

• A copy of the search/coverage area plan, showing location of alternative sites investigated is not included as this is an existing and established telecommunications site.

• Evidence to rule out alternative sites, comprising is not included as this is an existing telecommunications site requiring the addition of VSAT dish for resilience purposes.

We trust that the above information is acceptable and look forward to discussing the application with you in the near future. In the meantime should you require any additional information or have any queries relating to this application, please do not hesitate to contact the below

Yours faithfully

John Bird BSc MRICS, Registered Valuer Director - Galloway Estates For and on Airwave Solutions Ltd

Enclosures: Location Plan & Elevation – AKRPNYK028-GA-01-A; 02-A; 03-A

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Company No. 4309857: Regulated by RICS





PLANNING JUSTIFICATION - INCORPORATING DESIGN AND ACCESS STATEMENT FOR AIRWAVE SOLUTIONS:

<u>Proposed upgrade of existing public safety and emergency services installation:</u> <u>NYK028: Land at Cote Hill Farm, Daleside Road, Kirbymoorside, North</u> Yorkshire, YO62 7LB, NGR: 467528, 496268

Galloway Estates Ltd act on behalf of Airwave Solutions Ltd, the company that is responsible for delivering the Airwave service, within the North Yorkshire region. The Airwave service is an integrated public safety mobile radio communications service for, amongst others, the emergency services including police forces in Great Britain.

Airwave Solutions Limited

The Airwave Network forms part of the nation's Critical National Infrastructure. Designed and proven to withstand major incidents, even when other networks fail, the Airwave Service is relied upon during routine operations as well as during the toughest situations that our country's Emergency Responders face. The Airwave network already meets the stringent reliability criteria required by the UK Government. However, the existing transmission network requires additional backup systems in place to ensure resilience on the network at all times and in all eventualities. As a result, Airwave has to add a VSAT dish antennae to this existing emergency services radio base station.

Airwave Services Ltd recognises that some people may have concerns over health and safety issues. The installation will be ICNIRP compliant, as required by the NPPF (see below) and would operate at very low power levels. An 'ICNIRP Certificate' confirming this has been included as part of this application.

The Proposal

The application proposes an addition to the existing communications apparatus on site consisting of a 1.2m diameter ground based VSAT dish to be fixed to a new steel pole of 2.5m in height mounted on the existing concrete base forming the foundation for the mast.

All as show on the attached drawings - AKRPNYK028-GA-01-A; 02-A; 03-A ('the development').

This Design and Access Statement is provided in conjunction with the Supplementary Information Template, drawings, and supporting material which is submitted as part of this planning application.

This statement is submitted pursuant to Article 4C of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) ABD Regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended).

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Company No. 4309857:





In accordance with the Code of Best Practice on Mobile Phone Network Development, and published Government guidance, this proposal has been developed having regard to the need for good design.

In particular:

- Considerations of design and layout are informed by the context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology all help to determine the character and identity of the development.
- The scale, massing and height of proposed development have been considered in relation to that of adjoining buildings; the topography, the general pattern of heights in the area; and views, vistas and landmarks.

The following general design principles have been taken into account in respect of this proposed telecommunications development:

- A thorough assessment of the character of the area concerned.
- That the design shows an appreciation of context.

Pre-Application Discussions and Negotiations

Pre-Application correspondence and Drawings were issued to the LPA and to the local Ward Councillors and Civil Parish for comment.

Mark Hill, Head of Development Management at North York Moors National Park Authority responded on 1st August 2019 advising '*I can confirm that this Authority would have no objection to a proposed 1.2m dish on a 2.5m pole at existing compound at the current Farndale Airwave/tetra site if a GDPO notification is submitted.*' No other responses have been received from other consultees.

Access

Access to the site is as existing from Daleside Road to the north and through the Cote Hill Farm buildings and fields.

Local Plan Policies and AONB

Please refer to information and statements made within the document 'NYK028 Site Specific Supplementary Information'

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Company No. 4309857:





Conclusion

The proposed installation is required to provide improved transmission links to safeguard the operational integrity of the Airwave emergency services network. The height for the new VSAT link is minimised with a 2.5m tall pole which is the minimal limit in order for it to avoid nearfield obstructions that would otherwise block the signal.

It is considered that this proposal, which is to maintain the integrity of the Airwave network for the sole use by the Emergency Services, accords fully with national and local planning policy and guidance. Given its relatively modest addition in terms of the existing radio base station development surrounding it, it is considered that this proposal will not unduly harm the appearance of the immediate area or the wider landscape.

Prepared by John Bird, Galloway Estates Ltd. For and on behalf of Airwave Solutions Ltd. 21st August 2019

Galloway Estates Ltd., Chartered Surveyors, PO Box 17086, Solihull, West Midlands, B91 9UG

Company No. 4309857:



SUPPLEMENTARY INFORMATION

1. Site Details

Site Name:	Cote Hill Farm	Site Address:	Land at Cote Hill Farm, Daleside Road,
National Grid	E: 467528, N:		Kirbymoorside, North Yorkshire, YO62 7LB
Reference:	96268.		
Site Ref Number:	NYK028	Site Type: ¹	MACRO - GREENFIELD

2. Pre-Application Check List

Site Selection (for New Sites only)

(Would not generally apply to upgrades/alterations to existing site including redevelopment or replacement of an existing site to facilitate an upgrade or sharing with another operator)

Was a local planning authority mast register available to check for suitable sites by the operator or the local planning authority?		No			
If no explain why:					
The proposal makes use of an existing and established tele	communications site				
Were industry site databases checked for suitable sites by		No			
the operator:					
If no explain why:					
The proposal makes use of an existing and established telecommunications sit					

Site Specific Pre-application consultation with local planning authority

Was there pre-application contact:	Yes
Date of pre-application contact:	26/07/2019
Name of contact:	Adam Williamson

Summary of outcome/Main issues raised:

Mark Hill, Head of Development Management at North York Moors National Park Authority responded on 1st August 2019 advising 'I can confirm that this Authority would have no objection to a proposed 1.2m dish on a 2.5m pole at existing compound at the current Farndale Airwave/tetra site if a GDPO notification is submitted.'

Community Consultation

Rating of Site under Traffic Light Model:		GREEN
Outline of consultation corriad out:		

Outline of consultation carried out:

A Traffic Light Rating has been carried out to help assess the appropriate level of consultation, and using this process, the proposals have been categorised Green. In accordance with the code of best practice the following were consulted on the 23rd July 2019:

Councillor J Frank, Ryedale District Council, Ryedale House,Old Malton Road, Malton, North Yorkshire YO17 7HH. *via Email:* cllr.janet.frank@ryedale.gov.uk

Mr. D. Mead, Clerk to Farndale East Parish Council, Oak House, Farndale, York, YO62 7LH, Via recorded delivery

Summary of outcome/main issues raised (include copies of relevant correspondence): None

School/College

NYMNPA

¹ Macro or Micro

21/08/2019

Location of site in relation to school/college (include name of school/college): *None* Outline of consultation carried out with school/college (include evidence of consultation): N/A

Summary of outcome/main issues raised (include copies of main correspondence): None

Civil Aviation Authority/Secretary of State for Defence/Aerodrome Operator consultation (only required for an application for prior approval)

Will the structure be within 3km of an aerodrome or airfield?	No			
Has the Civil Aviation Authority/Secretary of State for No				
Defence/Aerodrome Operator been notified?				
Details of response: N/A				

Developer's Notice

Copy of Developer's Notice enclosed?		Yes	
Date served:	21/08/2019		

Proposed Development

The proposed site:

The application site is an existing telecommunications base station located on: Proposed location: Land at Cote Hill Farm, Daleside Road, Kirbymoorside, North Yorkshire,

YO62 7LB, NGR: 467528, 496268.

The proposed development comprises an addition to the existing communications apparatus on site consisting of a 1.2m diameter ground based VSAT dish to be fixed to a new steel pole of 2.5m in height mounted on the existing concrete base forming the foundation for the mast.

Enclose map showing the cell centre and adjoining cells if appropriate: N/A. Application relates to installation of a VSAT dish.

Type of Structure (e.g. tower, mast, etc):

Description:

the installation of a 1.2m diameter VSAT dish on a ground bases steel pole of 2.5m in height.

Overall Height:	
Height of existing mast (where applicable):	N/A
Equipment Housing:	
Length:	N/A
Width:	N/A
Height:	N/A
Materials (as applicable):	
Tower/mast etc – type of material and external	LIGHT GREY VSAT DISH OF 1.2M DIAMETER.
colour:	GALVANISED STEEL POLE SUPPORT (of 2.5m in
	height)
Equipment housing – type of material and	N/A
external colour:	

Reasons for choice of design, making reference to pre-application responses (if relevant): Background In designing the proposed installation, the applicant has sought to achieve a balance between technical requirements and minimising environmental impact as far as was practicable.

When selecting the location for a VSAT dish, it is necessary to orientate the apparatus to one of only a few available positions – as the VSAT must point towards a set location in order to connect to the satellite providing the link – in this case approx. 221 degrees The dish height and location within the compound shown enables the VSAT dish to avoid near field obstructions, such as the adjacent trees. **Site design**

The design of the VSAT is dictated by the manufacturer both in terms of scale and the aforementioned orientation. The design of the supporting steelwork makes use of the existing concrete footing of the mast and the 2.5m support pole for the VSAT is suitably robust so as to ensure integrity and balance of the VSAT dish and to minimise any deflection from the wind.

Technical Information

International	Commission	on	Non-Ionizing	Radiation	Yes	No	
Protection De	claration attache	ed (se	e below)				

International Commission on Non-Ionizing Radiation Protection public compliance is determined by mathematical calculation and implemented by careful location of antennas / dishes, access restrictions and/or barriers and signage as necessary. Members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines.

When determining compliance, the emissions from all network operators on or near to the site are taken into account.

In order to minimise interference within its own network and with other radio networks, Airwave operates their network in such a way the radio frequency power outputs are kept to the lowest levels commensurate with effective service provision.

All operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

The telecommunications infrastructure the subject of this application accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

Technical Justification

Reason(s) why site required e.g. coverage, upgrade, capacity

The proposed development is required to provide improved connectivity and network resilience to the Airwave links and transmission for their network.

As stated in Paragraph 122 of the NPPF (2018) "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks" The NPPF takes account of the growth of the industry and technology, of the new social and economic demands for communications, and of the Government's environmental policies. This proposal is to enable Airwave to provide improved network connectivity and will assist in achieving these objectives.

Site Selection Process

Alternative sites considered and not chosen (not generally required for **upgrades/alterations to existing sites** including redevelopment of an existing site to facilitate an upgrade or sharing with another operator)

Site Type	Site name and address	National Grid Reference	Reason for not choosing site
N/A			Existing and established telecommunications site which is self- selecting for network resilience link purposes.

If no alternative site options have been investigated, please explain why:

Paragraph 43 of the National Planning Policy Framework, in which the Government's supportive stance towards developing high quality communications infrastructure is laid out, states that "(local authorities) should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified'.

The proposal is for works / network transmission resilience at an established telecommunications site and not for the development of a new site, thus the consideration of alternative sites is not appropriate. The application site represents the only feasible option in this instance which allows the requirement to be met following the planning refusal 2018/0284 on land nearby for an 11m mast upon which a single dish would have been installed to provide the increased resilience required. This was refused consent on 3rd July 2018 but Airwave still has a requirement to provide the essential network resilience required. The proposed VSAT dish would be deployed in place of this initially proposed dish link (2018/0284).

Additional relevant information (include planning policy and material considerations):

Environmental Information:

The local authority is Ryedale District Council but the site is located within the North York Moors National Park. As a result, the North York Moors National Park Authority Local Development Framework – Core Strategy and Development Policies November 2008 is referenced, in particular Policy DP25 dealing with telecommunications))

Land use planning designations:

The site is also located within North York Moors National Park

Siting and Appearance:

The Code of Best Practice on Network Development in England emphasises that "Existing masts, buildings or other structures should be used unless the need for a new site has been justified", encouraging the use of existing base stations to improve connectivity where possible, such as in this case. In this case, the technical requirement can be met through the addition of equipment (in the form of a VSAT dish) at this existing site, as opposed to the deployment of a new additional site in the area. Therefore, the proposal is in line with this guidance by upgrading an already well-established telecommunications base station, the siting of which has already been deemed appropriate, as opposed to installing a new site in the area that will increase the number of base stations in the area It is considered that the proposal utilises the most suitable design available to meet the technical requirement within the very specific technical constraints (detailed on page 3 under the heading 'Reasons for choice of design')

It is therefore considered, with all of the above in mind, that the siting of the proposal is wholly appropriate.

It is considered that the proposal utilises the most suitable design available to meet the technical requirement within the very specific technical constraints.

Planning Policy Context:

Development Policy 25 is set out below:

DEVELOPMENT POLICY 25 Telecommunications

The provision of infrastructure for telecommunications and information technology will be supported where it is of a scale and design appropriate to the National Park and helps meet the needs of local communities. Proposals for the erection of telecommunications masts and equipment and any associated development will be permitted where:

- There are no suitable alternative means of provision.
- There is no unacceptable adverse visual impact upon the character of the locality and the wider landscape.
- The siting of the installation makes use of the least environmentally intrusive option available.
- The proposal is part of a co-ordinated, long term strategy for the provision of telecommunications technology.
- 5 Provision is made for the removal of the equipment when it is redundant,

Applicants should refer to:

- Planning Policy Guidance 8 Telecommunications
- 10.21 Good telecommunications are an increasingly important part of modern life. Government guidance clearly advocates that local authorities, including National Parks, should respond positively to telecommunications development proposals, whilst taking account of the need to protect the best and most sensitive environments. On this basis, the Authority seeks to help local communities to access communications technology but to also ensure that this is not at the expense of the environment of the Park. The development of the internet and broadband technologies provide opportunities to offset the physical transport challenges of the Park through the potential for working from home and internet shopping.
- 10.22 However, the installations required can cause visual harm to the landscape and built environment if insensitively located. Operators will therefore be expected to show what consideration has been given to reducing such impacts through mechanisms such as mast sharing, the erection of antennae on existing structures (including electricity pylons) and the use of existing features, such as buildings or trees, for screening. The aim for all operators should be for the apparatus to blend into the landscape. All opportunities to pursue innovative solutions and apply the latest technology should also be examined. The additional cost of these measures may not seem commercially justifiable in terms of usage levels, but is justified in terms of the purposes of the National Park.
- 10.23 The minimisation of any other impact on the environment, such as the effect of access roads, security fencing and power supply will also need to be considered. Where the impact of development would be considerable, sites or mast arrangements which are of lower efficiency or higher cost may be appropriate. Because of topography and the need to protect the landscape of the Park 100% coverage is unlikely to be possible as there will be occasions when the impact of a proposal is such that refusal will be justified. Because of the rapid pace of change in technology, permissions will normally be temporary so that masts can be removed when they are no longer necessary to meet the requirements of the operator.
- 10.24 Under the provisions of the Environment Act telecommunication providers are specifically required to have regard to National Park purposes.

National Planning Policy Framework (2018) (NPPF)

The new National Planning Policy Framework, which came into force in July 2018, replaces the first National Planning Policy Framework published in March 2012. The NPPF sets out the Government's planning policies for England and how these should be applied.

Paragraph 7 of the NPPF states "The purpose of the planning system is to contribute to the achievement of sustainable development", and in paragraph 10 that "at the heart of the Framework is

a presumption in favour of sustainable development". In order to achieve the sustainable development objective, the NPPF has identified 3 overarching objectives:

"a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

For decision-taking this means:

"c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Further to this, paragraph 38 states that "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area."

The proposed development will enable the continued provision of an even more reliable emergency services communications network within the surroundings, bringing about substantial public safety benefit.

Conclusion

In summary, the application is in respect of electronic communications apparatus necessary to maintain and improve an existing emergency services infrastructure network.

This statement has demonstrated that the proposal is in accordance with national policy set out in the NPPF and accords with the North York Moors National Park development plan policy DP23.

In conclusion, the application merits support and there are no material considerations that indicate otherwise

Name: (Agent) Operator:	John Bird Airwave Solutions Ltd	Telephone:	
Address:	PO Box 17086, Solihull, West Midlands, B91 9UG	Email Address:	
-	,	Date:	21/08/2019
Signed:		Company:	-
	<u> </u>		Galloway Estates Ltd
Position:	Director	(on behalf of Airwave Solutions Ltd)	